

TOWNSHIP OF WEST MILFORD

THE FOLLOWING COMPRISES THOSE DOCUMENTS
SUBMITTED TO THE TOWNSHIP COUNCIL FOR
CONSIDERATION AND ACTION AT THE NOVEMBER 1, 2019
REGULARLY SCHEDULED WORKSHOP & REGULAR
MEETING.

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

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

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

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

Township of West Milford

Passaic County, New Jersey

~ Resolution 2019 – 316 ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 6th day of November, 2019 that:

1. Prior to the conclusion of this Workshop/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.
 - Contract Negotiations – Bargaining Unit
 - () 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: November 6, 2019

Adopted this 6th day of November, 2019
and certified as a true copy of an original.

Diane Curcio, Acting Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Ordinance 2019 – 018 ~

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

BE IT ORDAINED by the Municipal Council of the Township of West Milford, County of Passaic, State of New Jersey, that Section §135-6, Police Department Records be amended to read as follows:

§ 135-6 Police Department records.

- G.** Fees for accident reports. The fee for providing a copy of an accident report through the mail, by the West Milford Police Department, shall be \$5.00

The Police Department is authorized to charge the following fees:

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

Introduced: October 2, 2019

Adopted:

Effective Date:

ATTEST

TOWNSHIP OF WEST MILFORD
COUNTY OF PASSAIC
STATE OF NEW JERSEY

Diane Curcio, Acting Township Clerk

By: _____
Michele Dale, Mayor

Township of West Milford

Passaic County, New Jersey

~ Ordinance 2019 – 019 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY TO SUPPLEMENT AND AMEND PORTIONS OF §CHAPTER 33, PERSONNEL, ARTICLE XI, CRIMINAL BACKGROUND CHECKS OF EMPLOYEES AND VOLUNTEERS OF NONPROFIT YOUTH-SERVING ORGANIZATIONS, TO PROVIDE AN ALTERNATE INVESTIGATIVE MECHANISM

WHEREAS the Director of the Department of Community Services and Recreation, the Acting Police Chief, and the Township Administrator have recommended revisions to the current regulations governing criminal background checks of employees and volunteers of nonprofit youth serving organizations; and

WHEREAS the Mayor and Council have reviewed said revisions and believe that the changes promote public safety and are in the public interest by making the existing background check process less burdensome on the volunteers and the Township staff while still providing the desired assurance of the integrity of the volunteers who assist in youth sports

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Township of West Milford, County of Passaic, N.J. that:

Section 1. ARTICLE X1: CRIMINAL BACKGROUND CHECKS OF EMPLOYEES AND VOLUNTEERS OF NON PROFIT YOUTH SERVING ORGANIZATIONS, Subsections 33, 35 37 are hereby amended to read as follows:

33-33 Request for background checks

A. The Township of West Milford requires that all employees and volunteers of youth-serving organizations involved in sponsored programs and/or utilizing the Township's recreational facilities request through the West Milford Township Department of Community Services and Recreation that a criminal history background check on each prospective and current coach of nonprofit youth-serving organizations be performed. No person will be permitted to act as an employee or volunteer until the results of the background checks have been received and reviewed by the Administrator of the Township;

Said background check will be in accordance with:

1. the State Bureau of Identification in accordance with N.J.A.C. 13:59-1.1 et seq. and with the procedures and guidelines adopted by the VRO; or
 2. an agency approved by the Township Police Chief which conducts a Internet based search of relevant data bases which would indicate all criminal history for an individual comparable to the information obtained from the State Bureau of Identification
- B.** The West Milford Township Department of Community Services and Recreation shall conduct the criminal history record background check(s) only upon receipt of the written consent to the check(s) from the prospective or current employee or volunteer or from the organization itself.
- C.** The VRO or the approved Internet based provider shall advise the Township Department of Community Services and Recreation of the eligibility of the prospective or current coach. Any information received by the Township shall be confidential.
- D.** The organization shall bear the costs for conducting such checks for prospective or current coaches participating in cosponsored programs in accordance with the regulations established by the VRO or approved Internet based agency.

33-35 Submissions; exchange of background check information

- A. Prospective or current employees and volunteers of youth-serving organizations for sponsored programs and/or for utilizing Township recreational facilities shall submit their names, addresses, fingerprints, written consent, and any other necessary information to the organization for the criminal history record background check to be performed. The organization shall submit this documentation to the West Milford Township Department of Community Services and Recreation, which shall coordinate the background check and refer the information to the State Bureau of Investigation or approved Internet based agency for the background check. Thereafter, the Township shall conduct periodic background checks after the date of the initial background check, but not less than every 36 months.
- B. The West Milford Township Police Department shall act as a clearinghouse for the collection and dissemination of information obtained as a result of conducting criminal history record background checks pursuant to this article.

33-37 Determination by Police Department; Appeal Process

- A. The VRO or approved Internet based agency shall make a recommendation based on the provisions of N.J.S.A. 15A:3A-1 et seq. as to whether the prospective or current volunteer coach is being recommended. The VRO or approved Internet based agency will provide the West Milford Township Police Department with a letter of recommendation or nonrecommendation for each individual for whom the VRO or approved Internet based agency completed a background check.
- B. The Department of Community Services and Recreation shall promptly notify a prospective or current employee or volunteer who receives a letter of nonrecommendation from the VRO or approved Internet based agency. Individuals who receive a letter of nonrecommendation from the VRO or approved Internet based agency will not be permitted to participate as an employee or volunteer. Such individuals may obtain a copy of their criminal history record by contacting the VRO or approved Internet based agency in writing. The individuals shall then have 30 days from the receipt of notification from the West Milford Township Department of Community Services and Recreation to petition the appeals committee consisting of the Director of the Township Recreation Department, the Township Administrator and the Township Police Chief for a review and to cite reasons substantiating the review.
- C. Individuals who receive a letter of nonrecommendation from the VRO or approved Internet based agency may be permitted to serve as an employee or volunteer if they affirmatively demonstrate rehabilitation to the appeal committee. In determining whether a person has affirmatively demonstrated clear and convincing evidence of rehabilitation, the appeals committee may consider the following factors in conjunction with the provisions of N.J.S.A. 15A:3A-1 et seq:
 - (1) The nature and responsibility of the position which the convicted person would hold or has held, as the case may be;
 - (2) The nature and seriousness of the offense;
 - (3) The circumstance under which the offense occurred;
 - (4) The date of the offense;
 - (5) The age of the person when the offense was committed;
 - (6) Whether the offense was an isolated or repeated incident;
 - (7) Any social conditions which may have contributed to the offense; and
 - (8) Any evidence of rehabilitation, including good conduct in prison or the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work release programs or the recommendation of those who have had the person under their supervision.
- D. In all instances, the final determination of whether an individual will be permitted to serve as an employee or volunteer utilizing the Township's recreational facilities will lie in the sole discretion of the appeals committee, which must vote unanimously.
- E. The appeals committee shall promptly advise the prospective or current employee or volunteer whether he or she is qualified.

- F. When the Township Department of Community Services and Recreation receives a letter of nonrecommendation from the VRO or approved Internet based agency, the Department of Community Services and Recreation, shall file that letter within its Department, and it shall keep the written notification on file for three years from the date it was issued.
- G. The Department of Recreation may request the Police Department to review its files to determine if there is written notification on file stating whether a criminal history record background check of a current or prospective employee or volunteer reveals a disqualifying offense or stating that the person has affirmatively demonstrated rehabilitation under this article.

Section 2. Any and all ordinances inconsistent with or in conflict with the provisions of this ordinance are hereby repealed to the extent of any such inconsistency

Section 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance. This Ordinance shall take effect upon passage and publication in accordance with applicable law

Section 4. This Ordinance shall take effect 20 days after publication of the notice of approval on final reading as required by law

Introduced: October 2, 2019

Adopted:

Effective Date:

ATTEST:

TOWNSHIP OF WEST MILFORD
COUNTY OF PASSAIC
STATE OF NEW JERSEY

Diane Curcio, Acting Township Clerk

By: _____
Michele Dale, Mayor

Township of West Milford

Passaic County, New Jersey

~ Ordinance 2019 – 021 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING THE TOWNSHIP CODE BY AMENDING CHAPTER 332 "STREETS AND SIDEWALKS" AND CHAPTER 135 "FEES AND COSTS" SUBSECTION 33 "STREET EXCAVATIONS" OF THE REVISED GENERALCODE

WHEREAS, the Township Administrator and Engineering Office have recommended substantial revisions to the current regulations governing street openings and excavations in the public right of way; and

WHEREAS, the Mayor and Township Council have reviewed said revisions and believe that the changes promote public safety and are in the public interest by ensuring that all work in the public right of way is accomplished in a sound and safe manner and will not detract from the existing infrastructure.

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

SECTION 1. Chapter 332 "Streets and Sidewalks" is amended to read as follows:

Article I. Right-of-Way Entry Permits.

§332-1 Definitions.

For the purpose of this article, the following terms, phrases, words, and their derivations shall have the meanings given herein:

APPLICANT - Any person making written application for the permit hereinafter mentioned.

CURB - A concrete, block or asphalt edging along a road used to direct surface water runoff.

DISTURBANCE - Any alteration, change or impact to property.

DRIVEWAY - A privately owned access from the road to the property.

EXCAVATION/OPENING - To dig up, break, tunnel or undermine in any manner any type of surface.

PERMIT- The document approving any construction/alteration or working within the right-of-way as defined herein.

PERMITTEE - Any person who has been granted and has in full force and effect an excavation permit issued hereunder.

RIGHT-OF-WAY - The area designated under the Map Filing Law, Land Use regulation or other established legal document as reserved for property access, public improvements and public utilities.

STREET - Any street, avenue, terrace, court, way, alley, cart way, or public thoroughfare that is within the right-of-way.

WORK - An activity involving physical effort including but not limited to excavation, digging, tunneling, backfilling, placement of material, concrete pouring and paving or construction of any type in order to achieve a purpose or result.

§332-2 Right-of-Way Entry Permit

- A. It shall be unlawful for any person to complete any work within a Township right-of-way, unless such person shall have first obtained a Right-of-Way Entry Permit from the Township Clerk's Office.
- B. It shall be unlawful for any person to excavate/open in any manner any road, in or under any surface of any road for any purpose or to place, deposit, or leave upon any road any excavated material obstructing or tending to interfere with the free use of road, unless such person shall have first obtained a Right-of-Way Entry Permit from the Township Clerk's Office.
- C. It shall be unlawful for any person to manipulate, attach, detach, tie into, remove or otherwise alter municipal stormwater infrastructure, unless such person shall have first obtained a Right-of-Way Entry Permit from the Township Clerk's Office.
- D. It shall be unlawful for any person to overlay or construct a driveway within the right of way in any manner, for any purpose, unless such person shall have first obtained a Right-of-Way Entry Permit from the Township Clerk's Office. A person shall be exempt from the Right-of-Way Entry Permit only if such work is part of a previously approved Planning Board, Zoning Board or Residential Lot Development Plan. If the property has an established and approved curb within the right of way, a person may pave / repave the driveway to the curb without any permit. Any paving/repaving on the street side of the curb requires a right of way permit.
- E. It shall be unlawful for any person to replace or construct or alter any length of curb within the right of way in any manner, using any material on any road for any purpose, unless such person shall have first obtained a Right-of-Way Entry Permit from the Township Clerk's Office. A person shall be exempt from the Right-of-Way Entry Permit only if such work is part of a previously approved Planning Board, Zoning Board or Residential Lot Development Plan.

§332-3 Right-of-Way Entry Permit application requirements.

- A. No Right-of-Way Entry Permit shall be issued unless a written application or the issuance of a on forms supplied by the Township Clerk's Office is submitted to the Township Clerk, signed by the person making the application or by a duly authorized agent, and shall contain the following information:
 - 1. Applicant's name, phone number and address
 - 2. Name of property owner, phone number and the address with the tax map block and lot number
 - 3. A plan or sketch in triplicate, detailing the work to be performed; on approval, one approved copy is to be returned with the permit to be issued, which approved copy and permit are to be in the possession of the person supervising work.
 - 4. Description of work to be completed
 - 5. Surface type to be opened, square yards to be disturbed and / or length of curb in feet
 - 6. On or about start date and estimated date of completion of work
- B. As per N.J.S.A. 48:2-83, all applications for permits shall provide a One-Call Verification number. Permit applications may be submitted, and reviewed and preliminarily approved without the One Call Verification number; however no permit shall be issued prior to the applicant providing proof to the Township that the applicant has notified the One-Call Damage Prevention System.
- C. All applications for permits shall be accompanied with a public liability insurance policy or a certificate of insurance indicating the following policies/policy limits are in effect for the work to be performed: Workmen's Compensation Insurance with the statutory limits; Commercial General Liability \$1,000,000 per occurrence, \$2,000,000 aggregate; Automobile Liability \$1,000,000 combined single limit. An Umbrella policy may be used to increase the base policy limits provided that the total liability is at least equal to the above stated limits. The limits with limits of \$100,000 to \$300,000, for personal injuries, and \$50,000 for property damage. Said policy to be issued by an insurance company authorized to do business in New Jersey, indemnifying and protecting the Township from all liability by reason of property damage or personal injuries or death which may result or may be claimed to result as a result of any accident occurring at the point of the opening. If work is to be performed by an independent contractor, other than by the applicant, then such certificate of insurance shall be required of the independent contractor.
- D. A public utility, in lieu of furnishing a public liability insurance policy or certificate of insurance, may file proof that it is a self-insurer under the insurance and motor vehicle laws of the State of New Jersey, accompanied by a certificate of financial responsibility. Should such public utility contract out

work provided for in the application and permit, the contractor engaged shall file the certificate of insurance as required above.

- E. Right-of-way permits and related work are discouraged between November 15th and April 1st or during a period of five (5) years after the completion of a major construction improvement of a road. However exceptions will be made for emergencies. If a Right-of-Way Entry Permit is to be issued during either of the former conditions, the applicant must comply with the following:
 - 1. For the section "Excavation/Pavement Disturbance"
 - a. The new service shall be bored under the paved road whenever possible
 - b. Initial trench and pavement restoration as per Pavement Restoration Detail
 - c. Infrared pavement restoration shall be used for final pavement restoration
 - 2. For the section "New Driveway Construction / Driveway Overlay"
 - a. The one year cash maintenance bond amount shall be doubled
- F. If a Right-of-Way Entry Permit is to be issued for the installation of new, additional or replacement utility transmission lines or for the removal of existing utility transmission lines, the applicant must comply with the following:
 - 1. If the area to be disturbed in the right-of-way is within a paved roadway, the disturbed entire lane roadway shall be milled and paved full-width to a depth of 2" as directed if the area of disturbance equals 20% or more of the affected lane for a continuous trench along the road or for multiple lateral connections within 500 ft of roadway. Exceptions may be approved by the Engineering Office. All disturbed areas require a minimum of 2" of surface course over 4" of stabilized base and 6" of properly compacted material. The Engineering Office may approve temporary restoration procedures if the required trench compaction cannot be met
 - 2. Paving material shall be surface course mix, 19M64 and base course mixture or an approved equal.
 - 3. If the area to be disturbed in the right-of-way is not within a paved roadway, the trench shall be restored with approved material and the final surface restoration shall be equal to that prior to the disturbance.

§332-4 Cash Maintenance Bond; permit and inspection fees.

- A. The application for a Right-of-Way Entry Permit to perform excavation work under this article shall be accompanied with a cash maintenance bond, made to the Township for deposit with the Township Treasurer, as follows:
 - 1. For the Excavation/Pavement Disturbance section of the permit, the one year cash maintenance bond shall be \$400.00 plus any applicable estimated quantities for the final paving using the same calendar year pricing from the Morris County Cooperative Pricing Council.
 - a. Utility companies regulated by the NJ Board of Public Utilities will be exempt from the cash bond for any disturbance under 20 square yards if they have filed a surety bond in the amount of a \$10,000 running to the Township (see §332-13 Surety Bond)
 - 2. For the Storm Drainage Connection/Alteration section of the permit, the one year cash maintenance bond shall be \$100.00 or \$30.00 per square yard of right-of-way disturbed, whichever is greater.
 - 3. For the New Driveway Construction/Driveway Overlay section of the permit, the one year cash maintenance bond shall be \$300.00. If the permit is issued between November 15th and April 1st or if the road has been paved within the last five years the cash bond amount shall be \$600.00.
 - 4. For new curbing/curb replacement An additional bond amount of \$10.00 per foot will be added whenever the curb is greater than 30 feet in length
- B. In addition to the foregoing cash maintenance bond, the applicant shall pay a permit fee and an inspection fee as set forth in Chapter 135, Fees and Costs.
- C. The one year cash maintenance bond shall ensure the performance and the repair of the public infrastructure to be in as good a condition as it was prior to any work being done. If the permittee fails to make the necessary repairs in a timely manner and to the satisfaction of the Engineering Division or Department of Public Works, the Township may use any or all of the entire amount of such cash bond to pay any cost the Township occurs to restore or maintain that portion of public infrastructure.

§332-5 Fees and cash bond turned over to Treasure.

Such cash maintenance bond and fees shall be turned over to the Township Treasurer, and upon certification by the Engineering Division of Director of Public Works that the right-of-way has been properly restored, the cash maintenance bond shall be returned to the applicant.

§332-6 Supervision.

The Director of Public Works, the Supervisor in the Engineering Office and the Township Engineer shall have full supervision over any opening to be made in any street under any permit granted hereunder, and the work on any such permit shall be commenced within 10 days of the date of the issuance of the permit, and such work shall proceed with due diligence to its completion. If for any reason the work on the opening is not commenced within the period of 10 days, the permit shall be void, and any deposit held by the Township thereunder shall be returned to the applicant upon surrender of the permit, unless an extension of time is granted in writing, endorsed on the permit, within which to commence the work, whereupon the applicant shall commence such work within the time set forth under the extension or forfeit any right to make any opening under the extension, and permit. The work under any extension shall proceed with due diligence to its completion.

If the permit is revoked, the Township will return the one year cash maintenance bond amount to the applicant upon surrender of the permit. The filing fee and inspection fees will not be refunded.

§332-7 Revocation of permit.

The Township may at any time revoke or annul any permit, or extension endorsed thereon, for cause, or for making any work not in accordance with the permit granted, or for failure or neglect to pursue the work in accordance with such permit or by reason of any condition which would, or the Township fears might prove to be dangerous or injurious to any person or property, or the Township deems harmful to or not for the best interests of the Township, and every person receiving a permit or any extension thereof shall accept the same subject to the foregoing provisions, without any liability or responsibility attaching to the Township for any loss or damage that might result by reason of such revocation.

§332-8 Replacement of pavement or surface over disturbed area.

- A. All pavement or surface over any opening for which any permit is granted as aforesaid shall be replaced by the permittee by a temporary pavement of a bituminous concrete, base course of HMA 19M64, immediately after filling, except that if the road is gravel, the temporary replacement shall be by gravel; permanent pavement is to be restored by permittee, not less than 30 nor more than 60 days after opening is made, unless this time is extended by the Director of Public Works and Engineering or Township Engineer, depending on road or weather conditions. Should the permittee fail to do so, the cash bond provided for herein, or such portion thereof as may be necessary, shall be used to pay the cost of consolidating the material used, to refill the opening, and to replace the pavement or surface; and the balance, if any, shall be returned to the applicant 12 months after the issuance of the permit, if the surface is then in good condition, or as soon thereafter as the necessary repairs thereto are made, upon presentation to the Township of the original permit, and the signing by the applicant of a receipt for the amount so returned.
- B. Whenever an opening is made not in pavement, the trench shall be backfilled and compacted with suitable approved material or in accordance to Section 9 of this chapter. The final surface restoration shall be equal to that prior to the disturbance. Should the permittee fail to do so, the cash bond provided for herein, or such portion thereof as may be necessary, shall be used to pay the cost of consolidating the material used, to refill the opening, and to restore the surface; and the balance, if any, shall be returned to the applicant 12 months after the issuance of the permit, if the surface is then in good condition, or as soon thereafter as the necessary repairs thereto are made, upon presentation to the Township of the original permit, and the signing by the applicant of a receipt for the amount so returned.

§332-9 Responsibility of permittee.

Every opening and all excavations and backfilling shall be the responsibility of the person to whom any permit is issued to work within the right-of-way. Such person shall give at least a twenty-four-hour notice to the

Engineering Division or Director of Public Works before any right-of-way work is commenced. Such person shall give reasonable notice to the Township Engineer or to the Director of Public Works and Engineering or other person designated by the Township before any backfilling is commenced. All excavations shall be made in open trenches in compliance with O.S.H.A. standards, except where otherwise permitted or directed by the Director of Public Works and Engineering or Township Engineer. The sides of the excavation shall be supported when necessary by suitable plank and shoring which shall be drawn as the work progresses unless the Director of Public Works and Engineering or the Township Engineer orders the same left in place. All the work of excavating and backfilling shall be prosecuted with all possible vigor. All trenches shall be backfilled by depositing therein approved, suitable fill in layers of not more than six inches in depth, each thoroughly rammed, and if required by the Director of Public Works and Engineering or Township Engineer flushed with water, or both. Surplus earth shall not be piled over filled openings so as to interfere with traffic. All old paving material shall be carefully conserved and placed over the trench in as good condition and as near the street grade as practicable, and all surplus material and rubbish of any kind shall be promptly removed by the person to whom such permit is issued. Where excavation is made in a tunnel beneath a concrete pavement having a concrete base, the tunnel shall be backfilled with concrete composed of one part of portland cement and nine parts of hard steam boiler cinders or other approved material stamped in place so that the cavity is completely filled, provided that before any work of tunneling is commenced the method of such tunneling shall be first approved by the Director of Public Works and Engineering or the Township Engineer.

§332-10 Opening in paved road.

Whenever an opening is made in a paved road, the pavement of surface shall be cut with an approved pavement cutter no wider than one foot outside of either side of the pipe to be laid. Should ground conditions warrant a wider opening, such widening and the method for same shall be with the consent of and under the supervision of the Director of Public Works and Engineering of the Township or the Township Engineer.

§332-11 Construction of new or overlaid driveway or curb

Whenever a new paved driveway is to be constructed in the Township right-of-way, the proposed driveway shall be in accordance with Chapter 500 Section 76 Vehicular Circulation, except in the case of previous non-conforming use. Any proposed driveway or curb within a Township right-of-way not previously approved through the Township Land Use Development Process shall be reviewed for conflicts including but not limited to curb configuration, sight distance, gutter disruption, width, approach angle and general traffic safety. Said review is to insure the benefit, safety and performance of Township infrastructure and shall not be construed as design.

§332-12 Lighting of excavation; traffic conditions.

- A. The excavation and all piles of excavated material or any material used in the work to be performed in the opening for which a permit is issued shall be carefully guarded and lighted or caused to be carefully guarded and lighted by the person to whom such permit has been issued, who shall be liable for all loss and damage caused by the prosecution of the work or failure to properly guard or maintain the opening.
- B. The permittee shall take appropriate measures to assure that during the performance of the excavation work traffic conditions as nearly normal as practicable shall be maintained at all times so as to cause as little inconvenience as possible to the occupants of the abutting property and to the general public, provided that the Township Engineer, with the approval of the Chief of Police, may permit the closing of streets to all traffic for a period of time prescribed by him if in his opinion it is necessary. The permittee shall route and control traffic including its own vehicles as directed by the Police Department. The following steps shall be taken before any road may be closed or restricted to traffic:
 - (1) The permittee must receive the approval of the Township Engineer and the Chief of Police therefor.
 - (2) The permittee must notify the volunteer fire company and volunteer first aid squad in the area of any street so closed.
 - (3) Upon completion of construction work the permittee shall notify the Township Engineer, Chief of Police, and volunteer fire company and first aid squad, before traffic is moved back to its normal flow so that any necessary adjustments may be made.

- (4) Where flagmen are deemed necessary by the Township Engineer or Chief of Police, they shall be furnished by the permittee at its own expense.
- C. Excavations on opposite sides of a road, in the same locality, and at the same time, shall not be permitted. Where such excavations are required, the permittee shall first complete the work on one side of the road, and shall not commence work on the opposite side until work on the initial side has been completed, backfilled, and land or road restored to its initial condition. Where more than one permit has been issued for the excavation along a road in the same locality, the Township Engineer shall regulate as to the side of the road first to be excavated. Where the excavation is to be from one side of the road to another, the permittee may make sure excavation, provided proper access for traffic is first made, subject to the approval of the Chief of Police and the Township Engineer.

§332-13 Construction of sewers or drains.

Nothing contained in this article shall be construed as requiring the issuance of a permit for the performance of any opening or excavating by the Township or under a contract with the Township for the construction of sewers, drains or street improvements or for any Right-of-Way Excavation/Opening required through the Land Use Development Process.

§332-14 Surety bond.

- A. Any public utility as defined in N.J.S.A. 48:2-13, which desires to obtain permits under this article, may file with the Township Clerk and Township Treasurer a surety bond in the amount of \$10,000, running to the Township, such bond shall be that of a surety company authorized to transact business in New Jersey, except that if the public utility is a self-insurer under the motor vehicle or insurance laws of the State of New Jersey, it may file its own bond, together with proof it is a self-insurer, and a certificate of financial responsibility; any bond filed must be satisfactory to the Township Attorney in form and substance. Such bond shall be conditioned upon compliance by such public utility with the applicable provisions of this article with respect to each right-of-way permit which shall be made by such public utility in the Township and shall further provide that the obligation of such bond shall be a continuing obligation to the full amount thereof with respect to each right-of-way permit. Whenever any public utility which shall have filed such a bond shall request the Township Clerk in writing to issue to it a right-of-way permit, it shall be the duty of the Township Clerk to issue such permit, provided the permit filing fee and the inspection fee as set forth in this article are paid at the time of the filing of the application for such a permit.
- B. The amount of this bond may be increased by the Township Council depending upon the number of right-of-way openings impacting the municipal infrastructure and the estimated cost of restoring the streets.

§332-15 Enforcement/Right of appeal.

- A. This ordinance shall be enforced by the Director of the Department of Public Works, the Supervisor of the Township Engineering Office, or the Township Engineer who shall have the authority to issue stop work orders when necessary to ensure the ordinance enforcement and the public safety. Failure to comply with a stop work order will cause the right of way permit to be revoked and all other Township issued permits suspended.
- B. Any person aggrieved by any action of the Director of Public Works and Engineering or Township Engineer or any other Township official in the enforcement of any provisions of this article shall have a right of appeal to the Township Administrator. The appeal must be taken within 14 days after the action complained of has occurred. Appeals shall be made in writing to the Township Administrator, and shall set forth reasons for the appeal. The Township Administrator thereupon shall set a date for a hearing to take place within 30 days after receipt of the request for a hearing.

§332-16 Exceptions

The provisions of this article shall not apply to the owner or occupant of any property completing regular lawn or vegetative maintenance. A person shall be exempt from the Right-of-Way Entry Permit if such work is part of a previously approved Planning Board, Zoning Board or Residential Lot Development Plan.

SECTION 2. Chapter 135 "Fees and Costs", Section 135-33 "Street Excavations" is amended to read as follows:

§135-33 Right-of-Way Entry.

In accordance with Chapter 332, Streets and Sidewalks, Article I, Street Excavations, the applicant for a Right-of-Way Entry permit shall pay a filing fee of \$25.00, and the following inspection fee(s) apply:

- A. The applicant shall pay an inspection fee of \$50.00 for the Excavation / Pavement Opening section of the permit. Any excavation over 2,500 sq. ft. shall pay an additional \$.02 per sq. ft.
- B. The applicant shall pay an inspection fee of \$50.00 for the Storm Drainage Connection / Alteration section of the permit.
- C. The applicant shall pay an inspection fee of \$75.00 for the New Driveway Construction / Driveway Overlay section of the permit.
- D. If more than one section is applicable, the summation of each section's inspection fee shall apply.

These fees are in addition to the cash maintenance bond required by Chapter 332, Article I.

SECTION 3. All ordinances of the Township of West Milford, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 4. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

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

SECTION 6. This Ordinance may be renumbered for codification purposes.

Introduced:
Adopted:
Effective Date:

TOWNSHIP OF WEST MILFORD
COUNTY OF PASSAIC
STATE OF NEW JERSEY

ATTEST

Diane Curcio, Acting Township Clerk

By: _____
Michele Dale, Mayor

Township of West Milford

Passaic County, New Jersey

~ Ordinance 2019 – 022 ~

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

-TO FOLLOW-

Introduced:
Adopted:
Effective Date:

ATTEST

TOWNSHIP OF WEST MILFORD
COUNTY OF PASSAIC
STATE OF NEW JERSEY

Diane Curcio, Acting Township Clerk

By: _____
Michele Dale, Mayor

Township of West Milford

Passaic County, New Jersey

~ Resolution 2019 – 317 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY CERTIFYING REVIEW OF THE LOCAL GOVERNMENT BEST PRACTICES INVENTORY

WHEREAS, the Department of Community Affairs requires the Chief Administrative Officer and Chief Financial Officer of every municipality to certify the Local Government Best Practices Inventory; and

WHEREAS, the Inventory has been certified by the Chief Administrative Officer and the Chief Financial Officer; and

WHEREAS, the members of the West Milford Governing Body have discussed the Best Practices Inventory at a public meeting.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford hereby affirms that the CFO has discussed the checklist and ratifies the CFO's filing of the Best Practices Inventory to the Department of Community Affairs.

BE IT FURTHER RESOLVED that certified copies are provided to: Division of Local Government Services, Administrator, Clerk, Chief Financial Officer and Municipal Auditor.

Adopted: November 6, 2019

Adopted this 6th day of November, 2019
and certified as a true copy of an original.

Diane Curcio, Acting Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2019 – 318 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY ADOPTING THE SCHEDULE FOR GOVERNING BODY WORKSHOP AND REGULAR MEETINGS FOR THE 2020 CALENDAR YEAR

BE IT RESOLVED that the Township Council of the Township of West Milford does hereby adopt the following schedule of Reorganization, Workshop and Regular Meetings of the Governing Body of the Township for the 2020 calendar year:

January 2, 2020	Reorganization Meeting Workshop Meeting	June 10, 2020	Workshop Meeting Regular Meeting
January 15, 2020	Regular Meeting	July 8, 2020	Workshop Meeting Regular Meeting
February 5, 2020	Workshop Meeting	August 12, 2020	Workshop Meeting Regular Meeting
February 19, 2020	Regular Meeting	September 2, 2020	Workshop Meeting
March 4, 2020	Workshop Meeting	September 16, 2020	Regular Meeting
March 18, 2020	Regular Meeting	October 7, 2020	Workshop Meeting
April 1, 2020	Workshop Meeting	October 21, 2020	Regular Meeting
April 15, 2020	Regular Meeting Volunteer Night	November 4, 2020	Workshop Meeting Regular Meeting
May 6, 2020	Workshop Meeting	December 2, 2020	Workshop Meeting
May 20, 2020	Regular Meeting	December 16, 2020	Regular Meeting

BE IT FURTHER RESOLVED that the Reorganization Meeting of the Governing Body of the Township of West Milford as outlined herein shall be held on Thursday January 2, 2020 in the main meeting room of Town Hall located at 1480 Union Valley Road, West Milford, New Jersey 07480 at 6:30 p.m. and the workshop meeting shall follow immediately thereafter.

BE IT FURTHER RESOLVED that all other Meetings of the Governing Body of the Township of West Milford as outlined herein shall be held in the main meeting room of Town Hall located at 1480 Union Valley Road, West Milford, New Jersey 07480 and all such meetings shall begin at 6:30 p.m.

BE IT FURTHER RESOLVED that official action may be taken at all meetings outlined herein.

BE IT FURTHER RESOLVED that this resolution shall constitute the Annual Notice for the Township of West Milford and the Township Clerk be and is hereby instructed to advertise such notice as required by law and this notice shall be continually posted on the official bulletin board of the Township and shall be retained on file in the Office of the Township Clerk.

Adopted: November 6, 2019

Adopted this 6th day of November, 2019
and certified as a true copy of an original.

Diane Curcio, Acting Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2019 – 319 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING A CHANGE ORDER NO. 1 TO STANLEY & ORKE ROOFING FOR AN OVERALL INCREASE NOT TO EXCEED \$6,500.00

WHEREAS, by virtue of Resolution 2019-285 adopted October 2, 2019 the Township Council did authorize the award of a competitive bid contract for the replacement of the roof at the Recreation Center to Stanley and Orke for \$141,600.00; and

WHEREAS, upon initiation of the work and the removal of the existing metal wall cap, the contractor discovered that there was no wooden top plate to the existing parapet walls and the existing roofing cover was not firmly attached to the wall top. In order to obtain the required 20 year roofing guarantee, the new roof cover must be mechanically attached to the top of the parapet necessitating a change order to install a wooded plate along approximately 670 linear feet of wall area; and

WHEREAS this Change Order No. 1 for \$6,500 is necessary to cover the cost to purchase and install a top cover plate in the parapet walls at the Recreation Center; and

WHEREAS the Director of Community Services and Recreation and the Interim Township Administrator concur that the building conditions cited in the change order are correct and the change order is reasonable; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds and encumbrances for this purchase shall come from account number 19-295-56-100-701

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 a change order to exceed the original contract award of \$141,600.00 to Stanley & Orke for installation of a top cover plate in existing parapet walls by an amount not to exceed \$6,500.00
2. The Interim Township Administrator is hereby authorized and directed to execute a change order for the contract with Stanley & Orke in an amount not to exceed \$6,500 representing an increase to the original contract amount not to exceed \$148,100.00.
3. The Township's Chief Financial Officer has certified the availability of funds for same.
4. This resolution change order and contract shall be available for public inspection in the office of the Municipal Clerk.

Adopted: November 6, 2019

Adopted this 6th day of November, 2019
and certified as a true copy of an original.

Diane Curcio, Acting Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2019 – 320 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC COUNTY, STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A SHARED SERVICE AGREEMENT WITH THE COUNTY OF PASSAIC FOR FUELING SERVICES

WHEREAS, under the New Jersey Uniform Shared Services and Consolidation Act, namely C.40A:65-1 et seq. local units may enter into shared services agreements with other local units; and

WHEREAS, the Township of West Milford, as a local unit, wishes to enter into Shared Services Agreement with Passaic County to fuel certain vehicles at Township facilities.

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 Mayor and the Acting Township Clerk be and are hereby authorized to enter into an agreement effective December 1, 2019 through November 30, 2020 with the County of Passaic and invoiced at the current rate of fuel plus a 10% ten percent administrative fee.
2. The Passaic County Officials will provide the West Milford DPW Director with a list of County employees and list of vehicles that will be the subject to this subject.
3. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: November 6, 2019

Adopted this 6th day of November, 2019
and certified as a true copy of an original.

Diane Curcio, Acting Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2019 – 321 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AWARDING A CONTRACT TO SUBURBAN DISPOSAL INC. OF FAIRFIELD, NJ, FOR RESIDENTIAL SOLID WASTE AND RECYCLABLES COLLECTION

WHEREAS, the Township of West Milford solicited bids on October 30, 2019 at 10 am for the Rebid Residential Solid Waste and Recyclables Collection; and

WHEREAS, in response to the "Notice to Bidders" the Township received one (1) bid; and

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

WHEREAS, the bid received from Suburban Disposal Inc. of Fairfield, NJ, has been found to be substantially 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 Director of Public Works has submitted a written recommendation for the award of this contract to Suburban Disposal Inc., 54 Montesano Road, Fairfield, NJ, 07004 and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds and encumbrances for this purchase shall come from account number _____.

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

1. The Township Council hereby awards a contract to Suburban Disposal Inc. of Fairfield, NJ, in an amount not to exceed \$11,112,000.00.
2. The Mayor and Acting Township Clerk are hereby authorized and directed to execute a contract for 5 years for a total amount not to exceed of \$11,112,000.00 to Suburban Disposal Inc. of Fairfield, NJ, in accordance with its bid for Residential Solid Waste and Recyclables Collection.
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: November 6, 2019

Adopted this 6th day of November, 2019
and certified as a true copy of an original.

Diane Curcio, Acting Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2019 – 322 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE NORTH JERSEY MUNICIPAL EMPLOYEE BENEFITS FUND TO RENEW MEMBERSHIP

WHEREAS, a number of public entities in the State of New Jersey have joined together to form the North Jersey Municipal Employee Benefits Fund, hereafter referred to as "FUND", as permitted by N.J.S.A. 11:15-3, 17:1-8.1, and 40A:10-36 et seq., and;

WHEREAS, the FUND was approved to become operational by the Departments of Insurance and Community Affairs and has been operational since that date, and;

WHEREAS, the statutes and regulations governing the creation and operation of a joint insurance fund, contain certain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such a FUND;

WHEREAS, the governing body of the Township of West Milford, hereinafter referred to as "LOCAL UNIT" has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Township of West Milford hereby agrees as follows:

- 1) Become a member of the FUND for the period outlined in the LOCAL UNIT's Indemnity and Trust Agreement.
- 2) Will participate in the following type (s) of coverage (s):
Health Insurance and/or dental and/or prescription as defined pursuant to N.J.S.A. 17B:17-4, the FUND's Bylaws, and Plan of Risk Management.
- 3) Adopts and approves the FUND's Bylaws.
- 4) Execute an application for membership and any accompanying certifications.

BE IT FURTHER RESOLVED that the Mayor and Acting Township Clerk of the Township of West Milford be and are hereby authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the FUND as required by the FUND's Bylaws, and to deliver these documents to the FUND's Executive Director with the express reservation that these documents shall become effective only upon:

- 1) Approval of the LOCAL UNIT by the FUND.
- 2) Receipt from the LOCAL UNIT of a Resolution accepting assessment.
- 3) Approval by the New Jersey Department of Insurance and Department of Community Affairs.

Adopted: November 6, 2019

Adopted this 6th day of November, 2019
and certified as a true copy of an original.

Diane Curcio, Acting Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2019 – 323 ~

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-C; ITEM #1 FOR ONE (1) 2020 FORD ESCAPE SMALL SIZE UTILITY VEHICLE FROM ROUTE 23 AUTOMALL

WHEREAS, the Township of West Milford wishes to purchase one (1) 2020 Ford Escape small size utility vehicle for the Fire Department; and

WHEREAS, the Township Fire Marshal has provided a recommendation to award this contract through the Morris County Co-op #15C; Item #1 to Route 23 Automall; and

WHEREAS, the total amount of the contract shall not exceed \$24,153.00; 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 19-295-56-120-520.

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 Fire Marshal to purchase one (1) 2020 Ford Escape small size utility vehicle, in an amount not to exceed \$24,153.00, through the Morris County Co-op #15C; Item #1 from Route 23 Automall, 1301 Route 23, Butler, NJ 07405.
2. The Township Chief Financial Officer has certified the availability of funds for same.

Adopted: November 6, 2019

Adopted this 6th day of November, 2019
and certified as a true copy of an original.

Diane Curcio, Acting Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2019 – 324 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE EQUIPMENT AND CHANGEOVERS FOR FIVE (5) 2020 POLICE INTERCEPTOR UTILITY VEHICLES

WHEREAS, the Township wishes to equip and changeover equipment for 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 State Contract #83927, #83917 and #81334 to Atlantic Communications; and

WHEREAS, the total amount of the contract shall not exceed \$39,599.31; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these services, 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 that they do hereby authorize the Acting Chief of Police to engage the services of Atlantic Communications, 664 Route 15 South, Lake Hopatcong, NJ to equip and changeover equipment in five (5) 2020 Police Interceptor Utility vehicles, in an amount not to exceed \$39,599.31, through State Contract #83927, #83917 and #81334 and to execute a purchase order for same.

Adopted: November 6, 2019

Adopted this 6th day of November, 2019
and certified as a true copy of an original.

Diane Curcio, Acting Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2019 – 325 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY CALLING FOR STUDY COMMISSION TO REVIEW THE OPEN PUBLIC RECORDS ACT

WHEREAS, the Township of West Milford strongly believes in and supports open transparent government, and that citizens and residents have the right to be informed about the workings of government in order to best participate in a democracy; and

WHEREAS, on January 8, 2002 then Acting Governor DeFrancesco signed into law what Open Public Records Act (OPRA) which mandates that government records shall be available, with limited exceptions, for public access and simplifying the procedures for requesting such specific records; and

WHEREAS, the intent of the law was to provide the public with easy access to government records with an uncomplicated process for obtaining the records and eliminating bureaucratic red tape; and

WHEREAS, over the course of 18 years OPRA has been a positive light, but it has also been fraught with abuse and misuse, and has become an unanticipated financial cost to the taxpayers of New Jersey; and

WHEREAS, Township of West Milford has labored under a well-intended law that has spiraled out of control, due to the volume and nature of requests, the cost to taxpayers in responding to the requests to the requests and the potential liability in having to pay disproportionate prevailing party attorney's fees should the requests turn into litigated matters, as well as the liability in determining which documents shall be released with or without redaction, while attempting to maintain individual privacy; and

WHEREAS, it is not only the volume of OPRA requests that challenge our resources, but it is also the cost associated with reviewing, retrieving, and processing the OPRA request(s) by public entity personnel and counsel and possibly defending our action(s) before the Government Records Council or in Superior Court; and

WHEREAS, the Township of West Milford received and responded to 361 OPRA requests in 2017, 501 OPRA requests in 2018 and to date has received and responded to 573 OPRA requests received to date as of October 28; and

WHEREAS, the Township of West Milford municipal staff has spent approximately 450 hours responding to OPRA requests received in 2019 to date and a yearly average of approximately 810 annual hours spent in 2017 & 2018; and

WHEREAS, due to the often conflicting case law and Government Record Council decisions, as well as the unique characteristics of OPRA request, the Township of West Milford must often times rely on the municipal attorney to review certain OPRA requests, resulting in additional fees in response to OPRA; and

WHEREAS when sensitive or private information is within an OPRA request that information must be carefully reviewed within the OPRA guidelines but interrupts daily operations as redactions may also need to be processed ; and

WHEREAS with limited exceptions OPRA has not been amended to address the clear and apparent advancement in technology that has changed the way government records are created, stored and or transmitted; the various interpretive decisions; privacy concerns; abuse for commercial gain; and/or the ever increasing cost to taxpayers; and

WHEREAS, as the current law approaches its twentieth (20th) anniversary it has outgrown its original intended use and has become ripe for comprehensive review and reform.

NOW, THEREFORE, BE IT RESOLVED that the governing body of Township of West Milford appeals to the legislature to form a Commission comprised of Mayors, Municipal Clerks, Municipal Managers, Attorneys, Police Chiefs, open government advocates, privacy experts, members of the media, citizens and other appropriate stakeholders, to review and examine the effects of OPRA on local government and the needs to be fulfilled by the law, and use the Commission's finding to perform a comprehensive reform of OPRA; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to Assemblywoman Betty Lou DeCroce, Assemblyman Jay Webber, Senator Joseph Pennacchio, Assembly Speaker Craig Coughlin, Senate President Stephen Sweeney, Senator Weinberg, Executive Director of the Government Records Council, the Governor of the State of New Jersey, The Municipal Clerks Association of New Jersey and New Jersey State League of Municipalities.

Adopted: November 6, 2019

Adopted this 6th day of November, 2019
and certified as a true copy of an original.

Diane Curcio, Acting Township Clerk

Hon. Joseph Pennacchio
Senator District 26
170 Changebridge Road, Unit A1
Montville, NJ 07045

Hon. Betty Lou DeCroce
Assemblywoman
90 East Halsey Road, Suite 380
Parsippany, NJ 07054

Hon. Jay Webber
Assemblyman
1055 Parsippany Blvd., Suite 104
Parsippany, NJ 07054

Hon. Phil Murphy
Governor, State of New Jersey
Stat House
PO Box 001
Trenton, NJ 08625

Hon. Stephen Sweeney sensweeney@njleg.org
Senate President
Senate District 3
935 Kings Highway
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West Deptford, NJ 08086

Hon. Craig Coughlin asmcoughlin@njleg.org
Assembly Speaker
Assembly District 19
569 Rahway Avenue
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Hon. Loretta Weinberg senweinberg@njleg.org
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222 West Stat Street
Trenton, NJ 08608

Township of West Milford

Passaic County, New Jersey

~ Resolution 2019 - 326 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF ONE 2020 PIERCE 788 SABER TOP MOUNT PUMPER TRUCK THROUGH SOURCEWELL COOPERATIVE PURCHASING PROGRAM UNDER CONTRACT 022818-PMI THROUGH FIRE & SAFETY SERVICES, DEALER, TO PIERCE MANUFACTURING, INC., LOCATED IN APPLETON, WISCONSIN.

WHEREAS, the Township Fire Commissioner has provided a recommendation to award this contract through Sourcewell Contract 022818-PMI to Pierce Manufacturing, Inc., for the purchase of a new Pierce 788 Saber Top Mount Pumper Truck;

WHEREAS, the Township of West Milford seeks to purchase from Pierce Manufacturing, Inc., located in Appleton, Wisconsin, one (1) 2020 Saber Top Mount Pumper Truck Base Model 788 for the Upper Greenwood Lake Volunteer Fire Department, in the amount of \$508,914.86; and

WHEREAS, specifications have been reviewed and approved by the Fire Commissioner, Upper Greenwood Lake Fire Chief, and Township Supervising Mechanic; and

WHEREAS, The Chief Financial Officer has certified as to the availability of funds for this purchase, said funds to be encumbered from account 04-215-55-831-006.

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 Commissioner of the Fire Department to purchase one (1) 2020 Saber Top Mount Pumper Truck Base Model 788 in an amount not to exceed \$508,914.86 and in accordance with Sourcewell Cooperative Purchasing Program under Contract 022818-PMI.
2. The Township's Chief Financial Officer has certified the availability of funds for same.

Adopted: November 6, 2019

Adopted this 6th day of November, 2019
and certified as a true copy of an original.

Diane Curcio, Acting Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2019 – 327 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF (POCKET) INACTIVE PLENARY RETAIL CONSUMPTION LICENSE 1615-33-030-009 FOR THE 2019-2020 LICENSE YEAR PREVIOUSLY APPROVED BY RESOLUTION 2019-259 THEN RESCINDED BY RESOLUTION 2019-279

WHEREAS, the State of New Jersey, Division of Alcohol Beverage Control had determined that liquor license 1615-33-030-009 required a Special Ruling pursuant to N.J.S.A. 33:1-12.39.

WHEREAS, Resolution 2019-259 adopted on September 4, 2019 authorized renewal but Resolution 2019-279 adopted September 18, 2019 rescinded the license approval due to the determination from the Division of Alcoholic Beverage Control that required a Special Ruling and advertisement; and

WHEREAS, Plenary Retail Consumption License 1615-33-030-009 has received a Special Ruling for the 2019-2020 license term(s) from the Division of Alcoholic Beverage Control on August 26, 2019 and was advertised in the Herald News on October 20 and 27, 2019; and

WHEREAS, the Police Department has recommended that the license be renewed to the current owners as a pocket (inactive) license with conditions.

1. Pocket Licenses must submit a 12 page Place-to-Place Transfer application with detailed sketch of proposed site and a Police Investigation Request to the Township Clerk's Office and receive inspections of premises and satisfactory recommendations from the following departments: Health, Fire, Building, Zoning and Police Departments prior to siting this license.
2. In addition, all inactive licenses must be inspected by the Fire, Health, Building, Zoning and Police Departments and receive satisfactory recommendations from those departments and submit applicable pages (1, 2, and 11) of the 12 page application to the Township Clerk's Office with date of activation prior to activation or opening this license.
3. A Health Department Retail Food Establishment license must be acquired prior to opening.

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

NOW THEREFORE, BE IT RESOLVED that the application for renewal of Inactive Plenary Retail Consumption License 1615-33-030-009 for the 2019-2020 license term(s) is thereupon granted by the Verified Petition and Special Consideration of Petition from the Director of the New Jersey Division of A.B.C. being received.

Licensee/License No.	License Year	Conditions
Sahanas Liquor Inc. 1615-33-030-009	2019-2020	Stated above in resolution

Adopted: November 6, 2019

Adopted this 6th day of November, 2019
and certified as a true copy of an original.

Diane Curcio, Acting Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2019 – 328 ~

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

WHEREAS, applications have been made for the new licenses and the renewal of various Licenses for the 2020 license year; and

WHEREAS, reports of recommendation have been received from applicable Township Departments recommending the issuance of said licenses as listed below.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford does hereby approve the issuance of 2020 Licenses as listed below:

License No.	2020 JUNK YARD LICENSE
2020-02	Jeannette Marchiatava – Jeannette Marchiatava

Adopted: November 6, 2019

Adopted this 6th day of November, 2019
and certified as a true copy of an original.

Diane Curcio, Acting Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2019 – 329 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY TO TRANSFER ITEMS OF CURRENT FUND APPROPRIATIONS IN ACCORDANCE WITH THE PROVISION OF N.J.S.A. 40:4-58

WHEREAS, there appears to be a surplus in the 2019 appropriation over and above the demand deemed to be necessary for the balance of the year:

APPROPRIATION	ACCOUNT NUMBER	TRANSFER PROPOSAL
Administrator, S&W	20-100-100	\$28,000
Tax Collection, OE	20-145-200	\$2,000
Building, S&W	22-195-100	\$25,700
Public Health, S&W	27-330-100	\$75,250
Rec Programs, S&W	28-370-100	\$5,000
Bubbling Springs S&W	28-371-100	\$4,290
TOTAL TRANSFERS OUT		\$140,240

WHEREAS, there appears to be insufficient funds in the following appropriations to meet the demands thereon for the balance of the 2019 budget year:

Treasurer, S&W	20-130-100	\$4,000
Tax Collection, OE	20-145-200	\$2,000
General Services	20-161-200	\$24,000
Zoning Administration, S&W	21-185-100	\$700
Building, OE	22-195-200	\$25,000
Environmental Health, OE	27-335-200	\$46,000
Public Health, OE	27-330-200	\$29,250
Rec Programs, OE	28-370-200	\$4,290
Senior Citizens Services, S&W	28-376-100	\$5,000
TOTAL TRANSFERS IN		\$140,240

NOW, THEREFORE BE IT RESOLVED, by the Council of the Township of West Milford in the County of Passaic, State of New Jersey, that in accordance with the provisions of N.J.S.A. 40A:4-58, part of the 2019 appropriation heretofore mentioned be and the same are hereby transferred to the appropriations mentioned as being insufficient to meet prior demands, and

A certified copy of this Resolution shall be forwarded by the Acting Township Clerk to the Township Treasurer.

Adopted: November 6, 2019

Adopted this 6th day of November, 2019
and certified as a true copy of an original.

Diane Curcio, Acting Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2019 – 330 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZIING TO VOID AND REFUND AN INVALID TAX SALE CERTIFICATE

WHEREAS, the Collector of Taxes of the Township of West Milford had an online tax sale on October 15, 2019; and

WHEREAS, Certificate number 19-0045 known as block 7601 lot 6, 1443 Union Valley Road, West Milford, New Jersey was sold to MTAG Services CUTS for ATCF11 NJLLC, P.O. Box 54292, New Orleans, LA 70154-4292; and

WHEREAS, the tax sale certificate should be null and void. The tax sale certificate is invalid as a tax payment was applied to this account in error. Therefore, the amount of the tax sale certificate was invalid at the time of the tax sale.

WHEREAS, the Collector of Taxes of the Township of West Milford to note the fact on her records and cancel the tax sale certificate.

NOW, THEREFORE, BE IT RESOLVED, refund the Lien Holder MTAG Services CUST for ATCFII NJLLC, P.O. Box 54292, New Orleans, LA 70154-4292. The amount they paid for the tax sale certificate of \$9,219.10 plus the premium of \$70,700.00 and the legal rate of interest of 1.5% on amount of the certificate (excluding the premium) of \$138.29. The property shall be included in the next Tax Sale List for the full and proper amount due at that time.

Adopted: November 6, 2019

Adopted this 6th day of November, 2019
and certified as a true copy of an original.

Diane Curcio, Acting Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2019 – 331 ~

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

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

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

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

REASON: 1. **INSUFFICIENT FUNDS**

BLOCK/LOT	NAME	AMOUNT	YEAR
04008-007	Rickey Bonstein	\$2,399.66	2019
05316-001.04	Linda M Talamini	\$645.13	2019
03603-007	Shirzard Raimi	\$5,934.56	2019
TOTAL		\$8,979.35	

Adopted: November 6, 2019

Adopted this 6th day of November, 2019
and certified as a true copy of an original.

Diane Curcio, Acting Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2019 – 332 ~

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:

Sr Pinstreet Bowling Trip		
Anita Tornow	\$10.00	Anita Tornow 5220 Richmond Road West Milford, NJ 07480
Kids Bob Ross Art 10/20/19		
Emma	\$60.00	Simona Dan 144 Ridge Road West Milford, NJ 07480
Senior Holiday Luncheon		
Marie	\$30.00	Marie Bryan 176 Lakeside Road Hewitt, NJ 07421
Rec Basketball		
Kayla	\$75.00	Brian Clegg 23H Foxboro Lane West Milford, NJ 07480

Adopted: November 6, 2019

Adopted this 6th day of November, 2019
and certified as a true copy of an original.

Diane Curcio, Acting Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2019 – 333 ~

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
15-0072	10/13/2015	09102-008	\$39,823.61	US BANK CUST BV001 TRST & CRDTRS 50 SOUTH 16TH STREET SUITE 2050 PHILADELPHIA, PA 19102
17-0066	10/10/2017	16003-009	\$50,590.25	FIG CAPITAL INVESTMENTS NJ13; LLC 1000 RIVERSIDE AVE SUTIE JACKSONVILLE, FL 32204
19-0006	10/15/2019	01816-009	\$21,752.58	US BANK CUST FOR PRO CAP 8 50 SOUTH 16TH ST; STE 205 PHILADELPHIA, PA 19102
19-0032	10/15/2019	04005-006	\$1,383.15	FIG CUST FIGNJ19LLC & SEC PTY PO BOX 54226 NEW ORLEANS, LA 70154
19-0038	10/15/2019	06201-007.02	\$2,316.86	CC1 NJ II LLC P.O.BOX 123800 DALLAS, TX 75312
19-0040	10/15/2019	06708-006	\$265.00	FIG CUST FIGNJ19LLC & SEC PTY PO BOX 54226 NEW ORLEANS, LA 70154
19-0057	10/15/2019	07801-047.04	\$18,169.89	FNA DZ; LLC 120 N LASALLE ST; SUITE 1 CHICAGO, IL 60602
19-0059	10/15/2019	07801-054.03	\$5,455.79	US BANK CUST FOR ACTLIEN HOLD. INC. 2 LIBERTY PLACE 50 SOUTH 16 ST. STE 2050 PHILADELPHIA, PA 19102
TOTAL			\$139,757.13	

Adopted: November 6, 2019

Adopted this 6th day of November, 2019
and certified as a true copy of an original.

Diane Curcio, Acting Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2019 – 334 ~

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 Claims account checks have been outstanding for a period in excess of six months.

DATE	CHECK #	AMOUNT
1/24/19	20051	\$3,289.00
1/24/19	20057	\$2,704.00
1/24/19	20146	\$250.00
2/6/19	20203	\$75.00
2/21/19	20314	\$95.00
2/21/19	20438	\$27.50
	TOTAL	\$6,440.50

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

Adopted: November 6, 2019

Adopted this 6th day of November, 2019
and certified as a true copy of an original.

Diane Curcio, Acting Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2019 – 335 ~

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	\$196,337.56
3	Reserve Account	0.00
2	Grants	20,377.18
6	Refunds	219,989.52
1	General Ledger	5,129,640.76
26	Refuse	140,999.61
4	Capital	15,820.80
19	Animal Control	5,603.20
19	Heritage Trust	0.00
19	Open Space Trust	0.00
19	Trust	21,202.21
19	Scala Trust	0.00
16	Development Escrow	14,746.00
19	Tax Sale Trust	3,030.00
21	Assessment Trust	0.00
	Special Reserve	0.00
Total		\$5,767,746.84
Less Refund Resolution		-219,989.52
Actual Bills List		\$5,547,757.32
Other Payments		
Payroll		553,847.70
Total Expenditures		\$6,101,605.02

Adopted: November 6, 2019

Adopted this 6th day of November, 2019
and certified as a true copy of an original

Diane Curcio, Acting Township Clerk

Township of West Milford
Passaic County, New Jersey

~ Resolution 2019 – 336 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY ACCEPTING RESIGNATIONS TENDERED

BE IT RESOLVED, by the Township Council of the Township of West Milford that they do hereby accept the following resignations tendered to the Heritage Committee:

<u>Name</u>	<u>Position</u>	<u>Date Tendered</u>
Denise Von Wilke	Heritage Committee Citizen Member Term expires 12/31/19	October 8, 2019

Adopted: November 6, 2019

Adopted this 6th day of November, 2019
and certified as a true copy of an original.

Diane Curcio, Acting Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2019 - 337 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY RECOGNIZING A VACANCY ON THE INSURANCE ADVISORY COMMITTEE

BE IT RESOLVED, by the Township Council of the Township of West Milford that they do hereby posthumously recognize the service and contributions made by Kerry Goceljak to the Township of West Milford by virtue of her service on the Insurance Advisory Committee; and

BE IT FURTHER RESOLVED, that the Township Council hereby makes it known that a vacancy exists on this committee for the unexpired term of Kerry Goceljak, said term to expire on December 31, 2019.

Adopted: November 6, 2019

Adopted this 6th day of November, 2019
and certified as a true copy of an original.

Diane Curcio, Acting Township Clerk