
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: September 18, 2019
Time of Meeting: 6:30 pm
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The Regular Meeting of the Governing Body was called to order by Mayor Michele Dale.

Adequate Notice Statement

Mayor Dale read the following statement:

Please note that in accordance with Chapter 231, Public Laws of 1975 of New Jersey, adequate advance notice of this Regular meeting was advertised in the Herald News in its issue of March 17, 2019; copies were provided to the Suburban Trends, the Record and Star Ledger and posted continuously on the bulletin board in the main corridor of the Town Hall and on file in the Office of the Township Clerk.

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

Agenda No. I

Pledge of Allegiance

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

Agenda No. II

Roll Call

Present: Councilmembers Ada Erik, Andrena Pegel, Marilyn Lichtenberg, Peter McGuinness
Luciano Signorino, Patricia Gerst, Mayor Michele Dale
Absent: None
Also Present: Interim Township Administrator Bob Casey, Township Attorney Fred Semrau (arrived 6:40)

Agenda No. III

Reading of or Approval of Unapproved Minutes

September 4, 2019 Workshop Meeting
September 11, 2019 Special Meeting/Budget

Moved: Erik Seconded: Lichtenberg
Voted Aye: Erik, Pegel, Lichtenberg, McGuinness, Signorino, Gerst
Voted Nay: None
Motion Carried:

Agenda No. IV

Meetings

Mayor Dale noted the future meeting schedule:

October 2, 2019 Workshop Meeting
October 16, 2019 Regular Meeting
November 6, 2019 Workshop/Regular Meeting

Agenda No. V

Proclamations

Fire Company 6 - 75 Years of Service – Mayor Dale invited Fire Company 6 to join her at the podium while she read the proclamation.

Agenda No. VI

Presentations

EDC – Town Cycle – JoAnn Blom presented the award to Mike Hoek, owner of Town Cycle. Mr. Hoek provided an overview of the business.

Mayor Dale moved the meeting to new business since the Township attorney was not present yet for executive session.

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Agenda No. XII

New Business, Introduction of Ordinance, Resolutions

Agenda No. XII 1

~ Ordinance 2019 – 017 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY TO AMEND §15-112 AND §15-113 OF THE TOWNSHIP CODE TO PROVIDE FOR THE APPOINTMENT OF LOCAL BUSINESS PERSON TO THE ECONOMIC DEVELOPMENT COMMISSION (EDC)

BE IT ORDAINED, by the Township Council of the Township of West Milford, in the County of Passaic and State of New Jersey, that §15-112 and §15-113 A.(3) of the Township code be amended to change the Chamber of Commerce member to a Local Business Representative as follows:

SECTION 1. §15-112. Membership.

The Township of West Milford Economic Development Commission (the "Commission") shall consist of eleven (11) members and two (2) alternate members. The Mayor shall appoint his designee or serve in that capacity. The Council shall appoint the Council liaison and a Local Business Representative. The Mayor shall appoint two citizen members. The Council shall appoint six citizen members and two alternate members. The members shall serve without compensation.

§15-113. Terms.

A. The members of the Commission shall have staggered terms as follows for their initial appointments:

(3) The Local Business Representative shall be appointed for one (1) year.

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

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

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

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

Introduced: September 18, 2019
Adopted:
Effective Date:

Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for October 16, 2019. Notice of this public hearing shall be published in the Herald News on or about September 22, 2019.

Motion to introduce Ordinance 2019-017

Moved: Erik Seconded: Lichtenberg
Voted Aye: Erik, Pegel, Lichtenberg, McGuinness, Signorino, Gerst
Voted Nay: None
Motion Carried:

Mayor Dale asked to move resolutions 2019-263 through 2019-279.

Agenda No. XII 2

~ Resolution 2019 – 263 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY APPROVING THE ANNUAL CLOTHING ALLOWANCE FOR VOLUNTEER MEMBERS OF THE TOWNSHIP OF WEST MILFORD FIRST AID SQUADS, SAR VOLUNTEERS AND FIRE DEPARTMENTS

WHEREAS, the Township of West Milford wishes to recompense its qualified, volunteer members of the Township of two (2) First Aid Squads, one (1) Search and Rescue and six (6) Fire Departments for damage to their clothing due to their active participation in selfless service to the Township; and

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WHEREAS, the chiefs and/or senior official of the First Aid Squads, Search and Rescue and Fire Departments shall certify to the Chief Financial Officer or her designee a list of the members of their respective companies and their allotted clothing allowance; and

WHEREAS, the payment of the annual clothing allowance for qualified, volunteer members of the First Aid Squads, Search and Rescue and Fire Departments shall be based upon each organization's certification to the Chief Financial Officer or her designee in accordance with the approved 2019 budget; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey, approve the annual clothing allowance for qualified, volunteer members of the two (2) First Aid Squads, one (1) Search and Rescue and six (6) Fire Departments for the year 2019 based upon each organization's certification to the Chief Financial Officer or her designee in accordance with the approved 2019 budget.

Adopted: September 18, 2019

Agenda No. XII 3

~ Resolution 2019 – 264 ~

A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE ACCEPTANCE OF A DONATION OF A Q-STAR SOLAR-POWERED FLASHCAM PORTABLE CAMERA FROM THE COUNTY OF PASSAIC HEALTH SERVICES FOR SOLID WASTE RECYCLING PROGRAM

WHEREAS, the County of Passaic Department of Health Services through its Office of Solid Waste & Recycling purchased cameras through a competitive contracting process and currently in possession of these cameras, and

WHEREAS, the County of Passaic Department of Health Services will provide and distribute this gift and donation of one Q-Star Solar-powered Flash Cam to the Township of West Milford use; and

WHEREAS, the Township of West Milford Department of Public Works Recycling Center has a need for such a Q-Star Solar-powered Flash Cam for a deterrent in unlawful behaviors; and

WHEREAS the Township Administrator and Recycling Coordinator have recommended that the Township accept this gift and donation.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford, County of Passaic and State of New Jersey that the Township Administrator is authorized to accept the gift and donation of one (1) Q-Star Solar-powered FlashCam Portable Camera from the County of Passaic for the sum of One Dollar and No Cents (\$1.00); and

BE IT FURTHER RESOLVED that the Mayor and Township Council of the Township of West Milford, County of Passaic and State of New Jersey further authorizes the Acting Township Clerk to process the Q-Star Memorandum of Understanding to accept the gift donation from the County of Passaic to the Township of West Milford; and

BE IT FURTHER RESOLVED that the Township Administrator is instructed to communicate the Township's appreciation to the County of Passaic for the donation of a Q-Star Solar-powered FlashCam for enforcement of its solid waste and recycling program.

This Resolution shall take effect immediately.

Adopted: September 18, 2019

Agenda No. XII 4

~ Resolution 2019 – 265 ~

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 CROSSROADS PAVEMENT MAINTENANCE, INC. FOR THE AWOSTING ROAD – SECTION 2 PROJECT

WHEREAS, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on September 6, 2019 at 10:30 am for the resurfacing of Awosting Road as per the bid specifications; and

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

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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, Crossroad Pavement Maintenance, 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 accounts numbered 04-215-55-818-004, 04-215-55-830-001 and 04-215-55-829-002; 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 Crossroads Pavement Maintenance, Inc., 512 Newark Pompton Turnpike, Pompton Plains, NJ 07444 for the Awosting Road – Section 2 project subject to the review and approval of the New Jersey Department of Transportation in an amount not to exceed \$519,764.00.
2. The Mayor and Acting Township Clerk are hereby authorized and directed to execute a contract with Crossroads Pavement Maintenance, Inc., in accordance with its bid for said resurfacing of Awosting 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 18, 2019

Agenda No. XII 5

~ Resolution 2019 – 266 ~

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 CROSSROADS PAVEMENT MAINTENANCE, INC. FOR THE CANISTEAR ROAD – SECTION 3 PROJECT

WHEREAS, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on September 6, 2019 at 10:00 am for the resurfacing of Canistear Road as per the bid specifications; and

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

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

WHEREAS, the bid received from the low bidder, Crossroad Pavement Maintenance, 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 accounts numbered 04-215-55-818-004 and 04-215-55-830-002; 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 Crossroads Pavement Maintenance, Inc., 512 Newark Pompton Turnpike, Pompton Plains, NJ 07444 for the Canistear Road – Section 3 project subject to the review and approval of the New Jersey Department of Transportation in an amount not to exceed \$519,781.00.
2. The Mayor and Acting Township Clerk are hereby authorized and directed to execute a contract with Crossroads Pavement Maintenance, Inc., in accordance with its bid for said resurfacing of Canistear 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 18, 2019

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Agenda No. XII 6

~ Resolution 2019 – 267 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A COMPETITIVE BIDDING CONTRACT TO MORTON SALT, INC. FOR ROCK SALT

WHEREAS, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on August 29, 2019 for the purchase of rock salt as per bid specifications; and

WHEREAS, in response to the "Notice to Bidders" the Township received three (3) bids; and

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

WHEREAS, the bid received from the lowest bidder Morton Salt Inc. in the amount of \$678,625.00 does comply with and meet all minimum bid requirements as outlined in the bid specifications and thus Morton Salt Inc. is deemed to be the lowest responsible bidder in accordance with N.J.S.A. 40A:11-2(27); and

WHEREAS, the Director of Public Works has submitted a written recommendation for the award of this contract to Morton Salt, Inc., 444 W. Lake Street, Suite 3000, Chicago, IL 60606; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for this purchase, said funds to be encumbered from account numbers:(2019) 01-201-26-294-363 (\$275,000.00) and (2020) 01-201-26-294-363 (\$403,625.00); and

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

1. The Township Council hereby awards a contract to Morton Salt, Inc. for rock salt in an amount not to exceed \$678,625.00.
2. The Mayor and Acting Township Clerk are hereby authorized and directed to execute a contract with Morton Salt, Inc. 444 W. Lake Street, Suite 3000, Chicago, IL 60606 in accordance with its bid for rock salt.
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 Municipal Clerk.

Adopted: September 18, 2019

Agenda No. XII 7

~ Resolution 2019 – 268 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE INSTALLATION OF ONE (1) 10' HI-WAY STAINLESS STEEL DUMP BODY & HOIST ONTO THE 2015 KENWORTH T-370 4X4 CHASSIS THROUGH SOURCEWELL (FORMERLY NJPA) CONTRACT #080114 MTE THROUGH CLIFFSIDE BODY CORP.

WHEREAS, the Township of West Milford became a member of Sourcewell (formerly the National Joint Powers Alliance-NJPA) by virtue of Resolution 2014-354 adopted November 12, 2014; and

WHEREAS, the Township wishes to install one (1) 10' Hi-Way Stainless Steel Dump Body & Hoist onto the newly purchased 2015 Kenworth T-370 4x4 Chassis; and

WHEREAS, the Township's Director of Public Works has provided a recommendation for this purchase through Sourcewell Contract No. 080114 MTE through Cliffside Body Corp.; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for this purchase, said funds to be encumbered from Account # C 04-215-55-831-003; and

WHEREAS, the total amount of the contract shall not exceed \$28,791.00.

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

1. The Township Council hereby authorizes the Township's Director of Public Works to proceed with the installation of one (1) 10' Hi-Way Stainless Steel Dump Body & Hoist onto the newly purchased 2015 Kenworth T-370 4x4 Chassis, in an amount not to exceed

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2. \$28,791.00, through Sourcewell Contract No. 080114 MTE through Cliffside Body Corp., 130 Broad Avenue, Fairview, NJ 07022
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 Acting Township Clerk.

Adopted: September 18, 2019

Agenda No. XII 8

~ Resolution 2019 – 269 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PURCHASE FOR GUIDE RAIL THROUGH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL - CONTRACT #26: BEAM GUIDE RAIL & SAFETY ENDS (INSTALLED) TO J. FLETCHER CREAMER & SON, INC.

WHEREAS, the Township of West Milford is a member of the Morris County Cooperative Pricing Council (State Identifier Number 6MOCCP); and

WHEREAS, the Morris County Cooperative Pricing Council has awarded Contract #26: Beam Guide Rail & Safety Ends (Installed) to J. Fletcher Creamer & Son, 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 the purchase for Guide Rail to J. Fletcher Creamer & Son, Inc., utilizing the Morris County Cooperative Pricing Council - Contract #26: Beam Guide Rail & Safety Ends (Installed); and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this purchase, said funds are to be encumbered from accounts numbered 19-295-56-120-505 and 04-215-55-829-002; and

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

1. The Township Council hereby authorizes the award for the purchase through the Morris County Cooperative Pricing Council - Contract #26: Beam Guide Rail & Safety Ends (Installed) to J. Fletcher Creamer & Son, Inc. in an amount not to exceed \$37,000.00.
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 Engineering Division.

Adopted: September 18, 2019

Agenda No. XII 9

~ Resolution 2019 – 270 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE THROUGH THE MORRIS COUNTY CO-OP CONTRACT #15-A; ITEM #6 FOR FIVE (5) 2020 POLICE INTERCEPTOR UTILITY VEHICLES FROM BEYER FORD

WHEREAS, the Township wishes to purchase five (5) 2020 Police Interceptor Utility vehicles; and

WHEREAS, The Township Acting Chief of Police has provided a recommendation to award this contract through the Morris County Co-op #15-A; Item #6 to Beyer Ford; and

WHEREAS, the total amount of the contracts shall not exceed \$163,495.20; 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: 01-201-25-240-900.

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

1. The Township Council hereby authorizes the Township Chief of Police to purchase five (5) 2020 Police Interceptor Utility vehicles, in an amount not to exceed \$163,495.20, through

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- Morris County Co-op #15-A; Item #6 from Beyer Ford, 170 Ridgedale Avenue, Morristown, NJ 07960.
2. The Township Chief Financial Officer has certified the availability of funds for same.
 3. The equipment and changeovers for five (5) 2020 Police Interceptor Utility Vehicles be submitted by future resolution.

Adopted: September 18, 2019
Agenda No. XII 10

~ Resolution 2019 – 271 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING AN INCREASE FOR THE CONTRACT FOR SOCCER FIELD LIGHTING THROUGH SOUCEWELL CONTRACT NO. 082114-MSL FROM MUSCO SPORTS LIGHTING FOR AN OVERALL INCREASE NOT TO EXCEED \$5,500

WHEREAS, by virtue of Resolution 2019-127 adopted April 24, 2019 the Township Council did authorize the award of a contract through the NJ Cooperative Purchasing program for the installation of field lighting at Nosenzo Park to Musco Sports Lighting; and

WHEREAS, the Director of Community Services & Recreation has advised that an additional \$5,500 is necessary to cover the cost to remove rocks discovered while trenching for the installation of underground cables and for casing required to prevent water infiltration in the pole foundation casings; and

WHEREAS the Director of Community Services and Recreation and the Interim Township Administrator concur that the site conditions are correct; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds and encumbrances for this purchase shall come from account number 19-295-56-120-221.

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

1. The Township Council hereby authorizes an additional \$5,500.00 to be expended through Sourcewell Contract No. 082114-MSL to Musco sports lighting for excess rock and soil conditions thereby increasing the not to exceed amount for these purchases from \$266,150.00 to \$271,650.00.
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 Municipal Clerk.

Adopted: September 18, 2019
Agenda No. XII 11

~ Resolution 2019 – 272 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY 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 payroll account checks have been outstanding for a period in excess of six months.

DATE	CHECK #	AMOUNT
04/2017	64928	\$36.74
07/2017	66406	\$37.44
08/2017	66911	\$631.53
09/2017	67138	\$367.39
10/2017	67547	\$60.98
10/2017	67725	\$5,989.61
12/2017	68815	\$499.34
02/2018	69609	\$66.59
05/2018	70612	\$34.44
06/2018	71393	\$27.56
07/2018	71769	\$529.66
08/2018	72019	\$225.61
TOTAL		\$8,506.89

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

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Agenda No. XII 12

~ Resolution 2019 – 273 ~

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

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

Name & Address	Road Project	Account #	Amount of Escrow Deposit	Amount of Refund
Regal Utility Services 731 Warwick Turnpike Hewitt, NJ 07421	Ridge Road Section 3, Contract 5	19-295-56-140-347	\$591.45	\$591.45

Adopted: September 18, 2019

Agenda No. XII 13

~ Resolution 2019 – 274 ~

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
17-0035	10/10/2017	07617-008	\$50,407.69	FIG CAPITAL INVESTMENTS NJ13; LLC 1000 RIVERSIDE AVE SUTIE JACKSONVILLE, FL 32204
17-0040	10/10/2017	07801-033.03	\$30,488.61	FIG CAPITAL INVESTMENTS NJ13; LLC 1000 RIVERSIDE AVE SUTIE JACKSONVILLE, FL 32204
17-0053	10/10/2017	11302-019	\$53,111.13	FNA DZ, LLC 120 N LASALLE ST; SUITE 1 CHICAGO, IL 60602
TOTAL			\$134,007.43	

Adopted: September 18, 2019

Agenda No. XII 14

~ Resolution 2019 – 275 ~

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 | 10. Reduced Assessment |

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Block/Lot	Name	Amount	Year	Reason
1101-8	Lakeland Bank 250 Oak Ridge Road Oak Ridge, NJ 07438	\$2,169.00	2019	2
1701-26.02	CoreLogic Centralized Refunds PO Box 9202 Coppell, TX 75019-9978	\$1,295.00	2019	2
1915-5	CoreLogic Centralized Refunds PO Box 9202 Coppell, TX 75019-9978	\$1,578.00	2019	2
2001-18	CoreLogic Centralized Refunds PO Box 9202 Coppell, TX 75019-9978	\$1,962.00	2019	2
2015-8	CoreLogic Centralized Refunds PO Box 9202 Coppell, TX 75019-9978	\$2,272.00	2019	2
3006-8	CoreLogic Centralized Refunds PO Box 9202 Coppell, TX 75019-9978	\$1,677.00	2019	2
3201-12	CoreLogic Centralized Refunds PO Box 9202 Coppell, TX 75019-9978	\$152.00	2019	2
4102-4	Lakeland Bank 250 Oak Ridge Road Oak Ridge, NJ 07438	\$5,385.00	2019	2
4903-14	Globalserve Title Agency 1981 Marcus Avenue Suite E 123 Lake Success, NY 11024	\$2,804.00	2019	2
5101-20	CoreLogic Centralized Refunds PO Box 9202 Coppell, TX 75019-9978	\$2,576.00	2019	2
5311-2.12	CoreLogic Centralized Refunds PO Box 9202 Coppell, TX 75019-9978	\$663.00	2019	2
5316-2.17	CoreLogic Centralized Refunds PO Box 9202 Coppell, TX 75019-9978	\$953.00	2019	2
6101-25	Guardian Title Services, LLC 345 Centre St. Suite 2 Nutley, NJ 07110	\$2,550.00	2019	2
6201-14	Advantage Title Agency, Inc. 301 E. Hanover Avenue Ste. 1 Morristown, NJ 07960	\$2,038.00	2019	2
7801-30.08	Cardinal Title Agency, Inc. 19 Stonewall Court Ringwood, NJ 07456	\$1,958.00	2019	2
8101-27	CoreLogic Centralized Refunds PO Box 9202 Coppell, TX 75019-9978	\$2,022.00	2019	2
12208-34	Wayne A. Stahlmann, Esq. 198 Boulevard Hasbrouck Heights, NJ 07604	\$1,355.00	2019	2
14601-005.03	Key Settlements, Inc. 3599 Route 46 Parsippany, NJ 07054	\$3,865.00	2019	2
	TOTAL	\$37,274.00		

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~ Resolution 2019 – 276 ~

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

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

Fall Recreation Soccer		
Joshua	\$70.00	Jeff Abdallah 948 Union Valley Road West Milford, NJ 07480
Soccer Squirts		
Autumn Macedo-DeSousa	\$124.00	Ana Macedo 19 Monmouth Ave West Milford, NJ 07480
Fall Challenger Recreation Soccer		
Ava	\$30.00	Anna Willekes 50 Oxbow Lane Newfoundland, NJ 07435
Fall Recreation Soccer		
Christopher	\$70.00	Amy Tatro 3036 Route 23 Oak Ridge, NJ 07438
Sr Chair Aerobics w/Bess		
Janice	\$30.00	Janice Hantman 4309 Richmond Road West Milford, NJ 07480

Adopted: September 18, 2019

Agenda No. XII 16

~ Resolution 2019 – 277 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF STREET OPENING BOND FEE

BE IT RESOLVED, that the following street opening bond fee upon the recommendation of the Township Engineering Department be refunded:

Receipt No.	Refund Amount	Refund to	Street Excavation Project Permit No.
963699	\$100.00	Patrick Patrovits 25 Center Street West Milford, NJ 07480	25 Center Street 2019-07

Adopted: September 18, 2019

Agenda No. XII 17

~ Resolution 2019 – 278 ~

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**

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BLOCK/LOT	NAME	AMOUNT	YEAR
7212-9	Glen & Marianne Carter	\$2,895.00	2019
10803-12	Sentex Settlement Services for Montoya, S. & D.	\$,2034.00	2019
401-5	Mary Vitale	\$2,065.00	2019
302-5.01	Green River Capital for Federal National Associates	\$2,212.62	2019
4801-16	Brian & Jennifer Russell	\$3,306.00	2019
5316-2.18	Theresa Nastory	\$1,194.00	2019
4201-29	Andrew Christie	\$2,743.03	2019
7201-1	Donna Chamberlain	\$4,997.14	2019
4301-8	Thomas Mc Quaid	\$77.21	2019
4301-9	Thomas Mc Quaid	\$3,099.52	2019
4002-4	Darlene Gauer	\$3,575.34	2018/2019
14602-002	Richard Zampella	\$21,268.59	2018
14602-002	Richard Zampella	\$7,500.00	2018
TOTAL		\$56,967.42	

Adopted: September 18, 2019

Agenda No. XII 18

~ Resolution 2019 – 279 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY RESCINDING RESOLUTION 2019-259 RENEWING A POCKET (INACTIVE) PLENARY RETAIL CONSUMPTION LICENSE 1615-33-030-009

WHEREAS, Sahanas Liquor Inc. license #1615-33-030-009 has received a Special Ruling from the Director of ABC pursuant to N.J.S.A. 33:1-12.18 to issue a new license and N.J.S.A. 33:1-12.39 for the license term 2019-2020; and

WHEREAS pursuant to N.J.A.C. 13:2-2.5 a requirement of the licensee is to make publication of the issuance of the Special Ruling granted by the Director of ABC that was not satisfied; and

WHEREAS, license #1615-33-030-009 was unintentionally renewed by Resolution 2019-259 adopted on September 4, 2019

NOW THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford hereby rescinds Resolution 2019-259 approving the renewal of Plenary Retail Consumption License 1615-33-030-009 for the 2019-2020 term until proof of publication is fulfilled and a resolution for renewal can be resubmitted.

Adopted: September 18, 2019

Moved: Erik Seconded: Lichtenberg
 Voted Aye: Erik, Pegel, Lichtenberg, McGuinness, Signorino, Gerst
 Voted Nay: None
 Motion Carried:

Agenda No. XIII

Approval of Expenditures

~ Resolution 2019 – 280 ~

RESOLUTION APPROVING THE PAYMENT OF BILLS

WHEREAS, the Township Treasurer has submitted to the members of the Township Council a report listing individual disbursement checks prepared by 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	\$257,625.60
3	Reserve Account	1,452.00
2	Grants	1,723.94
6	Refunds	173,739.43
1	General Ledger	0.00

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26	Refuse	0.00
4	Capital	0.00
19	Animal Control	0.00
19	Heritage Trust	0.00
19	Open Space Trust	0.00
19	Trust	6,860.55
19	Scala Trust	0.00
16	Development Escrow	5,564.80
19	Tax Sale Trust	0.00
21	Assessment Trust	0.00
	Special Reserve	0.00
Total		\$446,966.32
Less Refund Resolution		-173,739.43
Actual Bills List		\$273,226.89
Other Payments		
Payroll		546,585.13
WMBOE		4,698,607.00
Total Expenditures		\$5,518,419.02

Adopted: September 18, 2019

 Moved: Erik Seconded: McGuinness
 Voted Aye: Erik, Pegel, Lichtenberg, McGuinness, Signorino, Gerst
 Voted Nay: None
 Motion Carried:

Agenda No. VII

Executive Session

~ Resolution 2019 – 262 ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 18th day of September, 2019 that:

1. Prior to the conclusion of this **Regular Meeting**, the Governing Body shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
 - () b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
 - () b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
 - () b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
 - () b. (4) A collective bargaining agreement including negotiations
 - () b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
 - () b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
 - (X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
 - Attorney Client Privilege - Council on Mandates
 - Attorney Client Privilege – Distribution Licenses
 - Contract Negotiations – Shared Services
 - () 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 18, 2019

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Moved: McGuinness Seconded: Gerst
Voted Aye: Erik, Pegel, Lichtenberg, McGuinness, Signorino, Gerst
Voted Nay: None
Motion Carried:

The Governing Body went into executive session at 6:45 p.m.
The Governing Body returned to the public meeting at 7:33 p.m.
Mayor Dale left executive session at 7:15 p.m. and did not return to the public meeting.

Agenda No. VIII

Official Communication

1.	<p>Letter from the Lakeside Community Club Association: Council President McGuinness opened the meeting to the public to speak to this matter only.</p> <p><u>Dan, 66 Kushagua Trail North</u> – Noted that he is President of the Lakeside Community Club in Hewitt. He said their beaches have been shut down since July 19, 2019 and they were not provided notice at that time that they had the right to file an appeal. He explained that he operates a nonprofit business and because of the beach being closed he had to cancel his 150th Anniversary plans because he did not have access to his lake. He believes the beaches were closed under false pretenses. He said the same thing is going to happen next year and they need to do something about it. They provided enough documentation proving that the beaches should not have been closed. They stand in unity and urged the Council to stand behind them as they continue their fight.</p> <p>Councilman Signorino said he believes that the Council is in unity to support the residents. Council President McGuinness said they will not be shutting down the beaches unless the State closes them. The Township will post advisories. Mr. Semrau noted that the Township sent the appeal to the New Jersey Department of Health. He explained that the Township was directed by the New Jersey Department of Health to close the beaches. He said the Mayor and Council agreed that the Township will not close the beaches. It was not a decision made by the Township Health Department to close the beaches. He noted that the Mayor also put that in writing.</p>
2.	Appointment to the Wanaque Valley Regional Sewer Authority: No discussion.

Agenda No. IX

Unfinished Business, Final Passage of Ordinances

Agenda No. IX 1

~ Ordinance 2019 – 014 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING A SPECIAL ASSESSMENT TO ENSURE THE COLLECTION AND PROPER ADMINISTRATION AND REPAYMENT OF THE LOAN MONIES TO THE 2019 UPPER CREST LAKE DAM RESTORATION LOAN FUND AND/OR NJDEP PURSUANT TO DAM RESTORATION & INLAND WATER LOAN PROGRAM

WHEREAS, the Upper Crest Lake Dam in West Milford Township is owned by the Farm Crest Acres Associations, Inc. (the "Association") and has been determined to be in need of certain repairs, improvements and/or restoration to be brought up to standards in compliance with the New Jersey Dam Safety Standards, N.J.A.C. 7:20-1.1 et seq.; and

WHEREAS, the Association has applied for a long-term, low interest loan to the State of New Jersey for six hundred thousand dollars (\$600,000.00) to finance repairs and renovations to the Upper Crest Lake Dam; and

WHEREAS, on May 22, 2019, the Mayor and Township Council passed a resolution authorizing the execution of a loan agreement between the State of New Jersey Department of Environmental Protection, the Farm Crest Acres Association Inc. and the Township of West Milford for the Upper Crest Lake Dam; and

WHEREAS, N.J.A.C. 7:24A-1 et seq. requires the Township of West Milford to serve as co-applicant with Farm Crest Acres Association, Inc.; and

WHEREAS, the 2003 Dam Bond Act, allocated ninety-five million (\$95,000,000.00) dollars to the 2003 Dam, Lake, and Stream Revolving Loan Fund, a revolving, non-lapsing fund ("2003 Fund") to

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provide loans, subject to the regulations set forth in Dam Restoration and Inland Waters Loan Program N.J.A.C. 7:24A-1.1 et seq., payable over twenty years (20), at two percent (2%) interest, to private lake associations, such as the Farm Crest Acres Association, Inc. to accomplish dam rehabilitation projects: and

WHEREAS, subsequently the Association applied for a low interest loan under the State of New Jersey acting by and through the New Jersey DEP Loan Program with the Township acting as co-applicant; and

WHEREAS, pursuant to the submitted loan application, the State of New Jersey has estimated the cost of the actual work on the dam to be approximately \$600,000; and

WHEREAS, the 2003 Dam Bond Act specifically provides:

The cost of payment of the principal and interest on any loan made to the owner of a private dam, or to a private lake association, as a co-applicant with a local government unit, **shall be assessed**, in the same manner as provided for the assessment of local improvements generally under chapter 56 of Title 40 of the Revised Statutes, **against the real estate benefited thereby in proportion to and not in excess of the benefits conferred**, and such assessments shall bear interest and penalties from the same time and at the same rate as assessments for local improvements in the municipality where they are imposed, and from the date of confirmation shall be a first and paramount lien upon the real estate assessed to the same extent, and be enforced and collected in the same manner, as assessments for local improvements. **P.L.2003, Chapter 162, 5f(1)**. and;

WHEREAS, as part of the application process, the Township requires that the Association execute a Co-Borrower Agreement for the Upper Crest Lake Dam Rehabilitation Project; and

WHEREAS, the parties have negotiated an acceptable Co-Borrower Agreement for the loan which requires that repayment be through a special assessment administered by the Township; and

WHEREAS, the final costs of the project will not be determined until the dam repairs and renovations to Upper Crest Lake Dam are complete.

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

SECTION 1. The assessments levied under this Ordinance shall include any and all of the reasonable and necessary costs incurred in connection with the Lower Crest Lake Dam rehabilitation project, including but not limited to the repayment of the loan monies, the interest thereon, the special assessment process, administrative expenses, any associated penalties, late payments and other charges imposed in connection therewith, as provided under **P.L.2003, Chapter 162, 3**. An estimate of costs relating to this project is attached hereto as Exhibit A.

SECTION 2. The Acting Township Clerk shall cause a notice of this proposed assessment to be mailed to the owner(s) of real estate impacted by the special assessment prior to the commencement of the Farm Crest Acres Association, Inc. repair and renovation project. The notice shall contain a description of the property impacted sufficiently to identify it. Such notice shall be served in accordance with the law and proof of service shall be filed with the tax office within ten (10) days after such service. A copy of the list of affected property owners is attached to this Ordinance as Exhibit B.

SECTION 3. The Township Administrator and Mayor are authorized to execute the Co-Borrower Agreement in connection with the Upper Crest Lake Dam Rehabilitation loan.

SECTION 4. The special assessment assessed against each impacted property shall constitute a first and paramount lien as provided for in **P.L.2003, Chapter 162, 5f(1)**.

SECTION 5. 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 6. All ordinances or parts of ordinances which are inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

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

SECTION 8. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

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Introduced: August 14, 2019
Adopted: September 18, 2019
Effective Date: October 8, 2019

This Ordinance was introduced August 14, 2019 and the Notice of Public Hearing was published in the Herald News on August 18, 2019. The Governing Body will open the meeting to the public to speak to this ordinance only.

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

Motion to adopt Ordinance 2019-014

Moved: Signorino Seconded: Erik
Voted Aye: Erik, Pegel, Lichtenberg, McGuinness, Signorino, Gerst
Voted Nay: None
Motion Carried:

Agenda No. IX 2

~ Ordinance 2019 – 015 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING A SPECIAL ASSESSMENT TO ENSURE THE COLLECTION AND PROPER ADMINISTRATION AND REPAYMENT OF THE LOAN MONIES TO THE 2019 LOWER CREST LAKE DAM RESTORATION LOAN FUND AND/OR NJDEP PURSUANT TO DAM RESTORATION & INLAND WATER LOAN PROGRAM

WHEREAS, the Lower Crest Lake Dam in West Milford Township is owned by the Farm Crest Acres Associations, Inc. (the "Association") and has been determined to be in need of certain repairs, improvements and/or restoration to be brought up to standards in compliance with the New Jersey Dam Safety Standards, N.J.A.C. 7:20-1.1 et seq.; and

WHEREAS, the Association has applied for a long-term, low interest loan to the State of New Jersey for four hundred and eighty thousand dollars (\$480,000.00) to finance repairs and renovations to the Lower Crest Lake Dam; and

WHEREAS, on May 22, 2019, the Mayor and Township Council passed a resolution authorizing the execution of a loan agreement between the State of New Jersey Department of Environmental Protection, the Farm Crest Acres Association Inc. and the Township of West Milford for the Lower Crest Lake Dam; and

WHEREAS, N.J.A.C. 7:24A-1 et seq. requires the Township of West Milford to serve as co-applicant with Farm Crest Acres Association, Inc.; and

WHEREAS, the 2003 Dam Bond Act, allocated ninety-five million (\$95,000,000.00) dollars to the 2003 Dam, Lake, and Stream Revolving Loan Fund, a revolving, non-lapsing fund ("2003 Fund") to provide loans, subject to the regulations set forth in Dam Restoration and Inland Waters Loan Program N.J.A.C. 7:24A-1.1 et seq., payable over twenty years (20), at two percent (2%) interest, to private lake associations, such as the Farm Crest Acres Association, Inc. to accomplish dam rehabilitation projects; and

WHEREAS, subsequently the Association applied for a low interest loan under the State of New Jersey acting by and through the New Jersey DEP Loan Program with the Township acting as co-applicant; and

WHEREAS, pursuant to the submitted loan application, the State of New Jersey has estimated the cost of the actual work on the dam to be approximately \$480,000; and

WHEREAS, the 2003 Dam Bond Act specifically provides:

The cost of payment of the principal and interest on any loan made to the owner of a private dam, or to a private lake association, as a co-applicant with a local government unit, **shall be assessed**, in the same manner as provided for the assessment of local improvements generally under chapter 56 of Title 40 of the Revised Statutes, **against the real estate benefited thereby in proportion to and not in excess of the benefits conferred**, and such assessments shall bear interest and penalties from the same time and at the same rate as assessments for local improvements in the municipality where they are imposed, and from the date of confirmation shall be a first and paramount lien upon the

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real estate assessed to the same extent, and be enforced and collected in the same manner, as assessments for local improvements. **P.L.2003, Chapter 162, 5f(1)**; and;

WHEREAS, as part of the application process, the Township requires that the Association execute a Co-Borrower Agreement for the Lower Crest Lake Dam Rehabilitation Project; and

WHEREAS, the parties have negotiated an acceptable Co-Borrower Agreement for the loan which requires that repayment be through a special assessment administered by the Township; and

WHEREAS, the final costs of the project will not be determined until the dam repairs and renovations to Lower Crest Lake Dam are complete.

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

SECTION 1. The assessments levied under this Ordinance shall include any and all of the reasonable and necessary costs incurred in connection with the Lower Crest Lake Dam rehabilitation project, including but not limited to the repayment of the loan monies, the interest thereon, the special assessment process, administrative expenses, any associated penalties, late payments and other charges imposed in connection therewith, as provided under **P.L.2003, Chapter 162, 3**. An estimate of costs relating to this project is attached hereto as Exhibit A.

SECTION 2. The Acting Township Clerk shall cause a notice of this proposed assessment to be mailed to the owner(s) of real estate impacted by the special assessment prior to the commencement of the Farm Crest Acres Association, Inc. repair and renovation project. The notice shall contain a description of the property impacted sufficiently to identify it. Such notice shall be served in accordance with the law and proof of service shall be filed with the tax office within ten (10) days after such service. A copy of the list of affected property owners is attached to this Ordinance as Exhibit B.

SECTION 3. The Township Administrator and Mayor are authorized to execute the Co-Borrower Agreement in connection with the Lower Crest Lake Dam Rehabilitation loan.

SECTION 4. The special assessment assessed against each impacted property shall constitute a first and paramount lien as provided for in **P.L.2003, Chapter 162, 5f(1)**.

SECTION 5. 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 6. All ordinances or parts of ordinances which are inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

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

SECTION 8. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

Introduced: August 14, 2019
Adopted: September 18, 2019
Effective Date: October 8, 2019

This Ordinance was introduced August 14, 2019 and the Notice of Public Hearing was published in the Herald News on August 18, 2019. The Governing Body will open the meeting to the public to speak to 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 2019-015

Moved: Signorino Seconded: Lichtenberg
Voted Aye: Erik, Pegel, Lichtenberg, McGuinness, Signorino, Gerst
Voted Nay: None
Motion Carried:

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Agenda No. IX 3

~ Ordinance 2019 – 016 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING SECTION 10-9 YIELD INTERSECTIONS, OF CHAPTER 10 TRAFFIC, OF THE CODE OF THE TOWNSHIP OF WEST MILFORD, BY AUTHORIZING THE ERECTION OF A YIELD SIGN ON HIGH CREST DRIVE AND UPPER HIGH CREST ROAD

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

SECTION 1. Section 10-9 Yield Intersections, of Chapter 10 Traffic, of the Code of the Township of West Milford, shall be amended and supplemented by the addition of the following:

Name of Street	Yield Sign installed on
High Crest Drive and Upper High Crest Road	High Crest Drive on the northwesterly approach facing northbound traffic

SECTION 2. Regulatory signs shall be erected to affect the above designated yield intersection.

SECTION 3. If any section, subsection, clause or phrase of this ordinance shall be held unconstitutional or 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 or parts of 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. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

Introduced: September 4, 2019
Adopted: September 18, 2019
Effective Date: October 8, 2019

This Ordinance was introduced September 4, 2019 and the Notice of Public Hearing was published in the Herald News on September 8, 2019. The Governing Body will open the meeting to the public to speak to 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 2019-016

Moved: Lichtenberg Seconded: Signorino
Voted Aye: Erik, Pegel, Lichtenberg, McGuinness, Signorino, Gerst
Voted Nay: None
Motion Carried:

Agenda No. X

Public Comments

Council President McGuinness opened the meeting to the public after advising that there is a five-minute limit for each speaker.

Dan Sperry, 9 Windbeam Ave – Thanked the Council for fully restoring his faith in local government. He appreciates the help from the Council regarding the closure of the beaches. It was nice to see that in writing and hopefully the State will get their act together and do the right thing.

Renee Alessio, Upper Greenwood Lake – Noted that she is representing Sustainable West Milford. She expressed her concerns about the herbicides that are being sprayed in the Township. She noted that she sent a letter via email to the Council. She said the Township looks scorched and the herbicides are washing into the watershed. There have been studies that the herbicides contribute to the algae bloom. She asked the Council to ban the herbicide spraying. She said there are some alternatives and she included them in the email that she sent to the Council.

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Robin Bennett, 41 Terra Cotta Road – Noted that she is in support of what Renee was speaking of. She is on the Board of Sustainable West Milford. She is an herbalist and she observes nature all the time. She expressed her concerns about the herbicide spraying and she is in total support in doing whatever they can to stop the spraying. She said they should take a step further and become a pollinator friendly city. She mentioned that she would be happy to do a presentation for the Council.

Frank Angiulli, Pinecrest Trail – Noted that he has lived in town for 47 years. He said in his life long experience in this town he has never seen anything like this until the spring of 2017. He said the spraying of the herbicides is an appalling abomination of what they stand for. They are here for the same reason; the beautiful nature of the town is one of the most beautiful places in the State. They want to raise their children in town and grow old here. The spraying goes against the grain of what they stand for and they need to take a serious look at this chemical that is proven to be deadly. He feels that there is disconnect between the Township and the County. This is a serious health concern for everyone that lives in town, especially the people with wells.

Pat Sherry, 31 Forest Lake Drive – Expressed her concerned about the Airbnb's and how there needs to be legislation. She spoke about all the problems and concerns that the residents have with the Airbnb's. She noted that several residents in her neighborhood retained a lawyer if they should need one in the future. She mentioned that she is currently under the care of a heart doctor because of all the stress that this has caused her.

Doris Dapper, 44 Old Lakeside Road South – Read a letter from resident Patricia Romano in reference to the Airbnb's. She said she was informed that short term rentals are not permitted and the Zoning Officer will be writing violations accordingly. She expressed that there is a motel on Forest Lake Drive; the house is being rented out by different people every three days.

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

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

Agenda No. XI

Council Comments

Councilwoman Erik – Mentioned that she is an organic gardener and the day the County started spraying she brought this to the forefront. She noted that the County said it is much cheaper to spray, even in manpower. She explained how people became allergic to wheat. She feels that this has fallen on deaf ears.

Councilwoman Pegel – Expressed how she feels about the county spraying and she thanked Ms. Alessio for her letter.

Councilwoman Lichtenberg – Said the Lakes Committee wants to see rules and regulations regarding the Airbnb's and an ordinance for the individual lake committees as well.

Councilwoman Erik – Noted that she has been pushing for an Airbnb ordinance for a long time. The ordinance has to be fair to the residents and the owner of the house. They can't just sit back and do nothing.

Discussion:

Councilman Signorino made a motion to send a letter to the County to cease the herbicide spraying; the Council will be willing to work with them with alternate ways to remediate the issue, seconded by Councilman McGuinness. Councilman Signorino said the easiest solution is always spraying and that does not have to be the answer, especially when there are consequences. Councilwoman Lichtenberg suggested that the County pick up the garbage on the County roads and where they did the spraying. Council President McGuinness asked if they spray for the mosquitos and if that is something they are including in the letter. He would like to leave that out. Councilwoman Erik said she would not include the pesticide for the mosquitos. Councilman Signorino amended his motion to exclude the mosquito pesticide. Council President McGuinness asked for a roll call vote.

Moved: Signorino Seconded: McGuinness
Voted Aye: Erik, Pegel, Lichtenberg, McGuinness, Signorino, Gerst
Voted Nay: None
Motion Carried:

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Councilwoman Gerst – Said she is interested in the presentation for pollinated friendly cities. She requested the information and would like a presentation on a future meeting agenda.

Agenda No. XIV

Reports of Administrator, Mayor and Council Members

Councilwoman Gerst – Asked for a time frame on the milling and paving on Macopin Road. She asked why they have to leave the crater in front of Vreeland; it is super dangerous and it's going to cause accidents. She thanked everyone that came to the Nosenzo Pond Lighting Ceremony. She said, as a Council, they need to look into recognizing Township employees who serve over 40 years.

Councilman Signorino – Said the Nosenzo Pond project turned out lovely and he encouraged residents to visit the park.

Councilman McGuinness – Spoke about the Nosenzo Pond project, thanked everyone who helped and congratulated Mr. Reilly. He noted that the 911 Ceremony was very nice.

Councilwoman Lichtenberg – Thanked Fire Company 6 for their 75 years of service. She noted various events and the dates and times.

Councilwoman Pegel – Thanked the Police Department for their assistance during the 911 Ceremony. She said the Paul Reilly Ceremony at Nosenzo Pond Park was beautiful. She encouraged everyone to visit the park.

Councilwoman Erik – Asked Mr. Casey to include Councilwoman Lichtenberg's suggestion and ask the County to pick up the garbage on the roads where they sprayed the herbicides. She noted that tomorrow night at 7:00 p.m., there is a meeting on the Green Meadows topic in the High School auditorium.

Mr. Semrau – Noted that there is no significant pending litigation. He said the Council is going to vote on a resolution to authorize to put out to bid three distribution licenses. He read the resolution proposing it.

~ Resolution 2019 – 282 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY INDICATING AN INTENT TO ISSUE UP TO THREE NEW PLENARY RETAIL DISTRIBUTION LIQUOR LICENSES IN ACCORDANCE WITH N.J.S.A. 33:1-19.3 THROUGH 19.6

WHEREAS, currently there are no active plenary retail distribution licenses within the Township of West Milford; and

WHEREAS, the Governing Body had previously adopted ordinances which amend the Township Code to allow for up to three (3) plenary retail distribution licenses within the Township; and

WHEREAS, the Mayor and Township Council have ascertained that they have the authority to issue up to three (3) plenary retail distribution liquor licenses under N.J.S.A. 33:1-12.14, the "Population Cap" Law; and

WHEREAS, the 2010 US Census Bureau conducted a count of the population in the United States and have determined that the population in West Milford is 25,850 persons; and

WHEREAS, N.J.S.A. 33:1-12.14 authorizes New Jersey municipalities to issue new plenary retail distribution licenses as long as the number of such licenses is fewer than one (1) for each 7,500 of its population based on the most recent Federal census; and

WHEREAS, the Mayor and Township Council of the Township of West Milford hereby advises of its intent to issue up to three (3) new plenary retail distribution licenses and accept applications, bid deposits, and sealed bids; and

WHEREAS, all bidders must be qualified to have an interest in a retail license under the standards set forth in the Alcoholic Beverage Control Act and regulations thereunder N.J.S.A. 33:1-1 et seq. and N.J.A.C. 13:2-1.1 et seq., the West Milford Township Code and all applicable local ordinances; and

WHEREAS, the Mayor and Township Council will award the licenses to the highest qualified bidders; and

WHEREAS, all bids must be submitted in a sealed envelope clearly marked "Distribution License Bid" for each license and addressed to the Acting Township Clerk, 1480 Union Valley Road, West Milford, NJ 07480; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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WHEREAS, all bidders must submit a non-refundable application fee in the amount of \$50 for each license they are bidding on by check made payable to the "Township of West Milford" with the bid; and

WHEREAS, the minimum bid for each license is hereby established as not less than \$200,000; and

WHEREAS, within five (5) days of the adoption of a resolution by the West Milford Governing Body accepting the highest qualified bid for each license, the successful bidder for each license must present a check to the municipal clerk, made payable to the "Township of West Milford" in an amount equal to fifty percent (50%) of the bid amount as a good faith deposit. The ultimate issuance of each license is subject to the payment of the balance of the bid price, payment of the annual State and municipal licensing fees and the outcome of an investigation of the source of funds and criminal background checks to be conducted by the West Milford Police Department, as well as compliance with all regulations concerning issuance of a license in N.J.A.C. 13:2-2.1 et seq.; and

WHEREAS, the West Milford Governing Body reserves the right to reject all bids if the highest bid for each license is not accepted.

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 Acting Township Clerk be and is hereby directed to take any and all steps necessary to effectuate the immediate issuance of up to three (3) new Retail Distribution Liquor Licenses in accordance with N.J.S.A. 33:1-19.3 through 19.6; and

BE IT FURTHER RESOLVED, the West Milford Governing Body reserves the right to reject all bids for each license if the highest bid is not accepted.

BE IT FURTHER RESOLVED, that the Acting Township Clerk is hereby authorized to advertise in accordance with the law for bids for up to three (3) separate new plenary retail distribution licenses, with a minimum bid of \$200,000 for each license.

Adopted: September 18, 2019

Moved: Signorino Seconded: Gerst
Voted Aye: Erik, Pegel, Lichtenberg, McGuinness, Signorino, Gerst
Voted Nay: None
Motion Carried:

Agenda No. XV

Appointments and Resignations

~ Resolution 2019 – 281 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY TO CREATE A VACANCY ON THE WANAQUE VALLEY REGIONAL SEWERAGE AUTHORITY BOARD OF COMMISSIONERS – WEST MILFORD TOWNSHIP CITIZEN REPRESENTATIVE

BE IT RESOLVED, by the Township Council of the Township of West Milford that they do hereby vacate the position held by Mr. Michael Siesta on the Wanaque Valley Regional Sewerage Authority due to Mr. Siesta relocating out of town.

Name	Position
Michael Siesta	Citizen Member Wanaque Valley Regional Sewerage Authority Term expires 01/31/19

Adopted: September 18, 2019

Moved: Signorino Seconded: Gerst
Voted Aye: Erik, Pegel, Lichtenberg, McGuinness, Signorino, Gerst
Voted Nay: None
Motion Carried:

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Adjournment

There being no further business to come before the Council, the Governing Body adjourned the meeting at 8:55 p.m.

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

Approved: October 2, 2019

Respectfully submitted:

Sherry Zbrzeski, Keyboarding Clerk I

MICHELE DALE, MAYOR

DIANE CURCIO, ACTING TOWNSHIP CLERK