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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

Minutes of: Governing Body Regular Meeting  
Date of Meeting: January 18, 2023  
Time of Meeting: 6:30 p.m.  
Minute Page No: Page 1 of 21

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The Regular Meeting of the Governing Body was called to order by Mayor Michele Dale at 6:30 p.m.

**Adequate Notice Statement**

Mayor Dale read the following statement:

Pursuant to the provisions of the Open Public Meetings Act (N.J.S.A. 10:4-8) adequate notice of this Regular Meeting was advertised in the Herald News in and The Record in its issue of January 10, 2023; and posted 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, Michael Chazukow, Marilyn Lichtenberg, Kevin Goodsir, Matthew Conlon, David Marsden

Absent:

Also Present: Mayor Michele Dale, Township Administrator William Senande, Township Attorney Ed Pasternak

Agenda No. III

**Reading of or Approval of Unapproved Minutes**

January 4, 2023 Reorganization Meeting Minutes

January 4, 2023 Regular Meeting Minutes

Original motion by Councilwoman Erik. Seconded by Councilwoman Lichtenberg.

Motion amended by Councilwoman Erik to include typo corrections. Seconded by Councilman Marsden.

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Moved: Erik Seconded: Lichtenberg  
Voted Aye: Erik, Chazukow, Lichtenberg, Goodsir, Conlon, Marsden  
Voted Nay: None  
Abstain:  
Motion carried:

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Agenda No. IV

**Meetings**

February 8, 2023 Regular Meeting & Board of Health Meeting

March 1, 2023 Regular Meeting

March 15, 2023 Regular Meeting

Agenda No. V

**Proclamation**

None.

Agenda No. VII

**Executive Session**

Agenda No. VII 1

~ Resolution 2023 – 063 ~

Cancelled by Attorney Pasternak

Agenda No. IX

**Unfinished Business, Final Passage of Ordinances**

None.

Agenda No. IIX

**New Business, Introduction of Ordinances, Resolutions**

Agenda No. IIX 1

~ Ordinance 2023 – 001 ~

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**JERSEY AMENDING CHAPTER 15 “ADMINISTRATION” SECTION 15-36 “PURCHASING PROCEDURES” WITHIN THE CODE OF THE TOWNSHIP OF WEST MILFORD**

**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 15-36 Purchasing Procedures under Paragraph A. Requisition a sentence within the paragraph regarding single purchase or aggregate shall be amended as shown below with all other sections remaining the same:

**§ 15-36** Purchasing procedures.

A. Requisition – All such purchases exceeding ~~\$3,000~~ **\$5,000** for a single purchase or aggregate, shall have at least three quotes solicited from manufacturers, firms or dealers unless purchased form a state contract or Co-Op.

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

**SECTION 4.** This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

**SECTION 5.** This Ordinance may be renumbered for codification purposes.

Introduced: January 18, 2023  
Adopted:  
Effective Date:

Second reading and public hearing for this ordinance is set for the Regular Meeting of the Township Council scheduled for February 8, 2023. Notice of this public hearing shall be published in the Herald News on or about January 24, 2023.

Councilman Chazukow indicated that this would be helpful to those on the Heritage Committee, who have had trouble trying to get repairs done at the museum. It’s a great idea.

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Moved: Erik Seconded: Lichtenberg  
Voted Aye: Erik, Chazukow, Lichtenberg, Goodsir, Conlon, Marsden  
Voted Nay: None  
Motion carried:  
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Agenda No. IIX 2

~ Ordinance 2023 – 002 ~

**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 135 “FEES & COSTS,” SECTION 135-2 “DEPARTMENT OF COMMUNITY SERVICES AND RECREATION” WITHIN THE CODE OF THE TOWNSHIP OF WEST MILFORD**

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

**SECTION 1** Chapter 135 “Fees & Costs”, § 135-2 Department of Community Services and Recreation” are amended as follows:

**§ 135-2 Department of Community Services and Recreation**

The Department of Community Services and Recreation is authorized to charge the following fees:

A. **Bubbling Springs Membership and Badge:**

		<b>Resident Rate</b>	<b>Non-Resident Rate</b>
1.	Family Membership Consists of parent(s) & all children, up to & including full-time students living at home	\$275.00	\$375.00
2.	Parent/Child Membership (One adult & One Child under the age of 18 living in the same residence)	\$235.00	\$335.00

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3.	Individual Membership (Ages 13 to 61)	\$135.00	\$185.00
4.	Senior Individual Member (Age 62+)	\$30.00	\$40.00
5.	Senior Couple Membership	\$45.00	\$65.00
6.	Swim Team: First Child Each Additional Child	\$150.00 \$100.00	

**B. Bubbling Springs Park Guest Membership and Daily Pass (per person/per day) (prepaid):**

1.	Person under 2 years of age:	No charge	Resident & Non Resident
2.	Person from 2 years to 17 years of age	\$5.00	Resident & Non Resident
3.	A person from 18 to 61 years of age	\$15.00 Resident	\$20.00 Non-Resident
4.	Family pass (for up to 4 guests) (each additional guest regardless of age)	\$25.00 \$5.00	Resident & Non Resident
5.	Seniors (Ages 62+):	\$3.00	Resident & Non Resident

**C. Day Camp:** Children (Kindergarten through Eighth Grade). Day Camp registration is open to West Milford Residents Only.

**Day Camp registration incentives:**

- (1) Sibling discount: \$25 off weekly registration fee per child after first child; not to be applied to Before-Care or After-Care pricing.
- (2) The discount will not apply to off-site field trips.

<b>Fees: 10% Off Regular Price when all 8 weeks are paid in full by April 15, 2023</b>				
	<b>Full 8 Weeks</b>	<b>Weekly</b>	<b>Before-Care</b>	<b>After-Care</b>
(through May 31)	\$\$1,833	\$235.00	\$45.00/week	\$45.00/week
( As of June 1)	\$\$1,950	\$250.00	\$50.00	\$50.00
Camp Hours: 9:00 am-4:00pm			7:00am- 9:00 am	4:00 pm-6:00 pm

**D. Swim Lessons:**

All children	Lake Member	Non Member
One Session	\$65	\$75
Two Sessions	\$115	\$135
Three Sessions	\$165	\$190

E. A nonrefundable maintenance fee of \$25 shall be charged for each group use permit that requires the opening, closing and/or cleaning of a facility.

F. Permit fees: Bubbling Springs Members will be charged a nonrefundable administrative/user fee of \$30 for guest groups numbering more than 25 people. Permits must be filled out at the Parks and Recreation office. Groups of under 25 do not need to have a permit or pay a maintenance fee. They must make arrangements with the Lake Director prior to the party.

G. Use of Teen Center/Coffee House.

- (1) Event permits may be issued for use of the West Milford Teen Center/Coffee House by the Community Services and Recreation Department. The fee for such use shall be a one-time fee of \$150 for a four hour rental. Time exceeding the initial four hours shall be charged at the rate of \$25 per hour. Each event shall require a security deposit of \$200.
- (2) Use of the Teen Center shall be subject to all requirements associated with the issuance of event permits under Township policy, and the Township's caretaker must be present during any event.

H. Use of West Milford Recreation Center

- (1) \$25 per hour, per gym rental fees to local nonprofit organizations upon the issuance of permits and proof of proper insurance has been provided. Local nonprofit organizations are defined as registered organizations under § 501(c)(3) of the Federal Tax Code, with an established business address in West Milford Township.
- (2) \$100 per hour, per gym rental fees to nonlocal not-for-profit organizations based outside the Township of West Milford. Nonprofit organizations are defined as registered organizations under § 501(c)(3) of the Federal Tax Code.
- (3) \$100 per hour, per gym rental fees to local for-profit organizations upon the issuance of permits and proof of proper insurance has been provided.
- (4) Concession Stand rental fee: \$75 for three hours and \$25 for each additional hour.
- (5) Exemptions:
  - (a) Fees will not be assessed to local nonprofit organizations defined in Subsection I(1) if requested use occurs during regular operating hours of the West Milford Recreation Center, as established by the Township of West Milford Department of Community Services.

I. The Department of Community Services and Recreation is to provide all currently appointed members of boards, committees and commissions established by ordinance a \$5 discount for their

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own registration for each of the programs and events offered by the Department. All such members shall also be entitled to receive the same rates for Bubbling Springs as is provided to seniors.  
J. Event permits may be issued for use of the Recreation rooms of the Township Library by the Community Services and Recreation Department. The fee for such use shall be \$0.

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

**SECTION 4.** This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

**SECTION 5.** This Ordinance may be renumbered for codification purposes.

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

Introduced: January 18, 2023  
Adopted:  
Effective Date:

Second reading and public hearing for this ordinance is set for the Regular Meeting of the Township Council scheduled for February 8, 2023. Notice of this public hearing shall be published in the Herald News on or about January 24, 2023.

There was discussion about the coffee house and rentals for the outdoor pavilion and Administrator Senande indicated that though other items can be examined, the focus here was on preparation for summer camp. Councilman Conlon indicated that the prices bring us more in line with other programs around us, while remaining very price conscious.

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Moved: Erik Seconded: Lichtenberg  
Voted Aye: Erik, Chazukow, Lichtenberg, Goodsir, Conlon, Marsden  
Voted Nay: None  
Motion carried:  
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Agenda No. IIX 3

~ Ordinance 2023 – 003 ~

**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 135 “FEES & COSTS,” SECTION 135-18 “FOOD ESTABLISHMENTS” WITHIN THE CODE OF THE TOWNSHIP OF WEST MILFORD**

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

**SECTION 1** Chapter 135 “Fees & Costs”, § 135-18 Department of Health” are amended as follows:

**§ 135-2 Department of Health**

The Department of Health is authorized to charge the following fees:

- 1. § 135-18 Food establishments.**  
The following fees shall apply for licenses required under Chapter 163, Food Establishments, Retail:
  - A. Temporary retail food establishment (for a period not to exceed 14 days): \$100
  - B. Mobile retail food establishments: \$200 annually.
  - C. Establishments which only offer prepackaged food for sale: \$50 annually.  
All other retail food establishments shall be \$150 annually, except that for establishments which only offer prepackaged food for sale (for a period of seven days), the fee shall be \$40 annually.
  - D. For any reinspection required for any reason during any calendar year, there shall be a reinspection fee of \$75
  - E. Farmers markets: \$50 seasonally
  - F. Nonprofit organizations, Public Schools and charitable organizations: fee waived
  - G. Restaurants:
    1. Seating capacity under 50: \$150
    2. 51 to 100 seats: \$200
    3. 101 seats or more: \$250
  - H. Other than restaurants:
    2. Up to 2,499 square feet: \$100

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- 3. 2,500 to 4,999 square feet: \$200
- 4. 5,000 to 9,999 square feet: \$300
- 5. 10,000 square feet or more: \$400

J. Risk Type 4: \$250.

K. A late fee for retail food establishment licenses renewed after June 30<sup>th</sup> shall be \$50 per month. Any period of time greater than 1/2 of a month shall be considered as a full month for this purpose. No late fees shall be charged to public schools, charitable organizations, or nonprofit organizations.

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

**SECTION 4.** This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

**SECTION 5.** This Ordinance may be renumbered for codification purposes.

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

Introduced: January 18, 2023  
Adopted:  
Effective Date:

Second reading and public hearing for this ordinance is set for the Regular Meeting of the Township Council scheduled for February 8, 2023. Notice of this public hearing shall be published in the Herald News on or about January 24, 2023.

Councilman Chazukow questioned a highlighted portion in section D that appeared to be a possible note from the Health Department. Administrator Senande indicated that it was a note that was not part of the ordinance and that section would be removed from the draft.

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Moved: Erik Seconded: Lichtenberg  
Voted Aye: Erik, Chazukow, Lichtenberg, Goodsir, Conlon, Marsden  
Voted Nay: None  
Motion carried:  
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Agenda No. IIX 4

~ Ordinance 2023 – 004 ~

**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 163 “FOOD ESTABLISHMENTS, RETAIL” WITHIN THE CODE OF THE TOWNSHIP OF WEST MILFORD**

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

**SECTION 1** Chapter 163 “Food Establishments are amended as follows:

**Chapter 163** “Food Establishments, Retail”

**§ 163-1** License required.

A. It shall be unlawful for any person to conduct a retail food establishment as defined in N.J.A.C. 8:24 without obtaining a license from the Health Department and displaying that license in a conspicuous place within the establishment.

B. No license shall be issued by the Health Department unless a valid certificate of occupancy issued by the Construction Official for the premises. A certificate of occupancy shall be required for any retail food establishment that has been renovated or has changed ownership.

**§ 163-2** Compliance with retail food establishment provisions of State Sanitary Code.

It shall be unlawful for any person to conduct a retail food establishment without complying with all the provisions of the retail food establishment provisions of the State Sanitary Code as set forth in N.J.A.C. 8:24-1.1 et seq.

**§ 163-3** Fees.

The fees for licenses required under this chapter are included in Chapter 135, Fees and Costs.

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**§ 163-4** License period; renewal; transferability.

- A. Licenses issued under the provisions of this chapter shall expire annually on June 30 of each year, and application for renewal together with the required fee shall be submitted prior to June 30 of each year.
- B. A certificate or license issued by the health department is not transferable from person to person or from premises to premises.

**§ 163-5 Right of entry for inspection.**

A representative of the Health Department shall have the right to enter, at any hour, any premises wherein or whereon food storage, food preparation or food service activities or business is conducted and to inspect any part thereof.

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

**SECTION 4.** This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

**SECTION 5.** This Ordinance may be renumbered for codification purposes.

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

Introduced: January 18, 2023  
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Effective Date:

Second reading and public hearing for this ordinance is set for the Regular Meeting of the Township Council scheduled for February 8, 2023. Notice of this public hearing shall be published in the Herald News on or about January 24, 2023.

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Moved: Erik Seconded: Conlon  
Voted Aye: Erik, Chazukow, Lichtenberg, Goodsir, Conlon, Marsden  
Voted Nay: None  
Motion carried:  
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Agenda No. IIX 5

~ Ordinance 2023 – 005 ~

**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY CREATING A NEW SECTION WITHIN THE TOWNSHIP CODE WITHIN PART II, GENERAL LEGISLATION AS CHAPTER 214, AND ENTITLED MASSAGE PARLORS**

**WHEREAS**, the Mayor and Township Council have recently received complaints as massage parlors currently operating within the Township; and

**WHEREAS**, the Mayor and Township Council wishes to clarify and update the Township Code, upon the advice and approval of the Township Health Officer, to address and set forth standards for massage parlors and their operation within the Township for the health, welfare and benefit of the general public.

**NOW THEREFORE BE IT ORDAINED**, by the Township Council of the Township of West Milford, Passaic County, New Jersey, that the Code of the Township of West Milford shall be updated to include the following new Chapter 214, and to be entitled Massage Parlors, to read as follows:

**SECTION 1. Chapter 214 Massage, Bodywork and Somatic Therapy**

**§ 214-1 Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**CHAIR MASSAGE ESTABLISHMENT**

Any massage, bodywork and somatic therapy establishment which strictly limits its service to massages that are administered to clients who are seated in a massage chair and remain fully clothed in their own personal clothing for the duration of the service. Furthermore, no bare skin contact is made or permitted

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with the client, nor are any oils, creams or lotions applied to the client. The massage is strictly limited to the back, neck and shoulders.

**MASSAGE, BODYWORK AND SOMATIC THERAPIES**

Any systems of activity of structured touch which include, but are not limited to, holding, applying pressure, position and mobilizing soft tissue of the body by manual technique and use of visual, kinesthetic, auditory and palpating skills to assess the body for purposes of applying therapeutic massage, bodywork or somatic principles. Such applications may include, but are not limited to, the use of therapies such as heliotherapy or hydrotherapy, the use of moist hot and cold external applications, external application of herbal or topical preparations not classified as prescription drugs, movement and neuromyofacial education in self-care and stress management. Massage, bodywork and somatic therapies do not include the diagnosis or treatment of illness, disease, impairment or disability.

**MASSAGE, BODYWORK AND SOMATIC THERAPIST**

Any person licensed pursuant to the provisions of the Massage and Bodywork and Therapist Licensing Act, N.J.S.A. 45:11-53.

**MASSAGE, BODYWORK AND SOMATIC THERAPY ESTABLISHMENT**

Any establishment wherein massage, bodywork and/or somatic therapies are administered or are permitted to be administered, when such therapies are administered for any form of consideration.

**§ 214-2 License required.**

- A. No person, firm or corporation shall operate any establishment or utilize any premises in the Township as or for a massage, bodywork and somatic therapy establishment unless or until there has been obtained a license for such establishment or premises from the Township, in accordance with the terms and provisions of this chapter.
- B. No person shall practice massage or related therapies as a massage, bodywork or somatic therapist, employee or otherwise, unless he or she has a valid and subsisting massage, bodywork and somatic therapist's license issued to him or her by the New Jersey Board of Massage and Body Work Therapy, pursuant to the terms and provisions of N.J.S.A. 45:11-53 et seq.

**§ 214-3 Application for establishment license; requirements.**

Any person desiring a massage, bodywork and somatic therapy establishment license shall file a written application with the Township Clerk's Office on a form to be furnished by the Township Clerk. The completed application shall be returned to the Township Clerk's office for processing. In addition to the completed application the applicant, who shall be a principal of the business, may be required to submit additional documentation, including but not limited to a sketch, floor plan, building layout, diagram, zoning permit and/or Certificate of Occupancy as applicable to the application. The application form shall contain the following information:

- A. The business name and type of ownership of the business, i.e., whether individual, partnership, corporation or any other form of organization. When required, a copy of the entity's Business Registration Certificate (BRC) must be provided, as required by the State of New Jersey, Department of the Treasury.
- B. The trade name under which the business is to be conducted.
- C. The address and all telephone numbers associated with the business, including facsimile and email address, where business is to be conducted.
- D. A complete list of the names and residence addresses of all massage, bodywork and somatic therapists and employees of the business and the name and residence address of the manager or other person principally in charge of the operation of the business. Detailed job descriptions of those employees whose duties do not include those of a therapist must be included. It shall be the responsibility of the owner/operator to maintain an updated employee list and provide same to the Township Clerk's Office. The Township Clerk shall be notified in writing within 7 days, transmitted by regular mail, email or facsimile, of any and all changes to the list. This list shall also be made available during all inspections.

A certified statement attached to the list required in paragraph D above shall be provided indicating that all massage, bodywork and somatic therapists employed or to be employed by the establishment or otherwise permitted to work at the establishment have been certified by the State of New Jersey pursuant to the Massage and Bodywork Therapist Licensing Act, N.J.S.A. 45:11-53 et seq.

- F. The following personal information shall be provided concerning the applicant, if an individual; if a corporation, each officer and each director; if a partnership, including limited partners, each partner; and the manager or other person principally in charge of the operation of the business:
  - (1) The name, complete residence address and residence telephone number.
  - (2) The two previous residential addresses immediately prior to the present residential address of the applicant.
  - (3) Copy of a current driver's license or other government issued photo I.D.
  - (4) Two front-face portrait photographs taken within 30 days of the date of the application and shall be approximately 2 inches by 2 inches in size (passport size).
  - (5) The massage therapy or similar business history and experience, including, but not limited to, whether or not such person(s) has previously operated in this or another municipality or state under a license or permit or has had such license or permit denied, revoked or suspended and the reason therefore and the business activities or occupations subsequent to such action or denial, suspension or revocation.

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- (6) All criminal convictions other than misdemeanor traffic violations, fully disclosing the jurisdiction in which convicted and the offense for which convicted and circumstances thereof.
- G. Upon filing a completed application with the Township Clerk's Office, the Township Clerk shall direct the applicant to respond to the Police Department's Records Bureau with a current driver's license or other government issued photo identification. The applicant shall be photographed and be provided with a fingerprint form from a fingerprint vendor authorized by the State of New Jersey. The applicant, at the applicant's expense, shall respond to the authorized fingerprint vendor's location for a fingerprint check.
- H. Upon receipt of the results of the fingerprint check and subsequent criminal history check, the Police Department shall notify the Township Clerk's Office of those results. The Township Clerk shall then notify the applicant of said results.
- I. The submitted application must be accompanied by a copy of the signed lease for the property location where the proposed massage establishment will be in operation. The applicant must be listed as the lessee on the lease.

**§ 214-4 Establishment inspection fee.**

- A. Every applicant for a license to maintain, operate or conduct a massage, bodywork and somatic therapy establishment shall file an application with the Township Clerk's Office upon a form to be furnished by said office, and pay an annual fee of \$500 at the time of new application or renewal, for the cost to the Township for the inspections required by Section 214-5 with the exception of the Fire Bureau inspection fee.
- B. Should a reinspection of a massage establishment become necessary as determined by the Health Department official because of violations observed during the initial inspection, a reinspection fee of \$250 shall be charged to the establishment for each subsequent reinspection until all violations have been corrected. The fee must be paid by the establishment to the Township within 10 calendar days of the date the charge was issued.

**§ 214-5 Building requirements; inspections.**

The Township Clerk or his/her designee, upon receiving an application for a massage, bodywork and somatic therapy establishment license, shall refer the application to the Health Department, the Construction Code Official, the Fire Bureau, the Police Department and Planning Department which, after an inspection of the premises proposed for such uses, shall make written recommendations to the Township Clerk concerning compliance with the applicable municipal and State codes. No massage, bodywork, and somatic therapy establishment shall be issued a license or be operated, established or maintained in the Township unless an inspection by the Health Officer, Construction Code Official and Fire Inspector reveals that the establishment complies with the minimum requirements of the Building, Health and Fire Codes for businesses operating in the Township. In addition, the establishment must comply with each of the following minimum requirements:

- A. All massage tables, bathtubs, shower stalls, steam or bath areas and floors shall have surfaces which may be readily disinfected, and shall be maintained in a sanitary condition and regularly cleaned and disinfected by a method approved by the Health Department.
- B. Each massage, bodywork and somatic therapy area/room shall be equipped with a hand wash sink. Hand wash sinks are to be stocked with liquid hand soap and paper towels. Dispensers for soap and paper towels are to be wall mounted.
- C. An adequate area within each room for clients to store personal items shall be provided.
- D. The premises shall have adequate equipment for disinfecting and sterilizing non-disposable instruments and materials used in administering massages. The owner or operator shall submit a disinfection/sterilization plan for non-disposable instruments and materials used in administering massages, bodywork and/or somatic therapies to the Health Department for approval and must operate in compliance with an approved plan. Such non-disposable instruments and materials shall be disinfected after use on each patron and stored in a clean and sanitary manner.
- E. A shower area for clients shall be provided within the facility; such area shall be maintained in a clean and sanitary condition at all times.

**§ 214-6 Review and approval of license; validity/transferability.**

- A. All license applications under this chapter are subject to an administrative review as applicable to the application before it is presented to the Township Council for consideration. Upon completion of the administrative review a written report shall be filed with the Township Clerk. If all the requirements of this chapter have been fully satisfied the Township Clerk shall then present the application to the Township Council for review and approval.
- B. Any license granted under this chapter shall only be valid to the person to whom it was granted and for the location as indicated on the application. Licenses shall not be transferable between individuals, entities or locations of the respective establishments.

**§ 214-7 Suspension or revocation of establishment license.**

- A. Establishment licenses issued under this chapter may be revoked or suspended by the Township Council, after a public hearing. Reasons for automatic suspension or revocation of an establishment license include but are not limited to the following:
  - (1) Fraud, misrepresentation or false statement in the application for the establishment license.
  - (2) Fraud, misrepresentation or false statement made while operating the licensed business in the Township.



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- (3) Conviction of a crime involving moral turpitude, a felony, an offense involving sexual misconduct, keeping or residing in a house of prostitution, and any crime involving dishonesty.
  - (4) Conducting the licensed business within the Township in an unlawful manner or in such a manner as to constitute a menace to the health, safety or general welfare of the public.
  - (5) The owner and/or operator or any employee refuses to permit any duly authorized Township Police Officer or health official to inspect the premises or the operations therein.
  - (6) The conviction of an employee of the establishment for a violation of the prohibited acts set forth in Section 214-12 shall create a rebuttable presumption that the owner/operator had actual or constructive knowledge of the violation resulting in the conviction and shall constitute cause for the suspension or revocation of the establishment license.
  - (7) Any violation of this chapter.
- B.** In addition to any penalty prescribed, any license under this chapter is subject to revocation for violating any provision of this chapter or where the operation of the licensed premises is otherwise detrimental to the preservation of the health, safety and welfare of the public. The Township Clerk shall serve the licensee with a written complaint setting forth specifically the grounds of the complaint along with a notice indicating the time and place to appear before the Township Council for a hearing. Such service shall be made by personal service or certified and regular mail at least 10 days before the hearing date. The Township Council after such hearing may revoke the license.
- C.** Should it be determined that the conduct of the licensee is detrimental to the health, safety and general welfare of the public, such establishment's license may be suspended by the Health Officer or designee and the establishment shall close until all violations are corrected. The Health Officer may also recommend revocation of the license and suspend the license pending the revocation hearing referred to in paragraph B above. This hearing must be concluded within 45 days of the date of the suspension and closure of the establishment.

**§ 214-8 Display of license.**

The massage, bodywork and somatic therapy establishment shall display its license as well as the license of each and every massage, bodywork and somatic therapist employed in the establishment in an open and conspicuous place on the premises of the establishment. A 2 inch by 2 inch passport sized color photo of the licensed therapist must be affixed to the displayed license of each and every massage, bodywork and somatic therapist employed by the establishment. In addition, all therapists on site must have in their possession a government issued photo I.D.

**§ 214-9 Operating requirements.**

Every massage, bodywork and somatic therapy establishment shall comply with the following:

- A.** Every portion of the massage, bodywork and somatic therapy establishment, including appliances and apparatus, shall be kept clean and operated in a sanitary condition.
- B.** Price rates for all services shall be prominently posted in the reception areas in a location available to all prospective customers.
- C.** All employees, including massage, bodywork and somatic therapists, shall be clean and wear clean, nontransparent outer garments.
- D.** All massage, bodywork and somatic therapy establishments shall be provided with clean laundered sheets and towels in sufficient quantity which shall be laundered after each use thereof and stored in a sanitary manner.
- E.** The sexual or genital area of patrons must be covered by towels, cloths or undergarments when in the presence of an employee or massage, bodywork or somatic therapist.
- F.** All walls, ceilings, floors, pools, showers, bathtubs, sinks, steam rooms and all other physical facilities and surfaces shall be in good repair and maintained in a clean and sanitary condition. Wet and dry heat-rooms, steam or vapor rooms or steam or vapor cabinets and shower compartments and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs and showers shall be kept dry, clean and sanitary at all times.
- G.** Oils, creams, lotions and other preparations used in administering massage, bodywork and somatic therapies shall be from an approved source and kept in clean closed containers or cabinets. Single service products shall be used when available.
- H.** Animals, except for Service dogs, shall not be permitted in the massage work area.
- I.** Each massage, bodywork and somatic therapist shall wash his or her hands and arms up to and including the elbows in hot running water, using a proper soap and/or disinfectant before administering a massage, bodywork or somatic therapy to a patron. All restroom and workstation hand wash sinks are to be stocked with liquid hand soap and paper towels. Dispensers for soap and paper towels are to be wall mounted. Restroom hand wash sinks must have signs conspicuously displayed with the following language: "Employees must wash hands after using the restroom".
- J.** No massage establishment shall knowingly serve any patron infected with any fungus or other skin infections, nor shall service be performed on any patron exhibiting skin inflammation or eruptions, provided that a duly licensed physician may certify that a person may be safely provided with a massage, bodywork or somatic therapy, prescribing the conditions thereof. No therapist may perform service if they themselves are infected with any fungus or other skin infections, skin inflammation or eruptions unless a medical physician duly licensed by the State of New Jersey has certified that a therapist may safely provide the massage, bodywork or somatic therapy, prescribing the conditions thereof.

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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- K. A written disinfection plan for all linens, towels and reusable instruments used by the establishment must be approved by the Health Department, kept on site and available for review by the inspecting official at all times. The establishment must operate in conformance with the approved plan at all times.
- L. Client records must be kept for each and every client who receives services from the massage establishment. These records shall include at a minimum an intake form filled out by each customer to include their name, address, phone number, date of birth, date of service, the specific service they've received, the licensed therapist's full name, their NJ State Massage and Bodywork Therapist License number and the signature of the client. These records must be stored on the premises and available for review by the Health Department at all times for a period of not less than 3 years of the date the service was performed.
- M. Signage specifying the age restriction and the required record keeping requirements must be posted in English, conspicuously displayed and clearly readable from the customer entrance of the establishment at all times.
- N. Employees shall at all times provide access to a sanitary restroom for clients of the massage establishment.
- O. The massage establishment shall conform to and observe all applicable rules, regulations and prohibitions set forth by the NJ Board of Cosmetology.

**§ 214-10 Inspections.**

The Health Department and Fire Bureau, shall, from time to time, at least twice a year, make an inspection of each massage, bodywork and somatic therapy establishment granted a license under the provisions of this chapter for the purpose of determining whether the provisions of this chapter and/or applicable rules, regulations and laws are being complied with. Such inspection shall be made at reasonable times and in a reasonable manner. It shall be unlawful for any licensee to fail to allow such inspection officer access to the premises or to hinder such officer in any manner.

**§ 214-11 Sleeping quarters.**

No part of any quarters of any massage, bodywork and somatic therapy establishment shall be used for or connected with any bedroom or sleeping quarters nor shall any person sleep in such massage, bodywork and somatic therapy establishment except for limited periods incidental to and directly related to a massage, bodywork or somatic therapy treatment or bath. This provision shall not preclude the location of a massage, bodywork and somatic therapy establishment in separate quarters of a building housing a hotel or other separate businesses or clubs.

**§ 214-12 Prohibited acts.**

- A. No owner or manager of a massage, bodywork and somatic therapy establishment shall tolerate in his or her establishment any activity or behavior prohibited by the State of New Jersey, particularly, but not limited to, laws proscribing prostitution, indecency and obscenity, including the sale, uttering or exposing and public communication of obscene material; laws which relate to the commission of sodomy, adultery and proscribing fornication, nor shall any owner or manager tolerate in his or her establishment any activity or behavior which violates this section.
- B. Any conviction of any employee of a massage, bodywork and somatic therapy establishment of a violation of the aforementioned statutes and codes shall devolve upon the owner or manager of such establishment, to the extent that it constitutes sufficient cause for the suspension or revocation of the establishment license.
- C. The licensee of the massage establishment shall not permit:
  - (1) Table Showers.
  - (2) Ear Candling.
  - (3) All procedures and services that involve ear picks, ear scoops or ear spoons.
  - (4) Cupping, or applying the open end of a glass vessel or vessel of another material onto the client's skin and utilizing an open flame to heat the vessel.
  - (5) Any activities or therapies that utilize any form of terrestrial or aquatic animals during therapy including but not limited to fish foot spas.
  - (6) Any activities or therapies that utilize animal waste or products that contain animal waste as an ingredient.
  - (7) Colon cleansing.
- D. Pest control chemicals or sprays are prohibited. Pest control services must be performed by NJDEP licensed pest control contractors.
- E. Laundering is restricted to only those linens and towels used within the operation. The laundering of personal clothing and/or other items is prohibited. Personal clothing or other personal items may not be commingled with the linens or towels used in the operation nor shall personal clothing not specific to the operation be stored on the premises.
- F. No bulk food storage or meal preparation is permitted on premises.
- G. Personal effects of establishment owner(s) or employee(s) are not permitted on premises.
- H. No one under 18 years of age shall be served unless accompanied by a parent or legal guardian.
- I. Alcoholic beverages shall not be stored nor consumed on the premises.

**§ 214-13 Exceptions.**

The provisions of this section shall not apply to massage, bodywork or somatic therapies given:

- A. In the office of a licensed physician, chiropractor or physical therapist; or
- B. By a regularly established medical center, hospital or sanatorium having a staff which includes licensed physicians, chiropractors and/or physical therapists; or

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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- C. By any licensed physician, chiropractor or physical therapist in the residence of his or her patient; or
- D. By a licensed barber or cosmetologist/hairstylist limited to the areas of the face, neck, scalp or upper part of the body, manicurists and pedicurists, as set forth in the Cosmetology and Hairstyling Act of 1984, N.J.S.A. 45:5B-1 et seq;
- E. By a chair massage establishment as defined in Section 214-1 of this chapter as to the provisions set forth at Sections 214-5 B. and D. 214-9 D, G, K, L, and N only.

**§ 214-14 Violations and penalties.**

In addition to the revocation or suspension of the license granted under this chapter, any person who violates any provision of this chapter shall, upon conviction thereof, be punishable by a fine of not more than \$2,000 or imprisonment for a term not to exceed 90 days or by a period of community service not to exceed 90 days.

**§ 214-15 Enforcement Agent.**

The enforcement agent for massage, bodywork and somatic therapy licenses shall be the Health Officer or his/her designee.

**§ 214-16 License term.**

Licenses shall be issued for a term of one calendar year, year commencing on January 1 and expiring on December 31 of the year of issuance.

**§ 214-17 License fees.**

All fees shall be paid to the Township Clerk's office prior to being considered for approval. All fees are non-refundable and/or transferable. All licenses issued under this chapter are subject to a \$25 per month late fee, if the license is not timely renewed by the expiration date of the current license.

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

**SECTION 4.** No provision of this Ordinance shall be construed to impair any common law or statutory cause of action, or legal remedy there from, of any person for injury or damage arising from any violation of this Ordinance or from other law.

**SECTION 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: January 18, 2023  
Adopted:  
Effective Date:

Second reading and public hearing for this ordinance is set for the Regular Meeting of the Township Council scheduled for February 8, 2023. Notice of this public hearing shall be published in the Herald News on or about January 24, 2023.

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Moved: Erik Seconded: Conlon  
Voted Aye: Erik, Chazukow, Lichtenberg, Goodsir, Conlon, Marsden  
Voted Nay: None  
Motion carried:  
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Mayor Dale asked to move Resolutions 2023-064 through 2023-069.

Agenda No. XII 6

~ Resolution 2023 – 064 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE INTENT TO PURCHASE PORTABLE TOILET RENTALS AND SERVICE FROM M&B SEPTIC dba NOAH’S ARK IN ACCORDANCE WITH THE TOWNSHIP’S PURCHASING POLICY AND IN ACCORDANCE WITH THE PAY-TO-PLAY LAW N.J.S.A. 19:44A-20.5 ET SEQ.**

**WHEREAS**, the Township Council did establish a policy whereby a resolution shall be presented for their consideration for any purchase or purchases in excess of the Pay-to-Play threshold of \$17,500 and that the purchases shall warrant use of state contract, cooperative pricing contract or a minimum of three quotations; and

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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**WHEREAS**, the Township of West Milford has a need for rental of portable toilet equipment and maintenance at various locations throughout the Township which expenses would exceed the Pay-to-Play threshold of \$17,500; and

**WHEREAS**, M&B Septic dba Noah's Ark has complied with state pay-to-play regulation by completing and submitting a Business Entity Disclosure Certification; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey that purchases from M&B Septic dba Noah's Ark is hereby authorized and approved purchases are made through a Cooperative pricing contract, state contract or a minimum of three quotations and the total purchases are not to exceed the budgeted appropriation established for this purpose for the 2023 calendar year.

Adopted: January 18, 2023

Agenda No. XII 7

~ Resolution 2023 – 065 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF AN ANNUAL MAINTENANCE CONTRACT FOR POLICE DEPARTMENT IT AND CAD SUPPORT THROUGH LAWSOFT INC.**

**WHEREAS**, the Township of West Milford Police Department purchased LawSoft CAD/RMS Dispatch Software; and

**WHEREAS**, the LawSoft software requires annual maintenance and support that can only be obtained from the company that developed the software; and

**WHEREAS**, additionally, LawSoft Inc. provides support for all IT matters in addition to support for the CAD/Dispatch software for the West Milford Police Department; and

**WHEREAS**, the cost for the maintenance contract for IT support will be in the amount of \$15,540 annually; and

**WHEREAS**, the cost for the maintenance contract for CAD/RMS and GIS Mapping Services support will be in the amount of \$15,450.00 annually; and

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds in account number 01-201-25-240-498.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey, that in accordance with N.J.S.A. 5:34-9.1-2 and N.J.S.A. 40A:11-2(39) this purchase is authorized as a purchase "necessary for the conduct of its affairs".

**BE IT FURTHER RESOLVED** that the West Milford Police Department be and are hereby authorized to purchase an annual maintenance contract from LawSoft Inc., 15 Hamburg Turnpike (Suite 2) Bloomingdale, NJ 07403 in an amount not to exceed \$30,990.00 annually.

Adopted: January 18, 2023

Agenda No. XII 8

~ Resolution 2023 – 066 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING PURCHASES OF HYPOCHLORITE SOLUTION FROM BUCKMAN'S INC OVER \$17,500 AND UNDER THE BID THRESHOLD IN ACCORDANCE WITH THE PAY-TO-PLAY LAW N.J.S.A. 19:44A-20.5 ET SEQ.**

**WHEREAS**, the Township of West Milford has a need for hypochlorite solution for treating the water at Bubbling Springs Lake for the calendar year; as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, the Township of West Milford Council has requested that any purchase over \$17,500 be approved by Council; and

**WHEREAS**, Buckman's, Inc. will comply with state pay-to-play regulation by completing and submitting a Business Entity Disclosure Certification which certifies that the firm has not made any

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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reportable contributions to a political or candidate committee in the Township of West Milford with the elected officials in the previous one year, and that Buckman's, Inc. will not make any reportable contributions through the remainder of the year; and

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds to be encumbered from account number 01-201-28-371-686; and

**WHEREAS**, the hypochlorite solution will exceed the \$17,500 and should not exceed the bid threshold of \$40,000.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey that hypochlorite solution is hereby authorized and approved provided that the required 3 quotes per request be obtained and total purchases not to exceed \$40,000.

Adopted: January 18, 2023

Agenda No. XII 9

~ Resolution 2023 – 067 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE WAIVER OF ZONING PERMIT AND FIRE PREVENTION FEES FOR COMMUNITY EVENTS HELD BY THE FRIENDS OF WALLISCH HOMESTEAD FOR THE 2023 CALENDAR YEAR**

**WHEREAS**, the Friends of Wallisch Homestead has asked the Township to waive any and all Zoning Permit and Fire Prevention fees for events held by them at the Wallisch Homestead; and

**WHEREAS**, the Friends of Wallisch Homestead hold approximately six community events annually at Wallisch Homestead; and

**WHEREAS**, the Wallisch Homestead is jointly owned by the Township and the West Milford Board of Education; and

**WHEREAS**, the Friends of Wallisch Homestead is a registered 501(c)(3) corporation; and

**WHEREAS**, the Township has entered into an agreement that designates the Friends of Wallisch Homestead as the caretaker of the Wallisch Homestead.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council that all Zoning Permit and Fire Prevention fees for community events held by the Friends of Wallisch Homestead at the Wallisch Homestead are waived for the 2023 calendar year.

**BE IT FURTHER RESOLVED** that the Friends of Wallisch Homestead are welcome to request the waiver of Zoning Permit and Fire Prevention fees in subsequent years.

**BE IT FURTHER RESOLVED** that a copy of this resolution shall be forwarded to the Friends of Wallisch Homestead.

Adopted: January 18, 2023

Agenda No. XII 10

~ Resolution 2023 – 068 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY IN SUPPORT OF JERSEY ROOTS DISPENSARY LLC'S CANNABIS BUSINESS**

**WHEREAS**, on January 18, 2010, Governor Jon Corzine signed the New Jersey Compassionate Use Medical Marijuana Act, N.J.S.A. 24:61-1 et seq., which provided for the legalization of medical marijuana and creation of a program to allow persons suffering from qualifying debilitating medical conditions to obtain medical marijuana in a safe, timely and compassionate manner; and

**WHEREAS**, the State of New Jersey in 2018 amended its regulatory scheme so as to expand the scope of citizens to whom medical marijuana may be prescribed and so as to make medical marijuana more accessible and available to many of the citizens who need it; and

**WHEREAS**, on November 3, 2020, the Marijuana Legalization Amendment was approved by voters in New Jersey, which legalized the possession and use of cannabis for residents twenty-one years of age or older; and

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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**WHEREAS**, on February 22, 2021, Governor Phil Murphy signed into law the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, which established the adult use cannabis program in the State of New Jersey; and

**WHEREAS**, the Township of West Milford endorses the adult use cannabis program in the State of New Jersey, as well as the medical use program, which provides needed relief to the many persons suffering from chronic and/or debilitating illnesses who may benefit from this program; and

**WHEREAS**, the Township of West Milford supports the safe and appropriate siting of a retail cannabis dispensary within the Township's Community Commercial Zone, where such facilities are permitted use pursuant to Chapter 500-193, to the extent consistent with applicable state and local statutes, rules, regulations, and ordinances; and

**WHEREAS**, Jersey Roots Dispensary LLC has expressed interest in siting such a retail cannabis dispensary at 1433 Union Valley Road (Block 7520, Lot 1); and

**WHEREAS**, the proposed location is within the Township's Village Commercial Zone; and

**WHEREAS**, the Township of West Milford has not imposed any limits on the number of retail cannabis dispensary that may operate in the Village Commercial Zone.

**NOW, THEREFORE, BE IT RESOLVED**, that the West Milford Township Council supports the safe and appropriate siting of a retail cannabis dispensary within the Township's Cannabis Village Commercial Zone by Jersey Roots Dispensary LLC to the extent consistent with applicable state and local statutes, rules, regulations and ordinances.

Adopted: January 18, 2023

Agenda No. XII 11

~ Resolution 2023 – 069 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY ACCEPTING THE RESIGNATION OF GALE BARTH, DEPUTY TAX ASSESSOR**

**WHEREAS**, Gale Barth, on January 3, 2023, submitted a formal notification of her retirement to the Township Administrator; and

**WHEREAS**, the effective date of her retirement is August 1, 2023; and

**WHEREAS**, Gale Barth serves as the Deputy Tax Assessor in the Office of the Tax Assessor; and

**WHEREAS**, the Deputy Tax Assessor position is essential to the effectual administration of municipal government.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of West Milford that her retirement is accepted.

**BE IT FURTHER RESOLVED** that the Township Administrator shall coordinate with the Tax Assessor to ensure that the Office of the Tax Assessor continues to provide the highest level of service.

This Resolution shall take effect immediately.

Adopted: January 18, 2023

Motion to move Resolutions 2023-064 through 2023-069

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Moved: Erik Seconded: Lichtenberg  
Voted Aye: Erik, Chazukow, Lichtenberg, Goodsir, Conlon, Marsden  
Voted Nay: None  
Motion carried:  
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Agenda No. XIII

**Consent Agenda**

~ Resolution 2023 – 070 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING PASSAGE OF CONSENT AGENDA**

**WHEREAS**, the Mayor and Township Council of the Township of West Milford has reviewed the Consent Agenda consisting of various proposed Resolutions.

**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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**NOW, THEREFORE, BE IT RESOLVED**, that the following Resolutions on the Consent Agenda are hereby approved:

**Resolutions:**

- a) **2023-071** – Recreation Refund
- b) **2023-072** – Refund Other Liens
- c) **2023-073** – Refund Overpayment
- d) **2023-074** – Reinstatement of Taxes
- e) **2023-075** – Duplicate Tax Sale Certificate 91-105
- f) **2023-076** – Duplicate Tax Sale Certificate 91-106

Adopted: January 18, 2023

Agenda No. XIII a

**~ Resolution 2023 – 071 ~**

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

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

<b>ACTIVE AGERS</b>			
\$45.00	Thomas Decker 44 Beacon Hill Road West Milford, NJ 07480		
<b>SOCCER SQUIRTS</b>			
\$140.00	Justyna Tchorz 18 Pawnee Terrace West Milford, NJ 07480		
<b>ZUMBA GOLD</b>			
\$30.00	Thomas Decker 44 Beacon Hill Road West Milford, NJ 07480		
<b>LOW IMPACT DANCE AEROBICS</b>			
\$35.00	Thomas Decker 44 Beacon Hill Road West Milford, NJ 07480		
<b>YOGA SCULPT</b>			
20.00	Thomas Decker 44 Beacon Hill Road West Milford, NJ 07480		

Adopted: January 18, 2023

Agenda No. XIII b

**~ Resolution 2023 – 072 ~**

**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:

<b>Certificate No.</b>	<b>Certificate Date</b>	<b>Block/Lot/Qual</b>	<b>Reimbursement Amount</b>	<b>Pay to Lien Holder</b>
22-0031	10/11/2022	11102-006.03	\$192,641.22	EVOLVE BANK & TRUST 6070 POPLAR AVENUE, STE 200 MEMPHIS, TN 38119
<b>TOTAL</b>			<b>\$192,641.22</b>	

Adopted: January 18, 2023

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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Agenda No. XIII c

~ Resolution 2023 – 073 ~

**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. Exempt Property            |
| 5. Homestead Rebate  | 10. Trust Assessment          |

Block / Lot	Name	Amount	Year	Reason
09406-038	Olde School Title Agency 247 Franklin Avenue Nutley, NJ 07110	\$3,911.00	2023	1
		\$100.00	2023A	1
01101-035	Ken Meyer 539 South Broad FL1 Glen Rock, NJ 07452	\$115.68	2022A	6
10602-040	Daniel Janz 68 Schofield Road West Milford, NJ 07480	\$250.00	2022	4
16102-012	Stephen Klitch 27 Scenic Drive Oak Ridge, NJ 07438	\$250.00	2022	4
<b>TOTALS:</b>		<b>\$4,626.68</b>		

Adopted: January 18, 2023

Agenda No. XIII d

~ Resolution 2023 – 074 ~

**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       |
| 2 | NO ACCOUNT/CANNOT LOCATE |
| 3 | ACCOUNT CLOSED           |
| 4 | STOP PAYMENT             |

BLOCK/LOT	NAME	AMOUNT	INT	YEAR	REASON
03705-034	Joseph M. Van Hook	\$38.00		2023	2
00408-012	John C. Muskivitch	\$2,228.32	\$39.76	2022	2
08903-012	Claire L Gray	\$2,722.00		2023	2
<b>TOTALS:</b>		<b>\$4,988.32</b>	<b>\$39.76</b>		

Adopted: January 18, 2023

Agenda No. XIII e

~ Resolution 2023 – 075 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE ISSUANCE OF A DUPLICATE TAX SALE CERTIFICATE 91-105**



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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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**WHEREAS**, the Township of West Milford is the owner of Tax Sale Certificate 91-105 relating to 1692 Union Valley Road, Block 07104, Lot 001 in the Township of West Milford; and

**WHEREAS**, the original Tax Sale Certificate originally issued in connection with this matter has been lost and cannot be located; and

**WHEREAS**, the Tax Sale Certificate is held by the Township of West Milford; and

**WHEREAS**, the laws of the State of New Jersey provide for a municipality to issue a new Tax Sale Certificate to replace the lost certificate; and

**WHEREAS**, William Senande, Township Administrator has submitted an Affidavit of Lost Tax Sale Certificate in connection with this matter.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Township Council of the Township of West Milford, in the County of Passaic, and State of New Jersey that the Tax Collector is hereby authorized to issue a duplicate Tax Sale Certificate # 91-105 pertaining to 1692 Union Valley Road, Block 07104, Lot 001 in the Township of West Milford.

**BE IT FURTHER RESOLVED** that this replacement Tax Sale Certificate shall have the same full force and effect as the original certificate issue by the Township.

This Resolution shall take effect immediately.

Adopted: January 18, 2023

Agenda No. XIII f

~ Resolution 2023 – 076 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AURTHORIZIING THE ISSUANCE OF A DUPLICATE TAX SALE CERTIFICATE 91-106**

**WHEREAS**, the Township of West Milford is the owner of Tax Sale Certificate 91-106 relating to Union Valley Road, Block 07104, Lot 014 in the Township of West Milford; and

**WHEREAS**, the original Tax Sale Certificate originally issued in connection with this matter has been lost and cannot be located; and

**WHEREAS**, the Tax Sale Certificate is held by the Township of West Milford; and

**WHEREAS**, the laws of the State of New Jersey provide for a municipality to issue a new Tax Sale Certificate to replace the lost certificate; and

**WHEREAS**, William Senande, Township Administrator has submitted an Affidavit of Lost Tax Sale Certificate in connection with this matter.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Township Council of the Township of West Milford, in the County of Passaic, and State of New Jersey that the Tax Collector is hereby authorized to issue a duplicate Tax Sale Certificate # 91-106 pertaining to Union Valley Road, Block 07104, Lot 014 in the Township of West Milford.

**BE IT FURTHER RESOLVED** that this replacement Tax Sale Certificate shall have the same full force and effect as the original certificate issue by the Township.

This Resolution shall take effect immediately.

Adopted: January 18, 2023

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Moved: Erik Seconded: Conlon  
Voted Aye: Erik, Chazukow, Lichtenberg, Goodsir, Conlon, Marsden  
Voted Nay: None  
Motion carried:  
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Agenda No. XIV

**Approval of Expenditures**

~ Resolution 2023 – 077 ~

**RESOLUTION APPROVING THE PAYMENT OF BILLS**

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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

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

Acct #	Account Name	Amount
1	Current Account	\$285,067.65
3	Reserve Account	156,361.89
2	Grants	0.00
6	Refunds	197,537.90
1	General Ledger	10,811.47
26	Refuse	4,625.00
4	Capital	418,854.67
19	Animal Control	236.23
19	Heritage Trust	0.00
19	Open Space Trust	0.00
19	Trust	89,603.90
19	Scala Trust	0.00
16	Development Escrow	1,025.00
19	Tax Sale Trust	0.00
21	Assessment Trust	0.00
	Special Reserve	8,920.83
Total		\$1,173,044.54
Less Refund Resolution		-197,537.90
<b>Actual Bills List</b>		<b>\$975,506.64</b>
Other Payments		
Payroll		551,865.21
BOE		5,001,252.00
<b>Total Expenditures</b>		<b>\$6,528,623.85</b>

Adopted: January 18, 2023

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Moved: Erik Seconded: Lichtenberg  
Voted Aye: Erik, Chazukow, Lichtenberg, Goodsir, Conlon, Marsden  
Voted Nay: None  
Motion carried:

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Agenda No. XVI

**Appointments and Resignations**

Councilwoman Erik wished to appoint Jimmy Bennett to the Beautification/Recycling Task Force Committee (Advisory). Seconded by Councilwoman Lichtenberg. Motion to close and confirm by Councilwoman Erik. Seconded by Councilman Conlon.

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Moved: Erik Seconded: Lichtenberg  
Voted Aye: Erik, Chazukow, Lichtenberg, Goodsir, Conlon, Marsden  
Voted Nay: None  
Motion carried:

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Agenda No. XV

**Reports of Administrator, Mayor and Council Members**

**Mayor Dale** – Announced that we had been notified that Rockland Electric is going to be working on the distribution lines with Nelson Tree Service to prune trees in order to avoid future power outages. Work is currently scheduled to be done on Greenwood Lake Tpke., Awosting Rd., Burnt Meadow Rd., Morsetown Rd., Westbrook Rd., Otterhole Rd., Scofield Rd., Macopin Rd., Gould Rd., Wooley Rd., Vreeland Rd., Ridge Rd., Cahill Cross Rd., Center St., Airport Rd., and associated side streets starting in February and continuing for approximately 16 weeks.

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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Announcement number two is that NJBPU has approved a 47.8 million dollar Rockland Electric reliability improvement. West Milford will be receiving a portion of that money and the focus of the work will be in the Upper Greenwood Lake area where there are a lot of power outages.

At this time Mayor Dale moved on to the presentation portion of the agenda and Council continued later with various reports.

Agenda No. VI

**Presentations & Recognitions**

Mayor Dale announced that it has been a goal for her and the Council to get as much grant money as possible for the Township. Being located 100% in the Highlands Preservation Area creates challenges. The Township has now received its largest federal funding allocation in history, \$2,893,000 to fund the replacement of the Township's emergency radio system infrastructure. The funding will help ensure that all emergency personnel are better able to communicate with one another. Patrolman Michael Weber was instrumental working as the catalyst with Congressman Josh Gottheimer and his office to secure this grant, as well as others.

Patrolman Weber is ecstatic that we are receiving this grant and thanked everyone and is looking forward to working with everyone to get more grants for the Township in the future. Congressman Josh Gottheimer congratulated everyone and thanked Officer Weber, the Mayor and Council for all the hard work that goes into procuring a grant such as this. This should serve as the benchmark of a start of what is to come in the future. Every dollar that we can get back from the federal government is money that the tax payers don't have to pay in property taxes. The improvement to the safety for the public is a very worthy cause. Congressman Gottheimer thanked all of the first responders and indicated that it is great to be able to "have the backs of the people who have ours every day." West Milford is very large and it's a tough job to cover this amount of area. It's great that this money is coming back to New Jersey rather than "moocher states" like Alabama and Mississippi who take far too much out for what they contribute putting in. The ability to upgrade the equipment is critical for our responses to fires, medical issues, criminal incidents, terrorism, hazmat incidents and may realistically be the difference between life and death. This system will enable first responders in West Milford to communicate on the same system as the State Police and neighboring towns that have the same system. There is nothing partisan about this process, it is about teamwork and working together. It is all about the Country, New Jersey, our families and looking out for each other. Congressman Gottheimer is looking forward to continuing to work for West Milford and coming back in the future with more grants.

At this time Mayor Dale opened the meeting up for public comments.

Agenda No. X

**Public Comments**

Charlene Staub, 1640 Macopin "Highway" indicated that people are speeding along Macopin Road. The turn by Arundel Road is very dangerous. Large trucks and tractor trailers speed as well. The speed limit should be lowered and enforced. It's very dangerous due to the amount of driveways. She would like to see the speed limit dropped to 35 mph, figuring that at least people would slow down to 40 mph.

Rachel Lyons thanked the Mayor and Council for passing the Resolution for Jersey Roots Dispensary LLC. The company has expressed interest in siting a retail cannabis dispensary located at 1433 Union Valley Road.

Michael Garreau, 1639 Macopin Road is in agreement with neighbor Charlene Staub and has difficulty accessing his mailbox it's unsafe. He asked the Mayor and Council to please consider lowering the speed limit.

JoAnn Blom, 15 Timber Lane off Union Valley Road would like to see a consistent speed in West Milford, so that when people come into Town, they know that it's 35 mph throughout.

Doug Soloman, from Bald Eagle Commons questioned if rough spots on Cahill Cross Road could be paved or patched.

Seeing no one wanted to speak, Councilman Conlon moved to close the public portion. Seconded by Councilwoman Lichtenberg. All were in favor.

Agenda No. XI

**Council Comments**

Councilwoman Lichtenberg reminded everyone that she had voted in the past to lower the speed limit and had mentioned the area near Arundel Road. Having had a long history with the Town, being on the Municipal Alliance, the Chairperson on the Recreation Advisory Committee and being a West Milford resident for many years, she has heard people say that certain changes can't happen because some rules are not easy to enforce. Councilwoman Lichtenberg has seen changes happen, though sometimes change takes time. She is still in favor of a speed limit decrease and would like to see it happen.

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**  
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Councilwoman Erik indicated that when she is on Union Valley Road and doing the speed limit people pass her going over the double yellow line easily doing over 60 mph. Pulling out of Oxbow is dangerous, similar to Arundel. She received a letter from a Henderson Road resident who has been asking for years that both Canistear Road and Henderson Road have their speed limits lowered. It's bad enough that people speed but they are on their phones and are distracted as well. The pot-hole issue will be addressed.

Councilman Marsden feels that the issue is distracted driving. We had a study done and distracted driving was the major cause of accidents, not speeding. Enforcement is also an issue.

Councilman Goodsir lives on Macopin Road near the High School and feels the issue is distracted driving. If you live in West Milford you probably don't work here. There are just a few roads that lead out of town that enable access to other main arteries that people use in order to get to work. There are many commuters early in the morning and they are moving at 50-55mph. So if you are not going with traffic, they will be right behind you. Councilman Goodsir feels the issue has been discussed prior. If anything the speed limit should be lowered near where he lives due to there being children and the school but he is not in favor.

Councilman Chazukow indicated that the issues are considered very seriously. He welcomed Ms. Lyons and her cannabis business to Town.

Councilman Conlon lives in West Milford as well and experiences the same frustrations/situations that are being discussed. He noted that he has seen more police presence recently. He is in agreement with Councilman Goodsir that there are only a few through fares allowing access out of Town. Perhaps something may be done on an area of Union Valley Road, maybe going from 50 mph to 45 mph but he indicated that lowering the speed limit on Macopin Road would be counterproductive.

Mayor Dale explained that the Council had previously requested traffic study data from the police department, including accident data and traffic stop data. Extensive data was provided and reviewed and the decision that was made the last time this issue was voted on was not an arbitrary one. Regarding Cahill Cross Road, Mayor Dale wants to check with the DPW to see what their plans are. A section has been patched recently but she will follow up on the matter.

Agenda No. VIII

**Discussion Items / Official Communications**

1)	<p><b>Macopin Road Speed Limit</b> Councilman Marsden indicated that if he were to simply drive the speed limit on Macopin Road it would be safe, his car wouldn't go flying off the road. The problem is that people are not complying with the speed limit. After reviewing the data it was found that only 10.50% of accidents were caused by speeding. It's an enforcement issue and also a distracted driving issue.</p> <p>Councilman Conlon indicated that even with enforcement, some people get a ticket and slow down the next time while others will not. Reducing the speed limit doesn't necessarily make the road any safer or insure that people will obey it.</p> <p>Councilwoman Erik pointed out that on one end of Union Valley Road where you approach Town center and the speed limit is 35mph and there aren't that many homes. As you move into Town more, it also is 35mph where you drive past the farm, then 35 mph past the shopping center and on out to Macopin Road where the speed limit increases. It has a high number of homes and a very high number of driveways. If the 35 mph speed limit can work for certain portions of Town why can't it work on Macopin Road? Councilwoman Erik suggested the Township could put up a few of the electric "your speed is" boxes to help people realize they are going too fast.</p> <p>Mayor Dale asked if there was consensus from the Council to make the change to 35 mph. Councilwoman Erik and Councilwoman Lichtenberg replied YEA, Councilmembers Chazukow, Goodsir, Conlon and Marsden answered NAY.</p> <p>Mayor Dale would like to meet with the Police Department to discuss what is being done and what can be done and perhaps there can be a meeting in the middle some time down the road.</p> <p>Councilman Chazukow indicated that perhaps a distracted driving campaign is in order and made the point that for whatever reason when people are driving and see a police car they slow down.</p>
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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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Agenda No. XV

**Reports of Administrator, Mayor and Council Members continued**

Councilwoman Lichtenberg – Brought up the marijuana gifting issue. There are a lot of people complaining about it. Gifting hurts the State and West Milford and is not fair to the businesses that are doing things correctly and legally. She asked for Council consensus to send letters to the State Assemblymen and to the State Senator asking them to help design legislation to help stop the problem. Councilman Conlon suggested writing letters to the current members as well as the incoming members. The Council gave consensus. Administrator Senande will prepare and circulate the letter.

Councilman Goodsir – The Recreation Department has added a second Animal Tracks program due to its popularity. There are several upcoming events; indoor soccer registration, a few spots remain for the St. Patrick's Day children's cooking class, the pickleball clinic still has openings. There is an AARP free tax preparation for Seniors starting February 8, held on Mondays and Thursdays by appointment. The Elks will be having a meatloaf dinner this Friday and next Friday they will be having a sliced steak dinner. Donations are being accepted for the brackets for the military banners, but the banners themselves have sold out.

Councilman Conlon – American Legion Post 289 will be having a clam dinner on the second Tuesday of the month from 5-7 p.m. Various events are being held to support local groups. The Macopin School PTO is holding an event at McDonald's on January 24<sup>th</sup> from 4-8 p.m. Show the flyer when you order and a portion of the proceeds will go to the Macopin School PTO. On Monday, January 23<sup>rd</sup> just mention Special Olympics at Frank's Pizza and proceeds will go to the Special Olympics. Thanked Congressman Gotheimer and Officer Weber and all involved in the effort to procure the funds from the grant for our Township infrastructure. Five firefighters were recently in a house fire in Pompton Lakes when it exploded. Thankfully they are all recovering. Thank you to all of our first responders.

Councilman Marsden – Wanted to thank Mayor Dale for the historic grant that was received tonight. It's really a big deal and is unprecedented.

Councilwoman Erik – Thanked the people for showing up to the meeting tonight. The Town needs more volunteers. The Economic Development Commission needs people. Councilwoman Erik indicated that Mayor Dale was the best mayor ever.

Councilman Chazukow – Echoed the sentiments of his colleagues. The fact that we got that amount of money from the federal government is huge. It is very important to update the infrastructure. Regarding the subject of "gifting" marijuana, New Jersey residents have a constitutional right to be able to purchase regulated, legalized marijuana. He is in agreement with Councilwoman Lichtenberg and indicated that those gifting are frustrating the goals of the governing body, the community at large and the legitimate businesses. Volunteers are the backbone of the Township. Councilman Chazukow is the liaison for the Economic Development Committee and currently they are working on a trail map for the Township, where trails are connected with businesses. Anyone interested in joining a committee or volunteering should fill out a citizen leadership form. The Heritage Committee operates the West Milford Museum. The West Milford Museum was recently featured on Channel 12, where Tony Capudo did a piece on Jungle Habitat. The hours for the West Milford Museum are Saturdays 1-4 p.m.

Administrator Senande – No report.

Attorney Pasternak – No report.

Agenda No. XVII

**Adjournment**

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

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The meeting adjourned at 7:48 p.m.

Approved: February 8, 2023

Respectfully submitted:

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Deidre Ellis, Keyboarding Clerk II

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MICHELE DALE, MAYOR

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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WILLIAM SENANDE, TOWNSHIP CLERK