
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop and Regular Meeting
Date of Meeting: August 12, 2020
Time of Meeting: 6:30 pm
Minute Page No: Page 2 of 28

Agenda No. VI

Presentations

Friends of Wallisch, Ron Perez, 9 Eisenhower Drive – Introduced the Board members and provided an overview of the homestead. He spoke about all the improvements and future plans. Mr. Perez said the Friends of Wallisch is requesting \$25,000 from the Open Space funds for repairs to the homestead.

Discussion:

Mayor Dale noted that the Council received an update in their packets on the amounts in the Open Space trust accounts. She said the Heritage Committee met and it was determined that the roof at the Museum needs to be replaced within the next two years and the building needs to be painted. The Committee estimated the cost for the roof will be approximately \$40,000 and the preparation and painting approximately \$20,000. Mayor Dale noted that they do not have actual quotes for the projects. Councilman Gross asked if the funds can be accessed from more than one account. Mayor Dale asked Mr. Semrau if they can remove funds from the different accounts. Mr. Semrau explained that it has to fit the definition. Mayor Dale said there is plenty of money to cover both projects. She expressed that they should be using the funds proactively to fix and preserve the valuables in the Township. Councilwoman Lichtenberg made a motion to award the Friends of Wallisch \$25,000, seconded by Councilman Goodsir.

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

Agenda No. VII

Executive Session

None

Agenda No. VIII

Discussion Items / Official Communication

1.	<p>Volunteer of the Year and Lifetime Awards: Councilwoman Erik nominated Citizen # 1, seconded by Councilwoman Lichtenberg. Councilman Gross nominated Citizen # 2. There was no second for Citizen # 2.</p> <p>Citizen # 1</p> <p>-----</p> <p>Moved: Erik Seconded: Lichtenberg Voted Aye: Erik, Pegel, Lichtenberg, Goodsir, Gross Voted Nay: None Absent: Gerst Motion Carried:</p> <p>-----</p> <p>Mayor Dale announced that the 2019 Mary B. Haase Lifetime Volunteer Award is Charles "Chuck" Eninger. The 2019 Volunteer of the Year Award goes to Christel Dygos.</p>
2.	<p>4G/5G – Safety Studies – Small Cell Wireless Antennas: Councilman Gross expressed this will be very intrusive. There will be no way to isolate yourself from companies and advertisers from accessing your personal life. He said they have to give serious consideration to this. Councilwoman Erik feels that this is not a good thing. Mayor Dale asked if they can revisit the resolution they adopted last year. She said they will provide the Council a copy in their next packet for review to see if they want to make changes to it. Mr. Semrau explained that he will do the research and update the resolution. Mayor Dale asked the Council for consensus to have Mr. Semrau move forward. The Council gave consensus.</p>

Agenda No. IX

Unfinished Business, Final Passage of Ordinances

Agenda No. IX 1

~ Ordinance 2020 – 013 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 10, TRAFFIC, SECTION 10-3 PARKING SCHEDULE I NO PARKING, OF THE REVISED GENERAL ORDINANCES TO PROHIBIT PARKING AT ANY TIME ALONG CHERRY RIDGE ROAD

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop and Regular Meeting
Date of Meeting: August 12, 2020
Time of Meeting: 6:30 pm
Minute Page No: Page 3 of 28

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

SECTION 1. Chapter 10, Traffic, Section 10-3, Parking, Schedule I, is hereby amended in regard to prohibited parking at any time along the following street or portion thereof as follows:

<u>NAME OF STREET</u>	<u>SIDE</u>	<u>LOCATION</u>
Cherry Ridge Road	East and North Side	From the intersection of Clinton Road to 100 south of the intersection with Goldfinch Lane

SECTION 2. Regulatory signs shall be erected to affect the above designated No Parking Zone.

SECTION 3. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other section or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

SECTION 4. 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 5. 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 6. This Ordinance shall take effect as required by law and upon the posting of appropriate signs.

Introduced: July 8, 2020
Adopted: August 12, 2020
Effective Date: September 1, 2020

This Ordinance was introduced on July 8, 2020 and the Notice of Public Hearing was published in the Herald News on July 13, 2020. The Governing Body will open the meeting to the public to speak on this ordinance only.

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

Motion to adopt Ordinance 2020-013

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

Agenda No. IX 2

~ Ordinance 2020 – 014 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 2, ENTITLED "ADMINISTRATION," OF THE REVISED GENERAL ORDINANCES IN ORDER TO ESTABLISH A TOWNSHIP POLICY FOR THE AWARDING OF PUBLIC PROFESSIONAL SERVICE AND VENDOR CONTRACTS

WHEREAS, the residents of the Township of West Milford (the "Township") have a right to expect that the exercise of the duties and responsibilities of their elected municipal officials and the Township's employees and officials, are not influenced by political contributions; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5 and N.J.S.A. 40:48-2, municipalities have the right to establish rules and procedures for contracting with professional business entities; and

WHEREAS, nothing contained herein shall be interpreted to impair in any way the right of a professional service provider secured by the First Amendment of the Constitution of the United States of America and further secured by Article 1, Paragraph 6 of the Constitution of the State of New Jersey to exercise its right to freedom of speech and its right to speak, write and publish sentiments on all subjects.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop and Regular Meeting
Date of Meeting: August 12, 2020
Time of Meeting: 6:30 pm
Minute Page No: Page 4 of 28

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of West Milford, in the County of Passaic and State of New Jersey, that the policy of the Township of West Milford will be to create such a regulation which states that a professional service provider which makes direct or indirect political contributions beyond a certain amount to elected officials who are responsible for awarding professional services contracts shall be ineligible to receive a public professional service and/or vendor contract from the Township of West Milford.

SECTION 1. Chapter 2, Administration, Subsection 2.7.2, Purchasing Procedures, of the Revised General Ordinances of the Township of West Milford is hereby supplemented to read as follows:

2.7.2.1 Definitions.

As used in this Article:

Agreement to purchase goods or services shall mean an agreement for the purchasing of goods to or on behalf of the Township and any vendor contracts for the procurement of goods or services not considered "professional" as defined in the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., above the public bid threshold that may be established from time to time by the State of New Jersey, and without regard to whether the said agreement or contract is awarded pursuant to and in accordance with the "Fair and Open" procedures as established in the "Pay-to-Play" Law, N.J.S.A. 19:44A-20.4, et seq.

Agreement for professional services shall mean an agreement for the rendering of professional services to or on behalf of the Township, as defined herein, and without regard to whether the said agreement or contract is awarded pursuant to and in accordance with the "Fair and Open" procedures as established in the "Pay-to-Play" Law, N.J.S.A. 19:44A-20.4, et seq.

Campaign contribution shall mean West Milford campaign contribution, County campaign contribution and/or pass-through campaign contribution as defined herein. If a donation is made to an organization solely for a specific candidate that was not elected or in office at the time of the contribution or the award of the contract, it is not considered a campaign contribution for the purposes of this Ordinance.

County campaign contribution shall mean any contribution, whether in the form of money, free service or pledge, including without limitation any in-kind contributions, or purchases of tickets, advertisements or the like, directly or indirectly, to any County level political organization or County level campaign committee or fund within the County of Passaic; the term "directly or indirectly" as used herein shall further mean and include any campaign contributions made through intermediaries or third-parties for the purpose of concealing the source of the contributions(s).

Entity shall mean any corporation, professional corporation, joint venture, general or limited partnership, trust or limited liability company, or subsidiary or parent of any of the foregoing.

Ineligible vendor shall mean any vendor who has during the preceding three-year period made campaign contributions in excess of the limits set forth in Section 2.7.2.4 of the Revised General Ordinances of the Township of West Milford.

Ineligible vendor list shall mean a list of ineligible vendors maintained by the Township Administrator or his designee of the Township in accordance with the provisions of this Chapter.

Pass-through campaign contributions shall mean any contribution, whether in the form of money, free service or pledge, including without limitation any in-kind contributions, or purchases of tickets, advertisements or the like, directly or indirectly, to any campaign committee or election fund of any candidate for, or holder of the office of, Mayor or Council of the Township, or to any municipal or party committee or political club or organization within the Township, that is received from the election fund or other campaign account of any elected official or candidate for any office other than Mayor or Council of the Township, or from any County political organization, County campaign committee or political action committee or fund within or without the County of Passaic.

Township shall mean the Township of West Milford as a municipal entity, and any elected official, officer, employee, agent department, board or commission of the Township of West Milford.

Vendor shall mean any individual person or entity who either negotiates, bids or otherwise seeks to enter into an agreement to purchase goods or services as defined herein. In the case of any vendor who is an individual person, the term shall also include the individual's spouse, if any, and any child living at home, as well as any entity by whom any of them are employed or in which any of them have an ownership interest in excess of ten (10%) percent. In the case of any vendor who is an entity, the term shall also include each and every principal of the said entity who has an ownership interest in excess of ten (10%) percent in the entity, or any parent or subsidiary of the entity, and their spouses, if any, and any child living at home.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop and Regular Meeting
Date of Meeting: August 12, 2020
Time of Meeting: 6:30 pm
Minute Page No: Page 5 of 28

Vendor's certification of eligibility shall mean a certification in lieu of affidavit pursuant to which each vendor shall list each and every West Milford campaign contribution and each County campaign contribution the vendor has made during the preceding year.

West Milford campaign contribution shall mean any contribution, whether in the form of money, free service or pledge, including without limitation any in-kind contributions, or purchases of tickets, advertisements or the like, directly or indirectly, to any campaign committee or election fund of any candidate for, or holder of the office of, Mayor or Council of the Township, or to any municipal or party committee or political club or organization within the Township; the term "directly or indirectly" as used herein shall further mean and include any campaign contributions made through intermediaries or third-parties for the purpose of concealing the source of the contribution(s).

2.7.2.2 RESTRICTIONS ON CAMPAIGN CONTRIBUTIONS BY VENDORS TO THE TOWNSHIP.

2.7.2.3 Prohibition on Awarding Contracts for Goods or Services to Certain Campaign Contributors.

The Township shall not enter into any agreement for any professional service or for the purchase of goods or other services with any vendor that has made any campaign contribution in excess of the limits specified in Section 2.7.2.4(a) of the Revised General Ordinances of the Township of West Milford, during the one (1) year period immediately preceding the date of the agreement, or during the term of any such agreement.

This section shall apply to all professional services contracts, with the exception of (D) and (E) below, and to all contracts for the purchase of goods and other services with the exception of the following items:

- (A) Contracts that are awarded as a result of open public bidding as set forth under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.;
- (B) Contracts that are offered to the lowest, responsible, qualified bidder after public advertising for bids and quotes, pursuant to the provisions of the competitive contracting requirement of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.;
- (C) Contracts with an anticipated aggregate value less than \$17,500;
- (D) Contracts that are awarded due to certain public exigencies pursuant to N.J.S.A. 19:44A-20.12;
- (E) Contracts with any New Jersey Government and/or Federal Government Agencies;
- (F) Contracts with banking institutions, insurance and public utility companies that are regulated by State restrictions on political contributions; and
- (G) Contracts the Township enters into for the purchase and acquisition of open space.

2.7.2.4 West Milford and County Contribution Limits Affecting Vendor Eligibility and Conflicts of Interest.

a. Campaign contribution limits affecting the eligibility of vendors, pursuant to subsections 2.7.2.3 and 2.7.2.5, to enter into or be paid pursuant to agreements for the purchase of goods or services are as follows:

1. The maximum amount of West Milford campaign contributions that may be made by a vendor to each political organization or campaign committee or fund during any election cycle shall not exceed three hundred (\$300.00) dollars.
2. The maximum amount of County level campaign contributions that may be made by a vendor to each political organization or campaign committee or fund shall not exceed three hundred (\$300.00) dollars during any election cycle to any party.

2.7.2.5 Limits on Political Campaign Contributions by Vendors to the Township.

No vendor shall knowingly solicit on behalf of, or make any campaign contribution in excess of the limits specified in Section 2.7.2.4(a) herein during the pendency of any such negotiations for, or during the term of, any agreement to purchase goods or services.

2.7.2.6 Vendors to Certify Their Compliance with the Township's Restrictions on Campaign Contributions; Obligation is Continuing.

Prior to issuing any purchase order or awarding to any vendor an agreement for the sale of goods and services, or making any payment pursuant to the same, or granting any change order in connection therewith, the Township's Administrator, or his designee, shall require that the vendor submit the required forms adopted by the State of New Jersey in conjunction with the State's existing "Pay-to-Play" law, in which the vendor shall verify that it has not knowingly made any campaign contribution in excess of the limits set forth in Section 2.7.2.4(a) of the Revised General Ordinances of the Township of West Milford.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop and Regular Meeting
Date of Meeting: August 12, 2020
Time of Meeting: 6:30 pm
Minute Page No: Page 6 of 28

The Township Administrator or his designee shall keep the original of each such certification of vendor eligibility on file. Notwithstanding anything contained herein to the contrary, the vendor shall have a continuing duty to report immediately to the Township Administrator or his designee any campaign contributions made in violation of this section that occur during any time that an agreement for the sale of goods or services is in effect, or that occur during the pendency of any negotiations or bidding by the vendor to enter into such an agreement.

2.7.2.7 Vendor Who Refuses to Certify Its Eligibility or Knowingly Submits a False Certification of Eligibility Shall Be Declared to be an Ineligible Vendor.

In addition to such other penalties as may be provided by law, any vendor who, after ten (10) days notice of the consequences thereof, refuses or otherwise fails to provide the certification required herein, or who knowingly files a false vendor's certification of eligibility, shall be designated by the Township Administrator or his designee as an ineligible vendor, and shall be promptly included on the ineligible vendor list maintained pursuant to Section 2.7.2.8 hereof and shall thereafter be prohibited from entering or continuing any agreement for the sale of goods or services with the Township, and from receiving any payment pursuant to such an agreement for a period of three (3) years from the date the vendor is designated as ineligible.

2.7.2.8 Township Administrator to Maintain a List of Ineligible Vendors.

The Township Administrator or his designee shall prepare and at all times maintain a list of vendors who are, by virtue of the provisions of this section, ineligible to enter into an agreement for the sale of goods or services with the Township. The Administrator or his designee shall prepare this list based upon information obtained from the submission of the required forms from the vendors pursuant to section 2.7.2.6. The Township Administrator or his designee shall update the list of ineligible vendors within ten (10) business days of the receipt of any certifications or information as required in this section.

2.7.2.9 Contributions Made Prior to the Effective Date.

Notwithstanding any term contained herein to the contrary, this Ordinance shall not consider campaign contributions made prior to January 1, 2007, and no such campaign contributions shall be considered by the Township Administrator or his designee in determining a vendor's eligibility pursuant to this section.

2.7.2.10 Curing Violations; Return of Excess Contributions.

Any Vendor may cure a Campaign Contribution made in excess of the limits set forth in subsection 2.7.2.4 of this Act, if, the said Vendor notifies the Administrator or his designee of the Township in writing that it has received a reimbursement of a contribution in excess of that allowed in subsection 2.7.2.4 and by attaching a true and correct copy of the check received in reimbursement within sixty (60) days of making such contribution.

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

SECTION 3. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

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

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

SECTION 6. A copy of this Ordinance shall be immediately filed with the Secretary of State of the State of New Jersey.

Introduced: July 8, 2020
Adopted: August 12, 2020
Effective Date: September 1, 2020

This Ordinance was introduced on July 8, 2020 and the Notice of Public Hearing was published in the Herald News on July 13, 2020. The Governing Body will open the meeting to the public to speak on this ordinance only.

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop and Regular Meeting
Date of Meeting: August 12, 2020
Time of Meeting: 6:30 pm
Minute Page No: Page 8 of 28

"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.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop and Regular Meeting
Date of Meeting: August 12, 2020
Time of Meeting: 6:30 pm
Minute Page No: Page 9 of 28

§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 Chapter 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 to the procedures set forth in §226-4(E) of this Chapter 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.

§226-5. 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 §226-2(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 §226-6(B).

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop and Regular Meeting
Date of Meeting: August 12, 2020
Time of Meeting: 6:30 pm
Minute Page No: Page 10 of 28

(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.

§226-6. 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 §226-6(B) of this ordinance. These sound level measurements shall be conducted with the sound level meter set for "C" weighting, "fast" response.

§226-7. 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.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop and Regular Meeting
Date of Meeting: August 12, 2020
Time of Meeting: 6:30 pm
Minute Page No: Page 11 of 28

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.

§226-8. Enforcement; violations and penalties.

(A) Violation of any provision of this Chapter 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 Chapter 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 Chapter 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 Chapter 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 226-1 of this Chapter) 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;

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop and Regular Meeting
Date of Meeting: August 12, 2020
Time of Meeting: 6:30 pm
Minute Page No: Page 12 of 28

- 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.

SECTION 3. 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 4. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

SECTION 5. No provision of this Ordinance shall be construed to impair any common law or statutory cause of action, or legal remedy there from, of any person for injury or damage arising from any violation of this Ordinance or from other law.

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

SECTION 7. This Ordinance may be renumbered for codification purposes.

Introduced: August 12, 2020
Adopted:
Effective Date:

Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for September 16, 2020. Notice of this public hearing shall be published in the Herald News on or about August 17, 2020.

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

Agenda No. XII 2

~ Ordinance 2020 – 016 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 15 “ADMINISTRATION OF GOVERNMENT” 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 15 “Administration of Government”, Article XXIII. Senior Citizens Committee (Advisory) §15-102. Established; members; terms; term shall be amended as follows:

Chapter 15. Administration of Government

Article XXIII. Senior Citizens Committee (Advisory)

§15-102. Established; members; terms.

There shall be a Senior Citizens Committee (Advisory), consisting of 10 members, one of whom shall be a member of the Township Council, and nine of whom shall be citizens who have attained the age of 60 years. The one representative of the Township Council shall be appointed by and shall serve at the pleasure of the Township Council. The term of each senior citizen member shall be two years, commencing on January 1 after the term of the initially appointed member. An initially appointed member shall be appointed for a term of either one year or two years, the length of the term to be determined by the Council so that the terms of 1/2 of the members expire each year. The members shall serve until their respective successors are appointed and qualified. Members shall serve without compensation.

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.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop and Regular Meeting
Date of Meeting: August 12, 2020
Time of Meeting: 6:30 pm
Minute Page No: Page 13 of 28

- 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: August 12, 2020
Adopted:
Effective Date:

Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for September 16, 2020. Notice of this public hearing shall be published in the Herald News on or about August 17, 2020.

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

Agenda No. XII 3

~ Ordinance 2020 – 017 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 10, TRAFFIC, SECTION 10-3 PARKING SCHEDULE I NO PARKING, OF THE REVISED GENERAL ORDINANCES TO PROHIBIT PARKING AT ANY TIME ALONG OTTERHOLE ROAD

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

SECTION 1. Chapter 10, Traffic, Section 10-3, Parking, Schedule I, is hereby amended in regard to prohibited parking at any time along the following street or portion thereof as follows:

<u>NAME OF STREET</u>	<u>SIDE</u>	<u>LOCATION</u>
Otterhole Road	West Side	From the intersection of Weaver Road Southerly to the Bloomingdale Line.
	East Side	From a point 1100 feet North of the Bloomingdale Line to opposite Weaver Road

SECTION 2. Regulatory signs shall be erected to affect the above designated No Parking Zone.

SECTION 3. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other section or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

SECTION 4. 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 5. 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 6. This Ordinance shall take effect as required by law and upon the posting of appropriate signs.

Introduced: August 12, 2020
Adopted:
Effective Date:

Second reading and public hearing for this Ordinance is set for the Workshop Meeting of the Township Council scheduled for September 2, 2020. Notice of this public hearing shall be published in the Herald News on or about August 17, 2020.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop and Regular Meeting
Date of Meeting: August 12, 2020
Time of Meeting: 6:30 pm
Minute Page No: Page 14 of 28

Discussion:

Councilwoman Pegel expressed that the parking along Otterhole Road is a safety issue. She asked if there is any way they can expedite the no parking signs and placing cones to prohibit parking to keep the area safe. Mayor Dale asked if the second reading can be on September 2nd and Administrator Senande said yes. Mayor Dale said that she, the Chief of Police and Administrator have worked together to try and mitigate the traffic and parking.

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

Mayor Dale asked to move resolutions 2020-245 through 2020-263.

Agenda No. XII 4

~ Resolution 2020 – 245 ~

RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$18,737,695 BOND ANTICIPATION NOTES OF THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC, NEW JERSEY

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC, NEW JERSEY, AS FOLLOWS:

Section 1. Pursuant to a bond ordinance of The Township of West Milford, in the County of Passaic (the "Township") entitled: "Bond ordinance providing for the improvement of various roads in and by the Township of West Milford, in the County of Passaic, New Jersey, appropriating \$4,688,250 therefor and authorizing the issuance of \$4,465,000 bonds or notes of the Township for financing such appropriation", finally adopted on March 28, 2007 (#2007-06), bond anticipation notes of the Township in a principal amount not exceeding \$152,300 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 2. Pursuant to a bond ordinance of the Township, entitled: "Bond ordinance appropriating \$3,342,360, and authorizing the issuance of \$3,175,242 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of West Milford, in the County of Passaic, New Jersey", finally adopted on September 3, 2008 (#2008-40), bond anticipation notes of the Township in a principal amount not exceeding \$95,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 3. Pursuant to a bond ordinance of the Township, entitled: "Bond ordinance appropriating \$1,565,000, and authorizing the issuance of \$1,490,000 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of West Milford, in the County of Passaic, New Jersey", finally adopted on August 15, 2012 (#2012-15), bond anticipation notes of the Township in a principal amount not exceeding \$367,754 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 4. Pursuant to a bond ordinance of the Township, entitled: "Bond ordinance appropriating \$1,940,600, and authorizing the issuance of \$1,605,000 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of West Milford, in the County of Passaic, New Jersey", finally adopted on April 17, 2013 (#2013-10), bond anticipation notes of the Township in a principal amount not exceeding \$1,182,003 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 5. Pursuant to a bond ordinance of the Township, entitled: "Bond ordinance appropriating \$2,214,000, and authorizing the issuance of \$1,839,000 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of West Milford, in the County of Passaic, New Jersey", finally adopted on June 25, 2014 (#2014-005), bond anticipation notes of the Township in a principal amount not exceeding \$1,479,217 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop and Regular Meeting
Date of Meeting: August 12, 2020
Time of Meeting: 6:30 pm
Minute Page No: Page 15 of 28

Section 6. Pursuant to a bond ordinance of the Township, entitled: "Bond ordinance appropriating \$3,557,200, and authorizing the issuance of \$3,201,200 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of West Milford, in the County of Passaic, New Jersey", finally adopted on June 30, 2015 (#2015-008), bond anticipation notes of the Township in a principal amount not exceeding \$2,640,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 7. Pursuant to a bond ordinance of the Township, entitled: "Bond ordinance appropriating \$3,250,000, and authorizing the issuance of \$2,850,000 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of West Milford, in the County of Passaic, New Jersey", finally adopted on May 4, 2016 (#2016-008), bond anticipation notes of the Township in a principal amount not exceeding \$2,586,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 8. Pursuant to a bond ordinance of the Township, entitled: "Bond ordinance appropriating \$2,837,121, and authorizing the issuance of \$2,375,000 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of West Milford, in the County of Passaic, New Jersey", finally adopted on April 5, 2017 (#2017-006), bond anticipation notes of the Township in a principal amount not exceeding \$2,017,712 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 9. Pursuant to a bond ordinance of the Township, entitled: "Bond ordinance providing for the improvement of Ridge Road and Reservoir Road in and by the Township of West Milford, in the County of Passaic, New Jersey, appropriating \$1,250,000 therefor and authorizing the issuance of \$689,272 bonds or notes of the Township for financing such appropriation", finally adopted on April 18, 2018 (#2018-04), bond anticipation notes of the Township in a principal amount not exceeding \$689,272 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 10. Pursuant to a bond ordinance of the Township, entitled: "Bond ordinance appropriating \$2,401,250, and authorizing the issuance of \$2,187,137 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of West Milford, in the County of Passaic, New Jersey", finally adopted on August 15, 2018 (#2018-07), bond anticipation notes of the Township in a principal amount not exceeding \$2,187,137 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 11. Pursuant to a bond ordinance of the Township, entitled: "Bond ordinance appropriating \$1,135,000, and authorizing the issuance of \$444,600 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of West Milford, in the County of Passaic, New Jersey", finally adopted on April 28, 2019 (#2019-04), bond anticipation notes of the Township in a principal amount not exceeding \$444,600 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 12. Pursuant to a bond ordinance of the Township, entitled: "Bond ordinance appropriating \$2,425,000, and authorizing the issuance of \$2,309,000 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of West Milford, in the County of Passaic, New Jersey", finally adopted on June 12, 2019 (#2019 -09), bond anticipation notes of the Township in a principal amount not exceeding \$2,309,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 13. Pursuant to a bond ordinance of the Township, entitled: "Bond ordinance providing for improvement of various roads in and by the Township of West Milford, in the County of Passaic, New Jersey, appropriating \$151,000 therefor, directing a special assessment of part of the cost thereof and authorizing the issuance of \$143,800 bonds or notes of the Township for financing the same, finally adopted on August 12, 2020 (#2019-13), bond anticipation notes of the Township in a principal amount not exceeding \$143,800 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop and Regular Meeting
Date of Meeting: August 12, 2020
Time of Meeting: 6:30 pm
Minute Page No: Page 16 of 28

Section 14. Pursuant to a bond ordinance of the Township, entitled: "Bond ordinance appropriating \$3,071,405, and authorizing the issuance of \$2,443,900 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of West Milford, in the County of Passaic, New Jersey", finally adopted on April 22, 2020 (#2020-07), bond anticipation notes of the Township in a principal amount not exceeding \$2,443,900 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 15. All bond anticipation notes (the "notes") issued hereunder shall mature at such times as may be determined by the treasurer, the chief financial officer or the acting chief financial officer of the Township (the "Chief Financial Officer"), provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer and shall be signed and sealed by officials and officers of the Township in any manner permitted by N.J.S.A. §40A:2-25. The Chief Financial Officer shall determine all matters in connection with the notes issued hereunder, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes at not less than par from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price. The Chief Financial Officer is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the notes hereunder is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 16. Any note issued pursuant to this resolution shall be a general obligation of the Township, and the Township's faith and credit are hereby pledged to the punctual payment of the principal of and interest on the notes and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 17. The Chief Financial Officer is hereby authorized and directed, if necessary, to execute an initial and final Subscription for Purchase and Issue of United States Treasury Securities – State and Local Government Series – Time Deposit Securities ("SLGS"), and any related certification, each in form and substance satisfactory to bond counsel to the Township. Bond Counsel to the Township is hereby authorized to execute said initial SLGS subscription letter on behalf of the Township. The Chief Financial Officer or bond counsel to the Township each is hereby authorized to execute said final SLGS subscription. In addition, the Chief Financial Officer is hereby authorized and directed, if necessary, to execute and deliver any agreement, document or instrument relating to the purchase of securities in lieu of SLGS.

Section 18. The Chief Financial Officer is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of the notes to the purchasers thereof as promptly as possible, including (i) the preparation, execution and dissemination of a Preliminary Official Statement and Final Official Statement with respect to the notes, (ii) preparation, distribution and publication, if necessary, of a Notice of Sale with respect to the notes, (iii) execution of a Continuing Disclosure Undertaking, with respect to the notes in accordance with Rule 15c2-12 promulgated by the Securities and Exchange Commission and (iv) execution of an arbitrage and use of proceeds certificate certifying that, among other things, the Township, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on the notes is not included in gross income under Section 103 of the Internal Revenue Code of 1986, as amended.

Section 19. All action heretofore taken by Township officials and professionals with regard to the sale and award of the notes is hereby ratified, confirmed, adopted and approved.

Section 20. This resolution shall take effect immediately.

Upon motion of Councilwoman Erik, seconded by Councilman Gross, the foregoing resolution was adopted by the following vote:

AYES: Erik, Pegel, Lichtenberg, Goodsir, Gross
NOES: None
ABSENT: Gerst

Adopted: August 12, 2020

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop and Regular Meeting
 Date of Meeting: August 12, 2020
 Time of Meeting: 6:30 pm
 Minute Page No: Page 17 of 28

Agenda No. XII 5

~ Resolution 2020 – 246 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AWARDING CONTRACTS FOR 2020-2021 SNOWPLOWING SERVICES

WHEREAS, the Township of West Milford advertised for the receipt of sealed bids for 4x4 pickups and single axle dump trucks to be received on July 31, 2020 for 2020-2021 Snowplowing Services; and

WHEREAS, said bids have been duly reviewed and analyzed by the Director of Public Works, Engineering Division and the Township Attorney; and

WHEREAS, the award of contracts to vendors whose bids have been found to be in proper form and in compliance with the provisions of N.J.S.A. 40A:11-23.5 and the specifications as written, noting Special Rates for additional equipment to be used if and when needed per rates bid; and

WHEREAS, the Township Attorney has rendered an opinion; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds, said funds to be encumbered from account number 01-201-26-294-364.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey, that the Mayor and Township Clerk be and are hereby authorized to execute contracts for 2020-2021 Snowplowing Services in accordance with the following outline:

	CONTRACTOR	# TRKS	\$ Per Hr Class 1	\$ Per Hr Class 2
1	G & E Snow Services, LLC	1	\$125.00	\$125.00
2	Lanzo Trucking Company, LLC	2	\$125.00	\$125.00
3	Tom Buske & Son Construction, LLC	11	\$128.50	\$135.00
4	Silver Stone Landscaping, LLC	3	\$130.00	\$140.00
5	Cowboys Landscaping	11	\$135.00	\$135.00
	TOTAL TRUCKS	28		

BE IT FURTHER RESOLVED that this resolution and these contracts shall be available for public inspection in the office of the Township Clerk.

Adopted: August 12, 2020

Agenda No. XII 6

~ Resolution 2020 – 247 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A CONTRACT FOR ROADWAY CRACK SEALING THROUGH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL CONTRACT #6 ROAD RESURFACING, CATEGORY C: CRACK SEALANT TO MICRO PAVE SYSTEMS, INC.

WHEREAS, the Township of West Milford is a member of the Morris County Cooperative Pricing Council (State Identifier MCCPC); and

WHEREAS, the Morris County Cooperative Pricing Council has awarded Contract #6: Road Resurfacing, Category C Crack Sealant to Micro Pave Systems, Inc. and said contract was awarded through the open and competitive bidding process in accordance with N.J.S.A. 40A:11 et seq., Local Public Contracts Law; and

WHEREAS, the Township Supervising Engineering Aide has reviewed the Morris County Cooperative Pricing Council's contract and related specifications and has submitted a written recommendation that the Township of West Milford award a contract to Micro Pave Systems, Inc. through the Morris County Cooperative Pricing Council Contract #6 Road Resurfacing, Category C Crack Sealant; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this purpose, said funds are to be encumbered from account number 04-215-55-833-008.

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:

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop and Regular Meeting
Date of Meeting: August 12, 2020
Time of Meeting: 6:30 pm
Minute Page No: Page 18 of 28

1. The Township Council hereby authorizes the award of a contract through the Morris County Cooperative Pricing Council Contract #6 Road Resurfacing, Category C Crack Sealant to Micro Pave Systems, Inc., PO Box 207, Roseland, NJ 07068, in an amount not to exceed \$50,000.00.
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution shall be available for public inspection in the office of the Township Clerk.

Adopted: August 12, 2020

Agenda No. XII 7

~ Resolution 2020 – 248 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE INTENT TO PURCHASE FROM ATLANTIC COMMUNICATIONS AS A VENDOR THAT HOLDS A STATE CONTRACT PURSUANT TO N.J.S.A. 40A:11-12 (A) IN ACCORDANCE WITH THE TOWNSHIP'S PURCHASING POLICIES AND PAY-TO-PLAY LAW N.J.S.A. 19:44A-20.5 ET SEQ.

WHEREAS, the Township of West Milford pursuant to N.J.S.A. 40A:11-12 (a) and N.J.A.C. 5:34-7.29 (c) may, by this resolution and a properly executed purchase order and without advertising for bids, purchase goods or services under any contract or contracts entered into on behalf of the State by the Division of Purchase and Property or Cooperative Pricing contract; and

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

WHEREAS, the Township of West Milford has a need on a timely basis to purchase goods and services utilizing the State Division of Purchase contract for communications services, purchases and repairs awarded to Atlantic Communications which expenses would exceed the threshold of \$17,500.00; and

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

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

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

Adopted: August 12, 2020

Agenda No. XII 8

~ Resolution 2020 – 249 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING EXPENDITURE OF FUNDS FOR THE PURCHASE OF A HYDRAULIC HAMMER THROUGH PRECISION HEAVY EQUIPMENT REPAIR IN ACCORDANCE WITH THE TOWNSHIP'S PURCHASING POLICIES AND PAY-TO-PLAY LAW N.J.S.A. 19:44A-20.5 ET SEQ.

WHEREAS, the Township Council of the Township of West Milford adopted Ordinance 2013-020 to create the position of Qualified Purchasing Agent in the municipality and subsequently adopted Resolution 2013-330 appointing a Qualified Purchasing Agent (QPA) and increasing the bid threshold from \$17,500.00 to current bid threshold; and

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

WHEREAS, the Department of Public Works is requesting to purchase a hydraulic hammer (an attachment for existing machine), through Precision Heavy Equipment Repair, 16 Cozy Lake Road-Unit 3, Oak Ridge, NJ 07438 in a not to exceed amount of \$35,643.67 and charged to account number 04-215-55-831-003; and

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop and Regular Meeting
Date of Meeting: August 12, 2020
Time of Meeting: 6:30 pm
Minute Page No: Page 19 of 28

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey that the appropriate Township officials be and are hereby authorized to execute a purchase to Precision Heavy Equipment Repair in an amount not to exceed \$35,643.67 for the purchase of a hydraulic hammer.

Adopted: August 12, 2020

Agenda No. XII 9

~ Resolution 2020 – 250 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A CONTRACT FOR THE SCANNING OF RECORDS THROUGH NEW JERSEY STATE APPROVED CO-OP #65MCECCPS TO ACCU SCAN

WHEREAS, the Mayor Michele Dale and the Township Council believe the public would benefit greatly from having property records scanned and made readily available to the public; and

WHEREAS, the greatest benefit to the public would be obtained by scanning records in the Health Department and the Construction and Zoning offices of the Building Department; and

WHEREAS, scanning records and making them readily available in electronic format will assist with providing the public access without needing to visit Town Hall or submit a request to obtain copies; and

WHEREAS, maintaining electric copies of records will permit records to be accessed remotely by staff; and

WHEREAS, maintaining electric copies of records will provide for the continuation of business in the event of a disaster or weather emergency; and

WHEREAS, maintaining electric copies of records will reduce the need for office space dedicated for record storage; and

WHEREAS, maintaining electric copies of records will substantially reduce the time dedicated to responding to requests for public records; and

WHEREAS, the Township has obtained a proposal to scan the records from Accu Scan; and

WHEREAS, the service of Accu Scan are available through the Cooperative Pricing System #65MCECCPS of the Educational Services Commission of New Jersey; and

WHEREAS, Accu Scan provided the following estimated cost of \$110,573.72 to scan the majority of Health, Construction and Zoning records; and

WHEREAS, the total cost of scanning the records may differ from the estimate as it is dependent on the actual amount of documents scanned; and

WHEREAS, newly created files should be scanned on a quarterly basis, which will require additional scanning by year's end; and

WHEREAS, awarding a contractual in the amount not to exceed \$130,000 would ensure that the actual cost of scanning would be not exceed the awarded contract amount; and

WHEREAS, any unspent funds should be utilized by the end of the year for scanning additional records in other offices that would provide the public the greatest additional benefit; and

WHEREAS, the Township is permitted to seek reimbursement for this expenditure from the CARES Act as it provides remote access to records for both employees and the public; and

WHEREAS, the Chief Finance Officer has certified the funds are available in account 19-295-56-120-506.

NOW, THEREFORE, BE IT REOLVED, that Mayor Michele Dale and the Township Council award a contract to Accu Scan for the scanning of Health, Construction and Zoning records in an amount not to exceed \$130,000.

BE IT FURTHER REOLVED, that the Township Administrator is authorized to utilize the services of Accu Scan to scan any other records that he deems appropriate up to \$130,000

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop and Regular Meeting
Date of Meeting: August 12, 2020
Time of Meeting: 6:30 pm
Minute Page No: Page 20 of 28

Adopted: August 12, 2020

Agenda No. XII 10

~ Resolution 2020 – 251 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A CONTRACT FOR THE SCANNING PROFESSIONAL SERVICES AND DATA CONVERSION TO SPATIAL DATA LOGIC

WHEREAS, the Mayor Michele Dale and the Township Council believe the public would benefit greatly from having property records scanned and made readily available to the public; and

WHEREAS, the Township has undertaken a project to scan the majority of Health, Construction and Zoning records; and

WHEREAS, the scanned records will need to be uploaded to our Spatial Data Logic management software in order to get accessed by Township staff and the public; and

WHEREAS, N.J.S.A. 40A:11-5(1) (dd) provides that the award of a contract for the provision or performance of goods or services for the support or maintenance of proprietary computer hardware and software is an exception to the bidding requirements of the Local Public Contracts Law; and

WHEREAS, Spatial Data Logic, 285 Davidson Ave, Suite 302, Somerset, NJ 08873 has agreed to perform these services on behalf of the Township in the amount not to exceed \$8,500; and

WHEREAS, the Township is permitted to seek reimbursement for this expenditure from the CARES Act as it provides remote access to records for both employees and the public; and

WHEREAS, the Chief Finance Officer has certified the funds are available in account 19-295-56-120-506.

NOW, THEREFORE, BE IT REOLVED, that Mayor Michele Dale and the Township Council award a contract to Spatial Data Logic for the scanning professional services and data conversion in conjunction with scanning Health, Construction and Zoning records in an amount not to exceed \$8,500.00

Adopted: August 12, 2020

Agenda No. XII 11

~ Resolution 2020 – 252 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SUBMISSION OF A STRATEGIC PLAN FOR THE WEST MILFORD MUNICIPAL ALLIANCE GRANT BY THE MUNICIPAL ALLIANCE COMMITTEE (CASA)

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

WHEREAS, The Township Council of the Township of West Milford, County of Passaic, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

WHEREAS, the Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Township Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Passaic.

NOW, THEREFORE, BE IT RESOLVED by the Township of West Milford, County of Passaic, State of New Jersey hereby recognizes the following:

1. The Township Council does hereby authorize submission of a strategic plan for the West Milford Municipal Alliance grant for the period of October 1, 2020 to June 30, 2021 (FY2021) in the amount of:

DEDR	\$ 6,207.36
Cash Match	\$ 1,551.84
In-Kind	\$ 4,655.51

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop and Regular Meeting
Date of Meeting: August 12, 2020
Time of Meeting: 6:30 pm
Minute Page No: Page 21 of 28

2. The Township Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Adopted: August 12, 2020

Agenda No. XII 12

~ Resolution 2020 – 253 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE SUBMISSION OF A GRANT TO THE PASSAIC COUNTY CULTURAL AND HERITAGE COUNCIL (PCCHC) FOR A 2021 LOCAL ARTS AND CULTURAL PROGRAM RE-GRANT FOR THE WEST MILFORD MUSEUM

WHEREAS, the Passaic County Cultural and Heritage Council (PCCHC), through the 2021 Passaic County Local Arts Program Re-Grant, is offering grant funding for Special Projects or General Operating Support to Passaic County organizations that demonstrate a high degree of professionalism in sponsoring or producing arts activities in performing, visual and literary arts for the public which will take place with a public presentation between January 1, 2021 and December 31, 2021; and

WHEREAS, the West Milford Heritage Committee, an advisory body to the Mayor and Township Council of the Township of West Milford, reviewed the arts and cultural program proposal at their regular meetings held on March 10, 2020 and July 14, 2020 and unanimously approved the application for a grant in an amount not to exceed \$1,000 for two historical music performances by professional musicians at the West Milford Museum that will include; "300 Years of Music in West Milford", a sample of social events and music that West Milford may have witnessed during the 18th, 19th, and 20th centuries, performed by professional musicians, and the 6th New Hampshire Volunteers Contra Band, an old-time Civil War era camp band dressed in period costumes, performing music from the 1800s on traditional instruments; and

WHEREAS, the PCCHC, requires 50% in matching funds, made up of at least 50% in a cash match, which will be provided by the West Milford Heritage Committee through the Heritage Trust Account, as well as donations and volunteer hours; and

WHEREAS, the deadline for submission of the 2021 Local Arts Program Grant application under the PCCHC is August 13, 2021, with notification of grant awards projected for October 2021.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Council of the Township of West Milford, County of Passaic, New Jersey hereby approves the submission of a 2021 Local Arts Program Grant application to the PCCHC in an amount not to exceed \$1,000 by the West Milford Heritage Committee for hosting historic musical performances at the West Milford Museum.

Adopted: August 12, 2020

Agenda No. XII 13

~ Resolution 2020 – 254 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSES (ACTIVE) FOR THE 2020- 2021 LICENSE YEAR

WHEREAS, applications for renewal of Plenary Retail Consumption Licenses for the 2020-2021 License year have been processed on the ABC POSSE website and reviewed; and

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

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

1. The submitted applications are complete in all respects.
2. The applicants are qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. laws and regulations.
3. The applicants have disclosed to the issuing authority the source of all additional financing obtained in the previous license year.

WHEREAS, the Police Department has recommended that the licenses be renewed to the current owners.

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop and Regular Meeting
 Date of Meeting: August 12, 2020
 Time of Meeting: 6:30 pm
 Minute Page No: Page 22 of 28

2020-2021 ACTIVE LICENSES	
FRANK M. SELL MEMORIAL POST NO. 289 t/a American Legion Post 289 177 Lincoln Avenue, West Milford, NJ 07480 1615-31-037-001	THE 2236 CORPORATION t/a Elks Lodge 1860 Union Valley Road, West Milford NJ 07480 1615-33-031-001
M&M DISCOUNT LIQUORS LLC t/a M&M Discount Liquors 574A Macopin Road, West Milford, NJ 07480 1615-33-009-007	NEW VINELAND CORPORATION t/a Uncorked Wines & Spirits 9 Marshall Hill Road, West Milford, NJ 07480 1615-33-003-007

Adopted: August 12, 2020

Agenda No. XII 14

~ Resolution 2020 – 255 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSES WITH CONDITIONS FOR THE 2020-2021 LICENSE YEAR

WHEREAS, applications for renewal of Plenary Retail Consumption Licenses for the 2020-2021 License year have been processed on the ABC POSSE website and reviewed; and

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

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

1. The submitted applications are complete in all respects.
2. The applicants are qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. laws and regulations.
3. The applicants have disclosed to the issuing authority the source of all additional financing obtained in the previous license year.

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

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

LICENSEE	CONDITIONS
OLD SCHOOL PUB LLC t/a Old School Pub 551 Warwick Turnpike, Hewitt, NJ 07421 1615-33-004-007	1. Premises outlined on the drawings submitted at transfer of license, which excludes the use of the basement as a storage area for alcoholic beverages to be continued. 2. Occupancy loads must be adhered to. 3. Exits are not to be blocked
HPLAY WEST MILFORD LIQUORS LLC t/a Island of Spirits 3025 Route 23 Oak Ridge, NJ 07438 1615-33-019-002	1. The owner is to consider parking limitations when scheduling advertised special events. 2. Occupant loads must be adhered to.
SPIRITS OF VREELAND LLC t/a The Vreeland Store 1383 Macopin Road, West Milford, NJ 07480 1615-33-022-003	1. The front porch area is not licensed.

Adopted: August 12, 2020

Agenda No. XII 15

~ Resolution 2020 – 256 ~

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

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop and Regular Meeting
 Date of Meeting: August 12, 2020
 Time of Meeting: 6:30 pm
 Minute Page No: Page 23 of 28

Squirts – Multi Sports		Bubbling Springs Membership	
\$115.00	Melissa Cwynar 121 Holland Road Wantage, NJ 07461	\$35.00	Anita Madrachimov 52 Rolling Ridge Road West Milford, NJ 07480
Workout at the Beach			
\$20.00	Nancy Slingland 467 Ridge Road West Milford, NJ 07480	\$20.00	Amanda Rago 22 Navajo Trail West Milford, NJ 07480
Vinyasa Yoga			
\$22.50	Lorie Daly 37 Salem Alley, Apt. F West Milford, NJ 07480	\$22.50	Jacqueline Dolan 316 Cannella Way Riverdale, NJ 07457
\$45.00	Holly Dykstra 2 Eagle Rock Road West Milford, NJ 07480	\$22.50	Lucie Fedeli 7 Linnea Place Ringwood, NJ 07456
\$45.00	Maryann Glade 37 Continental Road West Milford, NJ 07480	\$22.50	Karen Kenworthy 33 Rhinesmith Ave. Wanaque, NJ 07465
\$22.50	Rita Lungren 36 Ramapo Road Hewitt, NJ 07421	\$22.50	Victoria Wilson 17 Deborah Lane West Milford, NJ 07480
\$22.50	Mariana White 31 Beaver Ave West Milford, NJ 07480		
Summer Youth Field Hockey		Family Frog Night	
\$150.00	Colleen Brock 11 Greendale Drive Oak Ridge, NJ 07438	\$40.00	Amy Tromboni 153 Papscoe Road Hewitt, NJ 07421
Bubbling Springs Senior membership		Sport Squirts Multi Sports	
\$25.00	Christopher DeLorenze 7216 Richmond Road West Milford, NJ 07480	\$21.00	Jessica Brandt 102 Greendale Drive Oak Ridge, NJ 07438
Zumba Gold March/April			
\$30.00	Peggy Dolan 37 Quigley Road Hewitt, NJ 07421	\$30.00	Jackie McNeir 403 Macopin Road West Milford, NJ 07480

Adopted: August 12, 2020

Agenda No. XII 16

~ Resolution 2020 – 257 ~

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

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

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

Certificate No.	Certificate Date	Block/Lot/Qual	Reimbursement Amount	Pay to Lien Holder
17-0006	10/10/2017	01701-056	\$30,828.46	FIG CAPITAL INVESTMENTS NJ13; LLC 1000 RIVERSIDE AVE SUTIE JACKSONVILLE, FL 32204
TOTAL			\$30,828.46	

Adopted: August 12, 2020

Agenda No. XII 17

~ Resolution 2020 – 258 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING REFUND OF ENGINEERING DEPARTMENT PERFORMANCE GUARANTEES

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop and Regular Meeting
 Date of Meeting: August 12, 2020
 Time of Meeting: 6:30 pm
 Minute Page No: Page 24 of 28

BE IT RESOLVED, by the Township Council of the Township of West Milford that, upon the report and request of the Township's Engineering Department, the following Performance Guarantees be refunded as follows:

Name & Address	Block & Lot	Amount Refunded	Amount Remaining
CFA Custom Homes Inc. 144 Wesley Drive West Milford, NJ 07480	9501-19.06	\$300.00	\$0
	9501-19.03	\$400.00	\$0
Village on Ridge 750 Westbrook Road West Milford, NJ 07480	5202-6	\$300.00	\$0
	5203-23	\$800.00	\$0

Adopted: August 12, 2020

Agenda No. XII 18

~ Resolution 2020 – 259 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND 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.	Account No.	Amount of Escrow Deposit	Amount of Refund
William & Cheryl Stillman 1038 Westbrook Road West Milford, NJ 07480	ZB02-20-02	16-288-56-705-150	\$950.00	\$911.60

Adopted: August 12, 2020

Agenda No. XII 19

~ Resolution 2020 – 260 ~

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

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

DATE	CHECK #	AMOUNT
5/23/19	21066	\$2,635.00
5/23/19	21080	50.00
12/5/19	22768	77.80
3/4/20	23774	200.00
	TOTAL	\$2,962.80

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

Adopted: August 12, 2020

Agenda No. XII 20

~ Resolution 2020 – 261 ~

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

WHEREAS, there appears on the tax records balances as listed below; and

WHEREAS, the Collector of Taxes recommends the cancellation of taxes due to reasons listed below.

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

REASON: TAX EXEMPT

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop and Regular Meeting
 Date of Meeting: August 12, 2020
 Time of Meeting: 6:30 pm
 Minute Page No: Page 25 of 28

Block & Lot	Name	Amount	Year
17201-18	State of NJ Div of Law 25 So. Market St PO Box 093 Trenton, NJ 08625	\$148.00	2020
Total		\$148.00	

Adopted: August 12, 2020

Agenda No. XII 21

~ Resolution 2020 – 262 ~

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

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

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

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

Block/Lot	Name	Amount	Year	Reason
09301-013	Mark R Pych 63 Starlight Road West Milford NJ 07480	\$5,480.00	2020	8
	TOTAL	\$5,480.00		

Adopted: August 12, 2020

Agenda No. XII 22

~ Resolution 2020 – 263 ~

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

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

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

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

- REASON:** 1. **INSUFFICIENT FUNDS**

BLOCK/LOT	NAME	AMOUNT	YEAR
14108-002	John Sollers	\$1,257.00	2020
05617-001	Greg Scjwartzman	\$955.00	
04002-004	Darlene Ackerman	\$3,589.31	
05317-002.10	Evelyn Russell Moneuse	\$812.00	
00806-009	Stanley Weremecki	\$2,453.00	
15501-011	Debra Anne Santa Lucia	\$1,952.00	
08703-010	Edward Fantuzzi	\$3,213.00	
14801-009	Amy Anne Vandermejde	\$3,258.00	
	TOTAL	\$17,489.31	

Adopted: August 12, 2020

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop and Regular Meeting
 Date of Meeting: August 12, 2020
 Time of Meeting: 6:30 pm
 Minute Page No: Page 26 of 28

Agenda No. XIII

Consent Agenda

None

Agenda No. XIV

Approval of Expenditures

~ Resolution 2020 – 264 ~

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	\$811,616.14
3	Reserve Account	3,940.78
2	Grants	1,308.46
6	Refunds	39,743.56
1	General Ledger	5,310,492.97
26	Refuse	251,699.75
4	Capital	221,671.55
19	Animal Control	129.00
19	Heritage Trust	0.00
19	Open Space Trust	0.00
19	Trust	100,314.42
19	Scala Trust	0.00
16	Development Escrow	4,010.00
19	Tax Sale Trust	0.00
21	Assessment Trust	0.00
	Special Reserve	0.00
Total		\$6,744,926.63
	Less Refund Resolution	-39,743.56
	Actual Bills List	\$6,705,183.07
	Other Payments	
	Payroll	\$484,604.40
	Hudson-Essex-Passaic SCD	1,575.00
	Brian Murphy Architect LLC	1,500.00
	Payroll	631,779.41
	Payroll	512,327.54
	BOE	4,817,964.00
	Total Expenditures	\$13,156,933.42

Adopted: August 12, 2020

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

Mayor Dale explained that the Passaic County New Jersey Economic Development Authority was allotted a sum of money to help the Township’s small businesses. She received an updated list of all the businesses that applied. She said 55 businesses applied and 17 businesses received funding already. She announced the businesses that were recipients of the funding. She thanked Passaic County for providing the list.

Mayor Dale said she received a letter from the Green Pond History Association. They are writing to seek permission to place a small plaque on a tree at the old Newfoundland Cemetery. The Council gave consensus.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop and Regular Meeting
Date of Meeting: August 12, 2020
Time of Meeting: 6:30 pm
Minute Page No: Page 27 of 28

Agenda No. X

Public Comments

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

Brett Ashley, 13 Deborah Lane – Feels that the noise ordinance is fine. His concern is he wants to be able to build another home with a cement mixer operating during the times allowed without everything else being on a noise meter.

Bob Nicholson, 20 Hyde Road, Stockholm – Said he hopes everyone made it through the storm. He thanked the Mayor for an excellent job she did communicating with the residents. He proposed that the Council consider mandating generators on newly constructed businesses and houses. He thinks it's a great idea that the Council is giving money to support Wallisch. He noted that the Township co-owns the property with the Board of Education and he is certain that they have funds to help out Wallisch. He said the Board of Education never supports anything good, they just take 60% of our taxes. He spoke about 5G and said it's the perfect opportunity for small corporations.

Catherine, 1483 Union Valley Road – Spoke about how she was trafficked and she expressed her concerns. She would like the residents to be aware of trafficking.

Richard Randazzo, 278 Wooley Road – Said some things spoken in public get interpreted differently. He spoke about the Point Pleasant Beach ordinance. He asked what the process is for the noise ordinance and how it all comes about. He said he had no electricity from Tuesday through Sunday because of the recent storm. He had no internet so he could not communicate with everybody. He is concerned about how the students will remote learn without internet if the power goes out. What does the Township do to help the students get on the internet during a power outage? He noted that he will address his concern with the Board of Education.

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
Absent: Gerst
Motion carried.

Agenda No. XI

Council Comments

Mayor Dale – Noted that she will address Mr. Randazzo's comments.

Councilwoman Erik – Mentioned that she agrees with Mr. Nicholson's idea about mandating generators on newly constructed businesses and houses. She said in order to have a successful noise ordinance that the Township can enforce, they need to have the minimum of what the State has.

Councilman Goodsir – Thanked everyone for their hard work during the storm.

Agenda No. XV

Reports of Administrator, Mayor and Council Members

Mayor Dale – Announced that the Township will be having a 911 Memorial Service; people are required to wear masks and social distance. She will provide the exact time at the next meeting. She expressed that the Ceremony is pending any changes from the Governor's Office. She noted the Highlands Market is still scheduled to open September 4th. Mayor Dale expressed that the Utility Companies infrastructure is deteriorating, so they need to work with them to update the infrastructures. She mentioned that the DPW has a dedicated tree crew and last year, they took down over 800 trees. She said the County has been extremely cooperative working with the Township regarding trees on County roads.

Councilman Gross – Feels that the utility companies have ignored issues from Hurricane Sandy. They were supposed to increase the amount of bucket trucks. After the most recent storm, the utility companies had to wait for workers and trucks to come from other parts of the Country to do what needed to be done. If they had the proper amount of equipment, people would not have been without power for 5-7 days.

Councilwoman Erik – Provided an update on the Beautification and Recycling Committee and the Economic Development Commission.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop and Regular Meeting
Date of Meeting: August 12, 2020
Time of Meeting: 6:30 pm
Minute Page No: Page 28 of 28

Councilwoman Pegel – Thanked the DPW for all their hard work during the recent storm. She expressed that The Township is looking beautiful.

Councilwoman Lichtenberg – Provided an update on the boards/committees she serves on.

Councilman Goodsir – Noted various events and the dates and times. He said they are looking to reschedule the Trout Derby in October. He spoke about the Lifetime Volunteer of the Year Chuck Eninger.

Administrator Senande – No report.

Mr. Semrau – Said the noise ordinance is correct and the State needs to approve it so the Township is compliant. He mentioned at the next meeting he will have an update regarding the Newark Watershed Tax Appeals.

Agenda No. XVIII

Discussion Items/Official Communications

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| 1. Board of Health: Mayor Dale noted there was nothing on the agenda. |
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Agenda No. XVI

Appointments and Resignations

None

Agenda No. XVII

Adjournment

There being no further business to come before the Council, the Governing Body adjourned the meeting at 8:25 p.m.

Moved: Erik Seconded: Goodsir
Voted Aye: Unanimous voice vote
Voted Nay: None
Absent: Gerst
Motion carried.

Approved: September 2, 2020

Respectfully submitted:

Sherry Zbrzeski, Keyboarding Clerk II

MICHELE DALE, MAYOR

WILLIAM SENANDE, TOWNSHIP CLERK