
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: September 2, 2020
Time of Meeting: 6:30 pm
Minute Page No: Page 1 of 16

The Workshop Meeting of the Governing Body was called to order by Mayor Michele Dale.

Adequate Notice Statement

Mayor Dale read the following statement:

PLEASE TAKE NOTICE, that in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., and more specifically, N.J.S.A. 10:4-8(b), which authorizes the use of communications equipment to hold public meetings and in consideration of Executive Order 107 issued by Governor Murphy and guidance provided by the New Jersey Department of Community Affairs, Division of Local Government Services, the Township of West Milford does hereby notify the public that to protect the health, safety and welfare of our citizens, while ensuring the continued functioning of government, a telephonic Workshop meeting as well as a meeting in the Main Meeting Room of the West Milford Township Council will be held on September 2, 2020 at 6:30 p.m. Any member of the public who wishes to participate in the meeting, which will include a public comment portion, may do so by calling into the service number: 1 (978) 990-5000 Access Code 424062#, at the designated meeting time.

Instructions to access the meeting will be available on the Township of West Milford website at www.westmilford.org. Members of the public who are unable to utilize the access system due to a disability may submit written comments/questions by contacting the Clerk via email at clerksoffice@westmilford.org prior to the meeting, deadline to submit is September 2, 2020 at 4:30 p.m. Email Subject MUST READ – PUBLIC COMMENTS/QUESTIONS which MUST INCLUDE the individual's name and address, in order to be considered and will be read into the record during the public comment portion of the meeting.

Pursuant to the provisions of the Open Public Meetings Act (N.J.S.A. 10:4-8) adequate notice of this Workshop Meeting was advertised in the Herald News in its issue of November 11, 2019 and January 5, 2020; copies were provided to the Record and posted continuously on the bulletin board in the main corridor of the Town Hall and on file in the Office of the Township Clerk.

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

Agenda No. I

Pledge of Allegiance

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

Agenda No. II

Roll Call

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

Agenda No. III

Reading of or Approval of Unapproved Minutes

August 12, 2020 Workshop/Regular Meeting

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

Agenda No. IV

Meetings

Mayor Dale noted the future meeting schedule:

September 16, 2020 Regular Meeting
October 7, 2020 Workshop Meeting
October 21, 2020 Regular Meeting

Agenda No. V

Proclamations

None

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: September 2, 2020
Time of Meeting: 6:30 pm
Minute Page No: Page 2 of 16

Agenda No. VI

Presentations

Volunteer Appreciation Night

- 1) 2019 Volunteer of the Year Award – Christel Dygos – Mayor Dale welcomed Christel to the podium as she read her biography. Christel spoke about her experience on the ambulance squad and how it all started. She thanked the Mayor, Council and her family for such a wonderful honor.
- 2) West Milford Rotary Club – Flags for Heroes Program – Ken from the West Milford Rotary Club explained the Flags for Heroes Program. He noted that they are seeking support from the Council to assist with lighting the area where all the flags are placed. He expressed that they need to figure out a lighting solution. He spoke about their plans to light up all the flags and other type of events that take place at Bubbling Springs.

Discussion:

Councilwoman Erik asked Ken if he had an idea of how much this will cost. Ken said they do not have an idea of the cost because they have not researched the professional engineering aspect. Councilwoman Pegel thinks it's a wonderful idea and she would like to get the financial aspect together. Ken said the Rotary Club will pay for the light installation but they would need maintenance and electricity. Mayor Dale said time is of the essence and the Rotary Club needs the Council's approval to move forward. She asked the Council if they agree for the Rotary Club to work with Administrator Senande on the project. The Council gave consensus.

Agenda No. VII

Executive Session

~ Resolution 2020 – 265 ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 2nd day of September, 2020 that:

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

Adopted: September 2, 2020

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

The Governing Body went into executive session at 6:57 p.m.
The Governing Body returned to the public meeting at 7:31 p.m. with all present as before.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
 Date of Meeting: September 2, 2020
 Time of Meeting: 6:30 pm
 Minute Page No: Page 3 of 16

Agenda No. VIII

Discussion Items/Official Communication

1.	Discussion: Assessment on Stowaway Bridge: Administrator Senande provided an update. He mentioned the two resolutions that are on the agenda. He received approval from 20 out of the 21 residents. He said the residents will pay for the bridge and the Township is just assisting the residents with the financing. There is no cost to the Township.
2.	Discussion: 4G/5G Safety Studies – Small Cell Wireless Antennas: Councilman Gross expressed that this will be the most intrusive thing they will ever experience. He said there should be a way to get 5G to provide a way to isolate a house; it comes into your house and stays there without sharing information. It will get to the point where people will have no privacy. Councilwoman Pegel said they need to wait for the direction of other municipalities. The Council agreed to wait for the direction of other municipalities.
3.	Discussion: Town-wide Garage Sale (September 18, 19 & 20): The Council agreed to proceed with the garage sale.
4.	Outdoor Dining: Councilman Goodsir asked if the Council could pass a resolution and/or ordinance to continue outdoor dining. Mayor Dale said yes and she noted that she did speak with Mr. Semrau about this. She explained that if a business has an outdoor area that was fenced off because of Covid-19 and normally not allowed to serve alcohol in that area, the Council would like to continue to allow those businesses to serve in those designated areas on an ongoing basis. Mr. Semrau noted that the business would have to file for an expansion of license premises and have it approved by the Council. Mayor Dale said they should put something together to assist the businesses in filing. She expressed that there is more to consider and they have to review the premises.

Agenda No. IX

Unfinished Business, Final Passage of Ordinances

Agenda No. IX 1

~ 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.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: September 2, 2020
Time of Meeting: 6:30 pm
Minute Page No: Page 4 of 16

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

Introduced: August 12, 2020
Adopted: September 2, 2020
Effective Date: September 22, 2020

This Ordinance was introduced on August 12, 2020 and the Notice of Public Hearing was published in the Herald News on August 17, 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 2020-017

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

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.

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.

Bob Nicholson, 20 Hyde Road, Stockholm – Spoke about 5G. He feels 5G will be tax revenue for the Township. He said we should be one of the first communities to embrace 5G.

Renee Alessio, 39 Hillcrest Drive, Hewitt – Expressed her thoughts and concerns about the Tennessee Gas Pipeline Project.

Mayor Dale read the following public comments that were emailed to the Township.

Robin Bennett, 41 Terra Cotta Road, Hewitt – Explained why she is opposed to the Tennessee Gas Pipeline Project.

Matthew Smith, 123 Livingston Ave, New Brunswick, NJ – Mayor Dale noted that Matthew is the Director of the New Jersey State Food & Water Action. She read about their serious concerns regarding the project.

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

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

Agenda No. XI

Council Comments

Councilman Gross – Explained how 5G can use other ways to access a home. He spoke about an experience he encountered in his own home. He feels it will be impossible to stop the Tennessee Gas Pipeline project.

Councilwoman Erik – Read information she gathered regarding the Tennessee Gas Pipeline project.

Mayor Dale – Expressed that she does not want the residents to be misinformed regarding the Tennessee Gas Pipeline project. This is the preliminary stage and they need to gather the correct information first before anything is relayed to the residents. The Council does not have definitive information yet.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: September 2, 2020
Time of Meeting: 6:30 pm
Minute Page No: Page 5 of 16

Mr. Semrau – Explained that the Township does not have any regulatory authority on the Tennessee Gas Pipeline project application. He said the goal is to target a date so Tennessee Gas Pipeline can come to the Township and conduct a meeting so residents can get their questions answered.

Mayor Dale asked to move resolutions 2020-266 through 2020-282 excluding 2020-275 (number not used).

Agenda No. XII

New Business, Introduction of Ordinance, Resolutions

Agenda No. XII 1

~ Resolution 2020 – 266 ~

RESOLUTION AND GROUP AFFIDAVIT OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AS CERTIFICATION OF THE 2019 ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2019 has been filed by a Registered Municipal Accountant with the Township Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the Township Council; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations”; and

WHEREAS, the members of the Governing Body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations”, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body whom, after a date fixed for compliance, fails or refuses to obey an order of the director (Direct of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of West Milford, in the County of Passaic, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Adopted: September 2, 2020

Agenda No. XII 2

~ Resolution 2020 – 267 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE SUMMARY OF SYNOPSIS OF AUDIT REPORT FOR PUBLICATION FOR THE 2019 AUDIT IN ACCORDANCE WITH N.J.S.A. 40A:5-7

Attention is directed to the fact that a summary of the audit report, together with the recommendations, is the minimum required to be published pursuant to N.J.S.A 40A:5-7. Summary of Synopsis of 2019 Audit Report of the Township of West Milford, County of Passaic, as required by N.J.S.A 40A:5-7.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of:
 Date of Meeting:
 Time of Meeting:
 Minute Page No:

Governing Body Workshop Meeting
 September 2, 2020
 6:30 pm
 Page 6 of 16

ASSETS	December 31 Year 2019	December 31 Year 2018
Cash, Investments and Prepaid Debt Service	32,810,739.35	29,716,418.34
Taxes, Assessments, Liens and Utility Charges		
Receivable	3,726,667.95	4,245,859.86
Prospective Assessments Funded	0.00	1,000.00
Property Acquired for Taxes - Assessed Value	4,833,700.00	4,344,800.00
Accounts Receivable (and Inventory)	2,469,026.79	2,761,706.63
General Fixed Assets	45,065,388.25	45,065,388.25
Deferred Charges to Future Taxation - General Capital	32,186,536.69	33,199,984.68
Deferred Charges to Revenue of Succeeding Years	14,269.88	3,144.00
TOTAL ASSETS	121,106,328.91	119,338,301.76
LIABILITIES, RESERVES & FUND BALANCES		
Bond and Notes Payable	33,046,040.75	33,910,889.36
Improvement Authorizations	4,955,459.02	5,853,377.16
Other Liabilities and Special Funds	22,983,008.55	21,079,761.69
Net Assets Available for Benefits	0.00	0.00
Investment in General Fixed Assets	45,065,388.25	45,065,388.25
Reserve for Certain Assets Receivable	8,351,729.78	8,201,523.86
Fund Balance	6,704,702.56	5,227,361.44
TOTAL LIABILITIES, RESERVES AND SURPLUS	121,106,328.91	119,338,301.76
COMPARATIVE STATEMENT OF OPERATIONS & CHANGE IN SURPLUS – CURRENT FUND		
Revenue and Other Income Realized	2019	2018
Fund Balance Utilized	4,191,839.00	3,297,994.34
Miscellaneous – From Other Than Local - Property Tax Levies	7,257,159.89	6,796,608.91
Collection of Delinquent Taxes and Tax - Title Liens	1,645,951.66	1,280,573.32
Collection of Current Tax Levy	101,671,636.65	101,120,588.13
Other Credits to Income	2,777,497.81	1,676,169.55
Total Income	117,544,085.01	114,171,934.25
Expenditures		
Budget Expenditures:		
Municipal Purpose	32,549,676.25	31,565,060.88
Special District Taxes	1,796,856.57	1,794,892.41
Municipal Open Space Tax	148,452.19	148,291.17
County Taxes	21,288,263.96	21,970,581.62
Local and Regional School Taxes	55,879,651.00	54,716,625.00
Other Expenditures	470,720.20	254,051.29
Total Expenditures	112,133,620.17	110,449,502.37
Less: Expenditures to be Raised by Future Taxes		
Total Adjusted Expenditures	112,133,620.17	110,449,502.37
Excess in Revenue	5,410,464.84	3,722,431.88
Fund Balance January 1	4,894,818.91	4,470,381.37
Less: Utilized as Anticipated Revenue	4,191,839.00	3,297,994.34
Fund Balance December 31	6,113,444.75	4,894,818.91

RECOMMENDATIONS

1. That all vendors required to receive Form 1099 receive them.
2. That all employees required to be enrolled in the DCRP be enrolled.
3. That all escrow deposits over \$5,000.00 be maintained in a separate interest bearing bank account.
4. That old escrow balances be reviewed and the proper action be taken.
5. That a Fixed Asset Inventory report be available for audit and be updated for additions and deletions.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: September 2, 2020
Time of Meeting: 6:30 pm
Minute Page No: Page 7 of 16

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A Corrective Action Plan, which outlines actions the Township of West Milford will take to correct the findings listed above, will be prepared in accordance with federal and state requirements. A copy of it will be placed on file and made available for public inspection in the Office of the Township Clerk of the Township of West Milford within 45 days of this notice.

The above Summary of Synopsis was prepared from the Report of Audit of the Township of West Milford, County of Passaic, for the calendar year 2019. This Report of Audit, submitted by James Cerullo, C.P.A., R.M.A. of Wielkotz & Company, LLC is on file at the Township Clerk's Office and may be inspected by any interested person.

Adopted: September 2, 2020

Agenda No. XII 3

~ Resolution 2020 – 268 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A COMPETITIVE BIDDING CONSTRUCTION CONTRACT TO RIVERVIEW PAVING, INC. FOR THE RIDGE ROAD SECTION 6 PROJECT

WHEREAS, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on August 21, 2020 at 10:00 am for the resurfacing of Ridge Road, between Union Valley Road and Cahill Cross Road, as per the bid specifications; and

WHEREAS, the Township of West Milford received seven (7) bids for this contract; and

WHEREAS, said bids have been duly reviewed and analyzed by the West Milford Township Engineering Division and the Township Attorney; and

WHEREAS, the bid received from the low bidder, Riverview Paving, Inc., has 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; and

WHEREAS, the Chief Financial Officer has certified that encumbrances for these services shall come from account numbered 04-215-55-833-001; and

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

1. The Township Council hereby awards a contract to Riverview Paving, Inc., 859 Willow Grove Street, Hackettstown, New Jersey 07840 for the Ridge Road Section 6 project subject to the review and approval of the New Jersey Department of Transportation in an amount not to exceed \$342,777.23.
2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with Riverview Paving, Inc., in accordance with its bid for said resurfacing of Ridge Road, between Union Valley Road and Cahill Cross Road, in the Township of West Milford.
3. The Township's Chief Financial Officer has certified the availability of funds for same.
4. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: September 2, 2020

Agenda No. XII 4

~ Resolution 2020 – 269 ~

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

WHEREAS, the Township of West Milford awarded contracts to five (5) contractors for 28 4x4 pickups and single axle dump trucks for 2020-2021 Snowplowing Services on August 12th, 2020; and

WHEREAS, the Township of West Milford advertised a second time for the receipt of sealed bids for 4x4 pickups and single axle dump trucks to be received on August 21, 2020 for 2020-2021 Snowplowing Services; and

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: September 2, 2020
Time of Meeting: 6:30 pm
Minute Page No: Page 8 of 16

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 a contract for 2020-2021 Snowplowing Services in accordance with the following outline:

	CONTRACTOR	# TRKS	\$ Per Hr Class 1	\$ Per Hr Class 2	
1	Longstaff Paving, LLC	9	\$125.00	\$125.00	
	TOTAL TRUCKS	9			

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

Adopted: September 2, 2020

Agenda No. XII 5

~ Resolution 2020 – 270 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT TO GENESIS ENGINEERING, LLC FOR THE FINAL CONSTRUCTION PLANS AND COST DETERMINATION FOR THE REPLACEMENT OF THE STOWAWAY ROAD BRIDGE

WHEREAS, the privately owned and privately constructed (1984), sole access bridge serving twenty one residential homes in the Stowaway Park Development is in poor condition and must be replaced; and

WHEREAS, the Stowaway Park Association has been unsuccessful in its attempts to replace the failing bridge through private financing; and

WHEREAS, discussions have been held with the Governing Body on how best to proceed to achieve the most cost effective bridge replacement; and

WHEREAS, Stowaway Road is a non-Township road and it has been recommended that an incremental approach be taken for final construction plans and cost determination to be performed in order to provide the Governing Body and impacted property owners with a final cost determination for bridge replacement; and

WHEREAS, the first incremental phase provided for preliminary design and cost estimates and was completed May 2020; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for these services to be encumbered from account number 04-215-55-826-023.

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

1. The Mayor and Township Clerk be and are hereby authorized to execute a contract with Genesis Engineering, LLC, 21 Sunset Inn Road, Suite A, Lafayette, NJ 07848, for professional engineering services for the evaluation and construction cost determination for the replacement of the Stowaway Road bridge in an amount not to exceed \$45,450.00.
2. This contract is awarded as "Professional Services" pursuant to *N.J.S.A. 19:44A-20 et seq.* and the Local Public Contracts Law.
3. The total fee authorized for this contract shall not exceed \$45,450.00, without prior written approval of the Township Council.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: September 2, 2020
Time of Meeting: 6:30 pm
Minute Page No: Page 9 of 16

4. That notice of this action shall be published in accordance with law and said notice to provide that the contract awarded and this resolution authorizing same are available for public inspection in the office of the Township Clerk.

Adopted: September 2, 2020

Agenda No. XII 6

~ Resolution 2020 – 271 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE EXPENDITURE OF FINAL ENGINEERING COSTS ASSOCIATED WITH THE STOWAWAY BRIDGE PROJECT FROM THE CAPITAL IMPROVEMENT FUND

WHEREAS, the Governing Body hereby acknowledges that final engineering costs can be charged to the capital improvement fund and subsequently sent back to the capital improvement fund upon adoption of a bond ordinance when and if the project moves forward; and

WHEREAS, the purpose of these costs are for the final construction plans to be performed in order to provide the Governing Body and impacted property owners with a comprehensive construction cost estimate for bridge replacement; and

WHEREAS, the expenditures to be incurred would be properly chargeable to a bond ordinance if one had been adopted prior to the expenditure under N.J.S.A 40A2-1 et seq.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford that the amount appropriated for preliminary costs shall not exceed \$45,450.00 and the Chief Financial Officer is authorized to set up a reserve for final expenses out of the Capital Improvement Fund of the General Capital Fund.

Adopted: September 2, 2020

Agenda No. XII 7

~ Resolution 2020 – 272 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE ASSIGNMENT OF THE FINANCIAL AGREEMENT BETWEEN THE TOWNSHIP OF WEST MILFORD AND LINCOLN VILLAGE URBAN RENEWAL, KNOWN AS “WEST MILFORD SENIOR HOUSING CORP.” TO LINCOLN VILLAGE URBAN RENEWAL, LLC, A NJ LIMITED LIABILITY CORP.

WHEREAS, Lincoln Village is an Affordable Housing project located on the Tax Map of West Milford as Block 6401, Lot 6.02 (“Property”); and

WHEREAS, Lincoln Village previously entered into an Agreement for a Payment In Lieu of Taxes (“PILOT”) with the Township of West Milford commencing on or about September 26, 2002; and

WHEREAS, the Agreement call for a certain escalation of payments to the Township over a thirty-year period; and

WHEREAS, Lincoln Village is seeking to now sell the property and assign the PILOT to the prospective purchaser with the understanding that they must comply with all terms and conditions of the PILOT; and

WHEREAS, the Township Administration recalculated the amount due as computed that Lincoln Village owes payment to the Township in the sum of \$24,000.

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

1. The assignment of the Financial Agreement between the Township and Lincoln Village Urban Renewal, known as “West Milford Senior Housing Corp” to Lincoln Village Urban Renewal, LLC, a NJ Limited Liability Corp. is hereby authorized only upon receipt of payment for the 2020 PILOT in the amount of \$24,000
2. The receipt of payment of \$24,000 shall deem the Property current for its 2020 payment in lieu of taxes.
3. All other terms regarding payment and the PILOT agreement between the parties remain in full force and effect.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: September 2, 2020
Time of Meeting: 6:30 pm
Minute Page No: Page 10 of 16

BE IT FURTHER RESOLVED that if the payment in lieu of taxes is not paid by December 31, 2020, the Township shall have the right, as any other entity, to take necessary action for unpaid payments in lieu of taxes to the same extent as unpaid municipal property taxes to the Township of West Milford.

This Resolution shall take effect immediately.

Adopted: September 2, 2020

Agenda No. XII 8

~ Resolution 2020 – 273 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE USE OF OPEN SPACE FUNDS FOR THE REPLACEMENT OF THE FLOOR IN THE OLD STONE BARN AT THE WALLISCH HOMESTEAD

WHEREAS, the Township of West Milford is the owner of the Wallisch Homestead, a 95-acre historic farm located at 65 Lincoln Avenue; and

WHEREAS, the Friends of Wallisch Homestead is a local organization of volunteers dedicated to preserving this historic homestead and has presented to the Mayor and Council a report at the Governing Body meeting of August 12, 2020 detailing the repairs that have been completed and those that still need to be completed; and

WHEREAS, the Friends of Wallisch Homestead have indicated the need to replace the floor in the Old Stone Barn at the Wallisch Homestead; and

WHEREAS, the total cost of the project is \$43,000, a portion of which is covered by grant funding; and

WHEREAS, they are requesting and receiving authorization to use up to \$25,000 in Municipal Open Space Conservation/Historical Preservation funds for the replacement of the floor in the Old Stone Barn at Wallisch Homestead.

NOW, THEREFORE, BE IT RESOLVED that \$25,000 in Township of West Milford Open Space Trust Fund will be held for reimbursement of expenses associated with this project.

BE IT FURTHER RESOLVED that the Friends of Wallisch Homestead will supply to the Chief Financial Officer proof of expenditures and the Chief Financial Officer will reimburse the Friends of Wallisch Homestead on a timely basis.

BE IT FURTHER RESOLVED that the Township Clerk shall provide an official copy of this Resolution to the Friends of Wallisch Homestead and appropriate Township officials for their implementation.

Adopted: September 2, 2020

Agenda No. XII 9

~ Resolution 2020 – 274 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING PURCHASES FOR FIRE FIGHTER PHYSICALS IN ACCORDANCE WITH THE TOWNSHIP'S PURCHASING POLICIES

WHEREAS, the Township Council of the Township of West Milford did adopt ordinance 2013-020 to create the position of Qualified Purchasing Agent in the municipality and they did subsequently adopt resolution 2013-330 appointing a Qualified Purchasing Agent (QPA) and increasing the bid threshold to \$44,000; and

WHEREAS, as a condition to the increase in the bid threshold, the Council did establish a policy whereby a resolution shall be presented for their consideration for any purchase in excess of the former bid threshold of \$17,500 and that the purchase shall warrant a minimum of three quotations; and

WHEREAS, the Township Council has received a recommendation from the Department of Fire to contract for fire fighter physicals which expense shall exceed the aggregate quote threshold of \$17,500; and

WHEREAS, the Township has been doing physicals for members of the Fire Department since 2011 due to OSHA regulations and NIOSH recommendation; and

WHEREAS, Three (3) bids were obtained and Nassau NDI Diagnostics was the lowest bidder; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: September 2, 2020
Time of Meeting: 6:30 pm
Minute Page No: Page 11 of 16

WHEREAS, the Department of Fire recommends Nassau Diagnostics for Class A physicals examinations for \$150 each; and

WHEREAS, the Township's Qualified Purchasing Agent is aware of the recommendation, and confirms that Nassau NDI Diagnostics is the vendor for physicals and the purchase is in compliance with the New Jersey Local Public Contracts Law; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for this purchase, said funds to be encumbered from account number 01-201-25-266-553.

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 appropriate Township officials be and are hereby authorized to execute future purchases to Nassau NDI Diagnostics, P.O. Box 1206, Center Moriches, NY 11934, in an amount not to exceed \$30,000 for the 2020 calendar year.

Adopted: September 2, 2020

Agenda No. XII 10

~ Resolution 2020 – 275 ~

NUMBER NOT USED

Agenda No. XII 11

~ Resolution 2020 – 276 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING EXPENDITURE OF FUNDS FOR THE PURCHASE OF DRAINAGE MATERIALS 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 \$40,000.00; and

WHEREAS, as 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 the purchase of drainage materials (castings, precast concrete structures and pipe), from General Foundries, Brent Materials, Campbell Foundry Company, Campbell Materials, Franklin Precast and Northeast Concrete Products through use of either cooperative pricing contracts or a minimum of three quotes which expenses would exceed the aggregate quote threshold of \$17,500.00; and

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

WHEREAS, the Township Council has received a recommendation from the Director of Public Works indicating the anticipated need to purchase various drainage materials which expenses would exceed the aggregate quote threshold of \$17,500.00; 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 vendors in an amount not to exceed \$40,000.00 per vendor for the remainder of the 2020 calendar year and within the budget appropriation established for this purpose.

Adopted: September 2, 2020

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: September 2, 2020
Time of Meeting: 6:30 pm
Minute Page No: Page 12 of 16

Agenda No. XII 12

~ Resolution 2020 – 277 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITHOUT COMPETITIVE BIDDING TO NEWMARK KNIGHT FRANK TO PERFORM REAL ESTATE APPRAISAL AND CONSULTING SERVICES FOR WEST MILFORD TOWNSHIP

WHEREAS, there exists a need for professional real estate appraisal and consulting services for the Township in connection with the Newark Watershed Land; and

WHEREAS, the Township wishes to retain Newmark Knight Frank to perform such services; and
WHEREAS, the maximum amount for services under this contract shall not exceed \$7,500.00;
and

WHEREAS, funds are available for this purpose; and

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

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

Section 1. The contract with Newmark Knight Frank is awarded without competitive bidding as a Professional Service in accordance with N.J.S.A. §40A:11-5(1)(a) of the Local Public Contracts Law because the contract is for a service performed by a person(s) authorized by law to practice a recognized profession that is regulated by law.

Section 2. Newmark Knight Frank shall provide real estate appraisal and consultation services to the Township as set forth in its proposal of July 30, 2020.

Section 3. A notice of this action shall be printed once in the legal newspaper of the Township of West Milford as required by law.

Section 4. A copy of this Resolution shall be provided to Ellen Mageean, Chief Financial Officer, and to Newmark Knight Frank, 80 South Jefferson Road, Suite 204, Whippany, New Jersey 07981, for their information and guidance.

This Resolution shall take effect immediately.

Adopted: September 2, 2020

Agenda No. XII 13

~ Resolution 2020 – 278 ~

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

WHEREAS, applications for renewal of Plenary Retail Consumption and Plenary Retail Distribution 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.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
 Date of Meeting: September 2, 2020
 Time of Meeting: 6:30 pm
 Minute Page No: Page 13 of 16

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.

2020-2021 PLENARY RETAIL CONSUMPTION ACTIVE LICENSES	
PLAZA BAR & LIQUORS INC. t/a Plaza Bar & Liquors 1930 Union Valley Road, Hewitt, NJ 07421 1651-33-010-003	FRANK & SATINA LLC t/a Jimmy Geez North Sports Bar & Grill 3219 Route 23 South, Oak Ridge, NJ 07438 1615-33-034-009
NTI LLC t/a The New Jessies Kettle Inc. 1555 Greenwood Lake Tpke, Hewitt, NJ 07421 1615-33-024-013	JAMES ANTHONY DELI RESTAURANT, INC. t/a Greenwood Lake Discount Liquors 2019 A Greenwood Lake Turnpike, Hewitt, NJ 07421 1615-33-021-005
MEP VENTURES, LLC t/a Vault Liquors 1618 Union Valley Road, West Milford, NJ 07480 1615-33-032-012	

Adopted: September 2, 2020

Agenda No. XII 14

~ Resolution 2020 – 279 ~

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 Acting Township Clerk is directed to issue the license certificates for the Mayor and Township Council of the Township of West Milford.

LICENSEE	CONDITIONS
WEST MILFORD BAR & LIQUORS INC. t/a Westbrook Hootch Hut 717 Otterhole Road, West Milford, NJ 07480 1615-33-033-002	1. License Certificate must be properly displayed. 2. Copy of most recent long form license application must be kept on licensed premises.

Adopted: September 2, 2020

Agenda No. XII 15

~ Resolution 2020 – 280 ~

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
Chelsea at Bald Eagle 316 South Avenue Fanwood, NJ 07023	PB-03-12-03	16-288-56-703-004	\$19,883.28	\$6,223.69

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
 Date of Meeting: September 2, 2020
 Time of Meeting: 6:30 pm
 Minute Page No: Page 14 of 16

Adopted: September 2, 2020

Agenda No. XII 16

~ Resolution 2020 – 281 ~

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

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 cash portion of the performance bond for the application listed below be refunded:

Applicant's Name & Address	Block & Lot	Application/ Acct No.	Amount of Bond's Cash Portion	Amount of Refund
Chelsea at Bald Eagle 316 South Avenue Fanwood, NJ 07023	5310/1	PB-03-12-03	\$9,450.90	\$9,450.90
TOTAL BOND REFUND				

Adopted: September 2, 2020

Agenda No. XII 17

~ Resolution 2020 – 282 ~

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:

Lifeguard Class #3	
\$300.00	Eva Montalvo 84 Cascade Way Kinnelon, NJ 07405
Coed Softball	
\$95.00	Deana Fletcher 1114 Macopin Road West Milford, NJ 07480

Adopted: September 2, 2020

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

Agenda No. XIII

Approval of Expenditures

~ Resolution 2020 – 283 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY 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	\$566,954.12
3	Reserve Account	1,647.50
2	Grants	4,795.30
6	Refunds	16,069.59

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of:
 Date of Meeting:
 Time of Meeting:
 Minute Page No:

Governing Body Workshop Meeting
 September 2, 2020
 6:30 pm
 Page 15 of 16

1	General Ledger	0.00
26	Refuse	251,688.63
4	Capital	224,970.04
19	Animal Control	22,460.74
19	Heritage Trust	0.00
19	Open Space Trust	0.00
19	Trust	6,848.40
19	Scala Trust	0.00
16	Development Escrow	0.00
19	Tax Sale Trust	0.00
21	Assessment Trust	0.00
	Special Reserve	1,545.00
Total		\$1,096,979.32
	Less Refund Resolution	-16,069.59
	Actual Bills List	\$1,080,909.73
	Other Payments	
	Payroll	\$542,899.65
	Total Expenditures	\$1,623,809.38

Adopted: September 2, 2020

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

Agenda No. XIV

Reports of Administrator, Mayor and Council Members

Mayor Dale – Noted there will be a September 11th Memorial Service at the Monument at 7 pm. She explained that the Township is developing a sustainable economic development plan and there is a survey on the Township website for residents and businesses. She mentioned that the Highlands Market will not open on September 4th. It will be opening some time near September 15th.

Councilwoman Gerst – Expressed that most of the zoning regulations are based on one acre lots. She explained that residents who live in the lake communities have to go to the Zoning Board, put money in escrow and get a variance for something as simple as a shed. She noted that it is very inconvenient because there are many homes in West Milford that are not on one acre lots.

Discussion:

Mayor Dale asked Mr. Semrau how they should address the zoning issue that Councilwoman Gerst is concerned about. Mr. Semrau said he would consult with the Township Planner, Jessica Caldwell. Mayor Dale said this is long overdue and it will help the Township in an Administrative aspect and will also benefit the residents. Councilman Gross asked if they can revise the ordinance with exceptions based on property size. Mr. Semrau said he will look into that. The Council gave consensus for Mr. Semrau to consult with the Township Planner. Mayor Dale said she would like to see this accomplished before the end of the year. Councilwoman Erik explained that in Ringwood, they provide a package to the residents guiding them through the permit process. She feels that the Township needs a package like Ringwood. Mayor Dale expressed that they are working on creating the efficiency and the process flow that they should have as a municipality when residents come to get a permit. There is a lot of focus on this and it will take some time.

Councilwoman Pegel – No report.

Councilwoman Lichtenberg – Noted various events and the dates and times. She said the Highlands Family Success Center moved to 1801 Greenwood Lake Turnpike. She attended a New Jersey Department of Military and Veterans Affairs meeting and she has the 19 page Benefits Guide booklet with the updated information. Mayor Dale requested to add any updates to the Township website. Councilwoman Lichtenberg mentioned the Beautification Clean-up is on September 26th. Please contact Recycling for the clean-up supplies.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: September 2, 2020
Time of Meeting: 6:30 pm
Minute Page No: Page 16 of 16

Councilman Goodsir – Said the Trout Derby will be on October 17th. He spoke about an event that the Elk’s is having. He thanked the Mayor, Administrator, and OEM for putting together the CERT team. He wished everyone a safe, happy and healthy Labor Day weekend.

Councilman Gross – Asked if the Council could start having the skin cancer screening again. He noted that he is still working on the Otterhole Road parking. He said that Michael Mihal, who resides at 33 Sugar Maple Ave, Newfoundland, had water problems behind his house 20 years ago. The township re-piped everything and did a lot of work; his driveway was destroyed and the trees died. He presented quotes to the Township. Mayor Dale said that Administrator Senande will work with Councilman Gross on that matter.

Administrator Senande – Said the Zoning Application has been streamlined and the entire process will be completed online. He hopes to have that live next week. Within the next two months, all Zoning, Health and Building records will be online and they will decide at that point what they want to make available to the public. He mentioned they are working with the Library to get the Story Walk project up and running at Nosenzo Pond.

Mr. Semrau – No report.

Agenda No. XV

Appointments and Resignations

None

Agenda No. XVI

Adjournment

There being no further business to come before the Council, the Governing Body adjourned the meeting at 9:03 p.m.

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

Approved: September 16, 2020

Respectfully submitted:

Sherry Zbrzeski, Keyboarding Clerk II

MICHELE DALE, MAYOR

WILLIAM SENANDE, TOWNSHIP CLERK