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

Minutes of: Governing Body Regular Meeting  
Date of Meeting: February 8, 2023  
Time of Meeting: 6:30 p.m.  
Minute Page No: Page 1 of 23  
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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 18, 2023 Regular Meeting Minutes

Motion by Councilwoman Erik. Seconded by Councilwoman Lichtenberg.

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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**

March 1, 2023 Regular Meeting  
March 15, 2023 Regular Meeting  
April 12, 2023 Regular Meeting

Agenda No. V

**Proclamation**

None.

Agenda No. VI

**Presentation**

None.

Agenda No. VII

**Public Hearing**

Agenda No. VII 1

~ Resolution 2023 – 078 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING CONFIRMATION OF THE SPECIAL ASSESSMENT FOR WALNUT, JEFFERSON, PAUL AND HARRISON STREETS**

**WHEREAS**, the Township Council of the Township of West Milford authorized the improvements of Walnut, Jefferson, Paul and Harrison Streets in Special Assessment Ordinance 2019-013 adopted August 14, 2019; and

**WHEREAS**, appropriate notices were published in accordance with N.J.S.A. 40:56-30, et. seq; and

**WHEREAS**, the notice of this meeting of the Mayor and Township Council was mailed via certified mail to owners named and identified in the report; and

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**WHEREAS**, the Township Council of the Township of West Milford has considered the assessment tabulation report submitted to it by the Tax Assessor in connection with the assessment for Walnut, Jefferson, Paul and Harrison Streets; and

**WHEREAS**, the assessment tabulation report a copy of which is on file with the Township Assessor in the amount of \$150,000 has been found by the Township Council of the Township of West Milford to be in proper form.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey that said report of the Tax Assessor, filed in connection with the improvements and the assessment thereon, is hereby adopted and confirmed.

**BE IT FURTHER RESOLVED**, that the Township Clerk is hereby ordered and directed to deliver to the Collector of Taxes of the Township of West Milford a duly certified copy of said report, in accordance with the provisions of N.J.S.A. 40:56-31, with the direction that the Collector proceed with the collection of the assessments beginning April 8, 2023.

Adopted: February 8, 2023

The Governing Body opened the meeting to the public to speak on this Resolution only.

Fran Hollfelder, 31 Harrison Street, had a question regarding Fairy Tale Forest. Brian Townsend from the Tax Assessor’s Department was on hand to answer the question and indicated that initially there were two properties that were left off, but they had since been reconsidered and included in the program.

Seeing no one else wishing to speak, Councilman Conlon made a motion to close the public portion. Seconded by Councilwoman Lichtenberg.

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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. VIII

**Executive Session**

None.

Agenda No. IX

**Discussion Items / Official Communications**

None.

Agenda No. X

**Unfinished Business, Final Passage of Ordinances**

None.

Agenda No. XIII

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

Agenda No. XIII 1

~ Ordinance 2023 – 006 ~

**ORDINANCE OF THE TOWNSHIP CODE OF WEST MILFORD CREATING WITHIN PART II, GENERAL LEGISLATION, CHAPTER 286 TO BE ENTITLED, “REGISTRATION OF FORECLOSURE MORTGAGE PROPERTIES;” PROVIDING FOR PURPOSE, INTENT AND APPLICABILITY OF THE ORDINANCE REQUIRING THE REGISTRATION AND MAINTENANCE OF CERTAIN REAL PROPERTY BY MORTGAGEES; PROVIDING FOR PENALTIES AND ENFORCEMENT, AS WELL AS THE REGULATION, LIMITATION AND REDUCTION OF REGISTRABLE REAL PROPERTY WITHIN THE TOWNSHIP**

**WHEREAS**, the Township Council desires to protect the public health, safety, and welfare of the citizens of the incorporated area of the Township of West Milford and maintain a high quality of life for the citizens of the Township through the maintenance of structures and properties in the Township; and

**WHEREAS**, the Council recognizes properties subject to foreclosure action or foreclosed upon (hereinafter referred to as “Registrable Properties”) located throughout the Township lead to a decline in community and property value; create nuisances; lead to a general decrease in neighborhood and

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community aesthetic; create conditions that invite criminal activity; and foster an unsafe and unhealthy environment; and

**WHEREAS**, the Council has already adopted property maintenance codes to regulate building standards for the exterior of structures and the condition of the property as a whole; and

**WHEREAS**, the Council recognizes in the best interest of the public health, safety, and welfare a more regulated method is needed to discourage Registrable Property Mortgagees from allowing their properties to be abandoned, neglected or left unsupervised; and

**WHEREAS**, the Council has a vested interest in protecting neighborhoods against decay caused by Registrable Property and concludes that it is in the best interests of the health, safety, and welfare of its citizens and residents to impose registration requirements of Registrable Property located within the Township to discourage Registrable Property and Mortgagees from allowing their properties to be abandoned, neglected or left unsupervised; and

**WHEREAS**, pursuant to N.J.S.A. 40:48-2, the Council is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Township by law; and

**WHEREAS**, pursuant to P.L. 2021, c. 444, the Council is authorized to adopt or amend ordinances creating a property registration program for the purpose of identifying and monitoring residential and commercial properties within the Township for which a summons and compliant in an action to foreclosure on a mortgage has been filed, regulate the care, maintenance, security and upkeep of such properties, and impose a registration fee on the creditor of such properties.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP** the Township Council finds that the implementation of the following changes and additions will assist the Township in protecting neighborhoods from the negative impact and conditions that occur as a result of vacancy, absentee ownership, and lack of compliance with existing Township regulations and laws.

- (a) That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon the adoption hereof.
- (b) That the Council does hereby amend the Township Codified Ordinances by creating within Title II, Chapter 286, entitled "Registration of Foreclosure Mortgage Properties" to read as follows.

**SECTION 1.** Chapter 286, "REGISTRATION OF FORECLOSURE MORTGAGE PROPERTIES" is created to read as follows:

**PART II, CHAPTER 286. REGISTRATION OF FORECLOSURE MORTGAGE PROPERTIES**

**§286-1 PURPOSE AND INTENT.**

It is the purpose and intent of the Council to establish a process to address the deterioration, crime, and decline in value of Township neighborhoods caused by property with foreclosure mortgages located within the Township, and to identify, regulate, limit and reduce the number of these properties located within the Township. It has been determined that there exist within the Township structures and vacant lots which are or may become in the future substandard with respect to structural integrity, equipment or maintenance or, further, that such conditions, including but not limited to structural deterioration; lack of maintenance of exterior premises and vacant lots; infestation; existence of fire hazards, constitute a menace to the health, safety, welfare and reasonable comfort of the citizens and inhabitants of the Township. It is further found and declared that, by reason of lack of maintenance and ensuing progressive deterioration, certain properties have the further effect of creating blighting conditions and that, if the same are not curtailed and removed, the aforesaid conditions will grow and spread and will necessitate in time the expenditure of large amounts of public funds to correct and eliminate the same and that, by reason of timely regulations and restrictions as herein contained, the growth of blight may be prevented and the neighborhood and property values thereby maintained, the desirability and amenities of dwellings and neighborhoods enhanced, and the public health, safety and welfare protected and fostered. It is the Council's further intent to establish a registration program as a mechanism to help protect neighborhoods from becoming blighted through the lack of adequate maintenance of properties that are in Foreclosure or Foreclosed, and to provide a mechanism to avert foreclosure actions through timely intervention, education, or counseling of property Owners.

**§286-2 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.

**Enforcement Officer** shall mean any law enforcement officer, building official, zoning inspector, code enforcement officer, fire inspector, building inspector, or other person authorized by the Township to enforce the applicable code(s).

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**Evidence of Vacancy** shall mean any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions may include, but are not limited to: overgrown and/or dead vegetation; past due Utility notices and/or disconnected Utilities; accumulation of trash junk or debris; abandoned vehicles, auto parts and/or materials; the absence of furnishings and/or personal items consistent with habitation or occupancy; the presence of an unsanitary, stagnant swimming pool; the accumulation of newspapers, circulars, flyers and/or mail; statements by neighbors, passers-by, delivery agents or government agents; and/or the presence of boards over doors, windows or other openings in violation of applicable code.

**Foreclosure or Foreclosure Action** shall mean the legal process by which a Mortgagee, or other lien holder, terminates or attempts to terminate a property Owner's equitable right of redemption to obtain legal and equitable title to the Real Property pledged as security for a debt or the Real Property subject to the lien. This definition shall include, but is not limited to, a complaint and summons filed with respect to foreclosure on a mortgage, a lis pendens filed against it by the lender holding a mortgage on the property, a deed-in-lieu of foreclosure, sale to the mortgagee or lien holder, certificate of title and all other processes, activities and actions, by whatever name, associated with the described process. The legal process is not concluded until the property obtained by the Mortgagee, lien holder, or their designee, by certificate of title, or any other means, is sold to a non-related bona fide purchaser in an arm's length transaction to satisfy the debt or lien.

**Mortgagee** shall mean the creditor, including but not limited to, trustees; mortgage servicing companies; lenders in a mortgage agreement; any agent, servant, or employee of the creditor; any successor in interest; or any assignee of the creditor's rights, interests or obligations under the mortgage agreement; or any other person or entity with the legal right to foreclose on the Real Property, excluding governmental entities as assignee or owner.

**Owner** shall mean every person, entity, or Mortgagee, who alone or severally with others, has legal or equitable title to any Real Property as defined by this Chapter; has legal care, charge, or control of any such property; is in possession or control of any such property; and/or is vested with possession or control of any such property. The Property Manager shall not be considered the Owner.

**Property Manager** shall mean any party designated by the Owner as responsible for inspecting, maintaining and securing the property as required in this Chapter.

**Real Property** shall mean any residential or commercial land and/or buildings, leasehold improvements and anything affixed to the land, or portion thereof identified by a property parcel identification number, located in the Township limits.

**Registrable Property** shall mean any Real Property located in the Township, whether vacant or occupied, that is subject to an ongoing Foreclosure Action by the Mortgagee or Trustee, has been the subject of a Foreclosure Action by a Mortgagee or trustee and a judgement has been entered, or has been the subject of a Foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the Foreclosure and any properties transferred under a deed in lieu of foreclosure/sale. The designation of a "foreclosure" property as "registrable" shall remain in place until such time as the property is sold to a non-related bona fide purchaser in an arm's length transaction or the Foreclosure Action has been dismissed.

**Registry** shall mean a web-based electronic database of searchable real property records, used by the Township to allow Mortgagees the opportunity to register properties and pay applicable fees as required in this Chapter.

**Annual Registration** shall mean twelve (12) months from the date of the first action that requires registration, as determined by the Township, or its designee, and every subsequent twelve (12) months the property is Registrable. The date of the initial registration may be different than the date of the first action that required registration.

**Utilities and Services** shall mean any utility and/or service that is essential for a building to be habitable and/or perform a service necessary to comply with all Township codes. This includes, but is not limited to, electrical, gas, water, sewer, lawn maintenance, pool maintenance, and snow removal.

**Vacant** as used in this Article shall mean any parcel of land in the Township that contains any building or structure that is not lawfully occupied or inhabited by human beings. A property also shall be deemed vacant if it is occupied without a valid, unexpired certificate of occupancy or other written authorization for occupancy as may be required by Applicable Laws.

**§286-3 APPLICABILITY AND JURISDICTION**

This Chapter applies to Foreclosing or Foreclosed property within the Township.

**§286-4 ESTABLISHMENT OF A REGISTRY**

Pursuant to this section and as set forth within the provisions of Section 285, the Township, or its designee, shall establish a registry cataloging each Registrable Property within the Township, containing the information required by this Chapter.

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No less than 20 percent of any money collected shall be utilized by the municipality for municipal code enforcement purposes.

**§286-5 INSPECTION AND REGISTRATION OF REAL PROPERTY UNDER FORECLOSURE**

- (a) Any Mortgagee who holds a mortgage on Real Property located within the Township shall perform an inspection of the property upon the filing of a Foreclosure Action or any evidence of an existing foreclosure action or lien holder has obtained ownership of the real property by the Mortgagee.
- (b) Property inspected pursuant to subsection (a) above that remains in Foreclosure, shall be inspected every thirty (30) days by the Mortgagee or Mortgagee's designee. If an inspection shows a change in the property's occupancy status the Mortgagee shall, within ten (10) days of that inspection, update the occupancy status of the property registration.
- (c) Within ten (10) days of the date any Mortgagee files a Foreclosure Action, the Mortgagee shall register the Real Property with the Township Registry, and, at the time of registration, indicate whether the property is Vacant, and if so shall designate in writing a Property Manager to inspect, maintain and secure the Real Property subject to the mortgage in Foreclosure when legally possible. A separate registration is required for each Registrable Property.
- (d) Initial registration pursuant to this section shall contain at a minimum the name of the Mortgagee, the mailing address of the Mortgagee, e-mail address, telephone number and name of the Property Manager and said person's address, e-mail address, and telephone number, regardless of whether it is occupied or vacant.
- (e) At the time of initial registration each registrant shall pay a non-refundable Annual Registration fee of five hundred dollars (\$500.00) for each occupied Registrable Property and two thousand dollars (\$2,000.00) for each vacant property. Subsequent non-refundable Annual Registrations of properties and fees are due within ten (10) days of the expiration of the previous registration. Said fees shall be used to offset the costs of: (1) registration and registration enforcement, (2) code enforcement and mitigation related to Foreclosure properties, (3) post-closing counseling and Foreclosure intervention limited to Owner-occupied persons in Default, which may not include cash and mortgage modification assistance, and (4) for any related purposes as may be adopted in the policy set forth in this Chapter. Said fees shall be deposited to a special account in the Township's Department dedicated to the cost of implementation and enforcement of this Ordinance, and fulfilling the purpose and intent of this Chapter. None of the funds provided for in this section shall be utilized for the legal defense of Foreclosure Actions.
- (f) If the mortgage and/or servicing on a property is sold or transferred, the new Mortgagee is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the new Mortgagee shall register the property or update the existing registration. The previous Mortgagee(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Registrable Property.
- (g) If the Mortgagee sells or transfers the Registrable Property in a non-arm's length transaction to a related entity or person, the transferee is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the transferee shall register the property or update the existing registration. Any and all previous unpaid fees, fines, and penalties, regardless of who the Mortgagee was at the time registration was required, including but not limited to unregistered periods during the Foreclosure process, are the responsibility of the transferee and are due and payable with the updated registration. The previous Mortgagee will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Registrable Property.
- (h) If the Foreclosing or Foreclosed Property is not registered, or the registration fee is not paid within thirty (30) days of when the registration or renewal is required pursuant to this section, a late fee equivalent to ten percent (10%) of the Annual Registration fee shall be charged for every thirty-day period (30), or portion thereof, the property is not registered and shall be due and payable with the registration.
- (i) This section shall also apply to properties that have been the subject of a foreclosure sale where title is transferred to the Mortgagee as well as any properties transferred to the Mortgagee under a deed in lieu of foreclosure or by any other legal means.
- (j) Properties subject to this section shall remain subject to the Annual Registration requirement, and the inspection, security, and maintenance standards of this section as long as the property remains Registrable.
- (k) Failure of the Mortgagee and/or property Owner of record to properly register or to modify the registration to reflect a change of circumstances as required by this ordinance is a violation of this Chapter and shall be subject to enforcement by any of the enforcement means available to the Township.
- (l) If any property is in violation of this Chapter the Township may take the necessary action to ensure compliance with and/or place a lien on the property for the cost of the outstanding obligation and any additional cost incurred to the property into compliance.
- (m) Registration of foreclosure property does not alleviate the Mortgagee and/or Owner from obtaining all required licenses, permits and inspections required by applicable code or State Statutes. Acquisition of required licenses, permits and inspections or registration of rental property does not alleviate the requirement for the property to be registered under this section. Mortgagee and/or Owner is expected to update the status of the property in the event of a Mortgagee managed rental.
- (n) Properties registered under this Section are not required to register under Section §285-12.

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**§286-6 SECURITY REQUIREMENTS**

- (a) Properties subject to this Chapter shall be maintained in a secure manner so as not to be accessible to unauthorized persons.
- (b) A “secure manner” shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure. Broken windows, doors, gates, and other openings of such size that may allow a child to access the interior of the property or structure must be repaired. Broken windows shall be secured by re-glazing of the window.
- (c) If a property is Registrable, and the property has become vacant or blighted, a Property Manager shall be designated by the Mortgagee or Owner to perform the work necessary to bring the property into compliance with the applicable code(s), and the Property Manager must perform regular inspections to verify compliance with the requirements of this Chapter, and any other applicable laws.
- (d) In addition to the above, the property is required to be secured in accordance with the applicable code(s) of the Township.
- (e) When a property subject to this Chapter becomes Vacant, it shall be posted with the name and twenty-four (24) hour contact telephone number of the Property Manager. The Property Manager shall be available to be contacted by the Township Monday through Friday between 9:00 a.m. and 5:00 p.m., legal holidays excepted. The sign shall be placed in a window facing the street and shall be visible from the street. The posting shall be no less than eighteen (18) inches by twenty-four (24) inches and shall be of a font that is legible from a distance of forty-five (45) feet. The posting shall contain the following language with supporting information:  
THIS PROPERTY IS MANAGED BY \_\_\_\_\_.  
AND IS INSPECTED ON A REGULAR BASIS.  
THE PROPERTY MANAGER CAN BE CONTACTED  
BY TELEPHONE AT \_\_\_\_\_.  
OR BY EMAIL AT \_\_\_\_\_.
- (f) The posting required in subsection (e) above shall be placed on the interior of a window facing the street to the front of the property so that it is visible from the street, or secured to the exterior of the building/structure facing the street to the front of the property so that it is visible from the street or if no such area exists, on a stake of sufficient size to support the posting in a location that is at all times visible from the street to the front of the property but not readily accessible to vandals. Exterior posting shall be constructed of and printed with weather-resistant materials.
- (g) Failure of the Mortgagee and/or property Owner of record to properly inspect and secure a property subject to this Chapter, and post and maintain the signage noted in this section, is a violation and shall be subject to enforcement by any of the enforcement means available to the Township. The Township may take the necessary action to ensure compliance with this section, and recover costs and expenses in support thereof.

**§286-7 SUPPLEMENTAL PROVISIONS**

The provisions of this Chapter are cumulative with and in addition to other available remedies. Nothing contained in this Chapter shall prohibit the Township from collecting on fees, fines, and penalties in any lawful manner; or enforcing its codes by any other means, including, but not limited to, injunction, abatement, or as otherwise provided by law or ordinance.

**§286-8 PUBLIC NUISANCE**

All Registrable Property is at risk of being a public nuisance and if vacant or blighted can constitute a public nuisance, the abatement of which pursuant to the police power is hereby declared to be necessary for the health, welfare, and safety of the residents of the Township.

**§286-9 ADDITIONAL AUTHORITY**

- (a) If the Enforcement Officer has reason to believe that a property subject to the provisions of this Chapter is posing a serious threat to the public health, safety, and welfare, the code Enforcement Officer may temporarily secure the property at the expense of the Mortgagee or Owner, and may bring the violations before the code enforcement, Council or special magistrate as soon as possible to address the conditions of the property. Nothing herein shall limit the Township from abating any nuisance or unsafe condition by any other legal means available to it.
- (b) The Sheriff, code enforcement, Council or special magistrate shall have the authority to require the Mortgagee or Owner affected by this section, to implement additional maintenance and/or security measures including, but not limited to, securing any and all doors, windows or other openings, employment of an on-site security guard or other measures as may be reasonably required to help prevent further decline of the property.
- (c) If there is a finding that the condition of the property is posing a serious threat to the public health, safety, and welfare, then the Sheriff, code enforcement, Council or special magistrate may direct the Township to abate the violations and charge the Mortgagee or Owner with the cost of the abatement.
- (d) If the Mortgagee or Owner does not reimburse the Township for the cost of temporarily securing the property, or of any abatement directed by the Sheriff, code enforcement officer, code enforcement, Council or special magistrate, within thirty (30) days of the Township sending the Mortgagee or Owner the invoice then the Township may lien the property with such cost, along with an administrative fee as determined in the Township's fee ordinance to recover the administrative personnel services. In addition to filing a lien the Township may pursue financial penalties against the Mortgagee or Owner.

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- (e) The Township may contract with an entity to implement this Chapter, and, if so, any reference to the Enforcement Officer herein shall include the entity the Township contract with for that purpose.

**§286-10 OPPOSING, OBSTRUCTING ENFORCEMENT OFFICER; PENALTY**

Whoever opposes obstructs or resists any Enforcement Officer or any person authorized by the enforcement office in the discharge of duties as provided in this chapter shall be punishable as provided in the applicable code(s) or a court of competent jurisdiction.

**§286-11 IMMUNITY OF ENFORCEMENT OFFICER**

Any Enforcement Officer or any person authorized by the Township to enforce the sections here within shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon Real Property while in the discharge of duties imposed by this Chapter.

**§286-12 PENALTIES**

- (a) Unless otherwise provided for in this Chapter, a violation of this Chapter is declared unlawful.
1. Per P.L. 2021, Chapter 444, C.40:48-2.12s3 g. (1) An out-of-State creditor subject to an ordinance adopted pursuant to subsection a. of this section found by the municipal court of the municipality in which the property subject to the ordinance is located, or by any other court of competent jurisdiction, to be in violation of the requirement to appoint an in-State representative or agent pursuant to the ordinance shall be subject to a fine of \$2,500 for each day of the violation. Any fines imposed on a creditor for the failure to appoint an in-State representative or agent shall commence on the day after the 10-day period set forth in paragraph
  2. Per P.L. 2021, Chapter 444, C.40:48-2.12s3 g. (2) A creditor subject to an ordinance adopted pursuant to subsection a. of this section found by the municipal court of the municipality in which the property subject to the ordinance is located, or by any other court of competent jurisdiction, to be in violation, excluding only a violation addressed by paragraph (1) of this subsection, of the ordinance shall be subject to a fine of \$1,500 for each day of the violation. Any fines imposed pursuant to this paragraph shall commence 31 days following receipt of the notice of violation, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence 11 days following receipt of the notice.

**§286-13 AMENDMENTS**

Registration fees and penalties outlined in this Article may be modified an amendment to this Chapter, passed and adopted by the Council.

**§286-14 REPEALER**

All ordinances or parts of ordinances in conflict herewith, are hereby repealed and replaced.

**SECTION 2.** If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

**SECTION 3.** This Ordinance may be renumbered for purposes of codification.

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

Introduced: February 8, 2023

Adopted:

Effective Date:

Second reading and public hearing for this ordinance is set for the Regular Meeting of the Township Council scheduled for March 15, 2023. Notice of this public hearing shall be published in the Herald News on or about February 14, 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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Mayor Dale asked to move Resolutions 2023-079 through 2023-097.

Agenda No. XIII 2

~ Resolution 2023 – 079 ~

**RESOLUTION AUTHORIZING THE PURCHASE OF MITCHELL HUMPHREY & COMPANY'S  
FASTTRACKGOV SOFTWARE FROM DELL, INC. THROUGH NEW JERSEY STATE CONTRACT  
20-TELE-01510 (T3121)**

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**WHEREAS**, the Township of West Milford seeks to replace its file management software to better address the needs of constituents; and

**WHEREAS**, various departments/divisions utilize the file management software; and

**WHEREAS**, the Township seeks to migrate its file management to a cloud-based solution that can better ensure business continuity; and

**WHEREAS**, the Township has inspected various available options to determine the software that would best suit its needs; and

**WHEREAS**, the Township Administrator, with the input of various Department/Division Heads and other Township Officials, has recommended FastTrackGov offered by Mitchell Humphrey & Co., 1285 Fern Ridge Parkway, Suite 140, St. Louis, Missouri 63141; and

**WHEREAS**, FastTrackGov is available through State Contact 20-TELE-01510 (T3121); and

**WHEREAS**, the proposed cost of implementing the software of \$344,395 is to be divided over the next five (5) years; and

**WHEREAS**, the software will be rolled out by department/division over the first two years; and

**WHEREAS**, the Chief Financial Officer has certified the availability of funds 01-201-22-195-498 for this purchase, subject to appropriation for the software fees in the Township's operating budgets in future years.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council that the contract for the support and maintenance of its file management software be awarded to Mitchell Humphrey & Co. for the proposed amount of \$344,395.

Adopted: February 8, 2023

Agenda No. XIII 3

~ Resolution 2023 – 080 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A COMPETITIVE BIDDING CONSTRUCTION CONTRACT TO R.J. MICHAELS & CO., INC. FOR PROPOSED RENOVATIONS AND ALTERATIONS TO TOWN HALL ANNEX BUILDING**

**WHEREAS**, the Township of West Milford advertised on December 18, 2022 for the receipt of sealed competitive bids to be received on January 20, 2023 at 10:00 am for the Proposed Renovations and Alterations to Town Hall Annex Building as per the bid specifications; and

**WHEREAS**, the Township of West Milford advertised on January 17, 2023 Addendum #2 to change the receipt of sealed competitive bids to be received on January 31, 2023 at 10:00am for the Proposed Renovations and Alterations to Town Hall Annex Building as per Addendum #2 and the bid specifications; and

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

**WHEREAS**, said bids have been duly reviewed and analyzed by the Township Attorney; and

**WHEREAS**, the bid received from the lowest bidder, R.J. Michaels & Co., Inc., has been found to be in proper form, in compliance with the provisions of N.J.S.A. 40A:11-23.5 and is a qualified bidder; and

**WHEREAS**, said bid is considered a reasonable cost and a contract recommendation was provided by the Township Attorney; and

**WHEREAS**, the Chief Financial Officer has certified that encumbrances for these services shall come from account number 01-270-55-000-001.

**WHEREAS**, the Local Public Contracts Law requires that a bid be awarded within sixty (60) days of a bid opening.

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

1. The Township Council hereby awards a contract to R.J. Michaels & Co., Inc., 333 Dodd Street, East Orange, NJ 07017 for Proposed Renovations and Alterations to Town Hall Annex Building in an amount not to exceed \$727,108.00.



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

Minutes of: Governing Body Regular Meeting  
Date of Meeting: February 8, 2023  
Time of Meeting: 6:30 p.m.  
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2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with R.J. Michaels & Co., Inc., in accordance with its bid for said renovations and alterations to the Annex Building in the Township of West Milford.
3. The Township's Chief Financial Officer has certified the availability of funds for same.
4. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: February 8, 2023

Agenda No. XIII 4

~ Resolution 2023 – 081 ~

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

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

**WHEREAS**, the Department of Public Works is requesting the purchase of vehicle/equipment repair parts (brake parts, exhaust parts, engine parts, filters, hoses, fittings, tires, suspension parts, hydraulic parts, etc.) and service through use of State contracts, as a member of cooperative pricing contracts or a minimum of three quotes which expenses could exceed the aggregate quote threshold of \$17,500.00; and

**WHEREAS**, the Township Council has received a recommendation from the Director of Public Works indicating the anticipated need to purchase various vehicle/equipment repair parts and service which expenses may exceed the aggregate quote threshold of \$17,500.00; and

**WHEREAS**, any vendor utilized for such purchases shall comply with State pay-to-play regulations by completing and submitting a Business Entity Disclosure Certification; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey that the appropriate Township officials be and are hereby authorized to execute purchases provided that purchases are made through State or Cooperative pricing contracts or a minimum of three quotations not to exceed the budgeted appropriation established for this purpose for the 2023 calendar year.

Adopted: February 8, 2023

Agenda No. XIII 5

~ Resolution 2023 – 082 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE PURCHASE OF PAVING MATERIALS FROM TILCON NEW YORK, INC. THROUGH MORRIS COUNTY COOPERATIVE PRICING COUNCIL, CONTRACT #5 (PAVING MATERIALS) IN AN AMOUNT NOT TO EXCEED \$20,000.00**

**WHEREAS**, the Township of West Milford is a member of the Morris County Cooperative Pricing Council (State ID # 6-MCCoOp); and

**WHEREAS**, the Morris County Cooperative Pricing Council has awarded Contract #5 (Paving Materials) to Tilcon New York, Inc.; and

**WHEREAS**, said contract was awarded through the open competitive bidding process and in accordance with N.J.S.A. 40A:11 et seq., Local Public Contracts Law; and

**WHEREAS**, the Director of Public Works has submitted a written recommendation that the Township of West Milford utilize Tilcon New York, Inc. for the purchase of paving materials through the use of the Morris County Cooperative Pricing Council, Contract #5 in an amount not to exceed \$20,000.00; 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: 01-201-26-290-361.

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

Minutes of: Governing Body Regular Meeting  
Date of Meeting: February 8, 2023  
Time of Meeting: 6:30 p.m.  
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**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey, the following:

1. The Mayor and Township Council hereby authorizes an expenditure of funds through the Morris County Cooperative Pricing Council, Contract #5 (Paving Materials) to Tilcon New York, Inc., 9 Entin Road, Parsippany, NJ 07054 for the purchase of paving materials for a not to exceed amount of \$20,000.00.
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution shall be available for public inspection in the office of the Township Clerk.

Adopted: February 8, 2023

Agenda No. XIII 6

~ Resolution 2023 – 083 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE PURCHASE OF CRUSHED STONE AND SAND FROM TILCON NEW YORK, INC. THROUGH MORRIS COUNTY COOPERATIVE PRICING COUNCIL, CONTRACT #9 (CRUSHED STONE AND SAND) IN AN AMOUNT NOT TO EXCEED \$20,000.00**

**WHEREAS**, the Township of West Milford is a member of the Morris County Cooperative Pricing Council (State ID # 6-MCCoOp); and

**WHEREAS**, the Morris County Cooperative Pricing Council has awarded Contract #9 (Crushed Stone and Sand) to Tilcon New York, Inc.; and

**WHEREAS**, said contract was awarded through the open competitive bidding process and in accordance with N.J.S.A. 40A:11 et seq., Local Public Contracts Law; and

**WHEREAS**, the Director of Public Works has submitted a written recommendation that the Township of West Milford utilize Tilcon New York, Inc. for the purchase of crushed stone and sand through the use of the Morris County Cooperative Pricing Council, Contract #9 in an amount not to exceed \$20,000.00; 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: 01-201-26-290-360.

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

1. The Mayor and Township Council hereby authorizes an expenditure of funds through the Morris County Cooperative Pricing Council, Contract #9 (Crushed Stone and Sand) to Tilcon New York, Inc., 9 Entin Road, Parsippany, NJ 07054 for the purchase of crushed stone and sand for a not to exceed amount of \$20,000.00.
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution shall be available for public inspection in the office of the Township Clerk.

Adopted: February 8, 2023

Agenda No. XIII 7

~ Resolution 2023 – 084 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF PLAYGROUND EQUIPMENT FOR NOSENZO PARK PLAYGROUND FOR FUNDING FROM THE PASSAIC COUNTY OPEN SPACE, FARMLAND AND HISTORIC PRESERVATION TRUST FUND**

**WHEREAS**, the Township of West Milford wishes to purchase playground equipment for the playground at Nosenzo Park playground; 50 foot ZipVenture, Volta Inclusive Spinner, plastic borders, 125 yards of new wood fiber; and

**WHEREAS**, the Director of Community Services and Recreation has provided a recommendation to purchase this through Ben Shaffer Recreation BC-BID-21-24 using Co-op #11- BECCP after obtaining a quotation: and

**WHEREAS**, the total amount of the purchase shall not exceed \$48,187.79

**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:

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

Minutes of: Governing Body Regular Meeting  
Date of Meeting: February 8, 2023  
Time of Meeting: 6:30 p.m.  
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1. The Township Council hereby authorizes the purchase of Playground Equipment in an amount not to exceed \$48,187.79 through Ben Shaffer Recreation, PO Box 844, Lake Hopatcong, NJ 07849
2. The Township Chief Financial Officer has certified the availability of funds for same in account: 19-295-56-100-701.
3. This resolution shall be available for public inspection in the office of the Township Clerk.

Adopted: February 8, 2023

Agenda No. XIII 8

~ Resolution 2023 – 085 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE RUBBER FLOOR COATING RESURFACING IN GYM #3 FOR FUNDING FROM THE PASSAIC COUNTY OPEN SPACE, FARMLAND AND HISTORIC PRESERVATION TRUST FUND**

**WHEREAS**, the Township of West Milford wishes to resurface the floor in Gym #3 and paint game lines; (1) basketball, (1) volleyball, (2) pickle ball; and

**WHEREAS**, the Director of Community Services and Recreation has provided a recommendation to purchase this through Mathusek, Inc. HCESC- Co-op #208 after obtaining a quotation: and

**WHEREAS**, the total amount of the purchase shall not exceed \$23,995.00

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

1. The Township Council hereby authorizes the resurfacing of the floor in Gym #3 and painting game lines on the floor in an amount not to exceed \$23,995.00 through Mathusek, Inc. 25 B Iron Horse Road, Oakland, NJ 07436.
2. The Township Chief Financial Officer has certified the availability of funds for same in accounts: 19-295-56-100-701.
3. This resolution shall be available for public inspection in the office of the Township Clerk.

Adopted: February 8, 2023

Agenda No. XIII 9

~ Resolution 2023 – 086 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE TOWNSHIP TO PARTICIPATE IN THE UNION COUNTY COOPERATIVE PRICING AGREEMENT**

**WHEREAS**, N.J.S.A. 40A:11-1 et. seq. authorizes contracting units to enter into Cooperative Pricing Agreements; and

**WHEREAS**, the County of Union, hereinafter referred to as the “Lead Agency” has offered voluntary participation in a Cooperative Pricing System for the purchase of work, materials and supplies; and

**WHEREAS**, the Township of West Milford, County of Passaic, State of New Jersey desires to participate in the Union County Cooperative Pricing Agreement;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township of West Milford, County of Passaic, State of New Jersey that the Township Council hereby authorizes the Township of West Milford to participate in the Union County Cooperative Pricing Agreement and execute a Cooperative Pricing Agreement with the County of Union upon its approval by the Division of Local Government Services; and

**BE IT FURTHER RESOLVED**, that the County of Union as Lead Agency is expected to comply with the provisions of the Local Public Contracts Law N.J.S.A. 40A:11-1 et. seq. and all of the provisions of the revised statutes of the State of New Jersey.

Adopted: February 8, 2023

Agenda No. XIII 10

~ Resolution 2023 – 087 ~

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

Minutes of: Governing Body Regular Meeting  
Date of Meeting: February 8, 2023  
Time of Meeting: 6:30 p.m.  
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**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY ACCEPTING A GRANT FROM THE COMPLETION OF A COMPREHENSIVE MASTER PLAN UPDATE**

**WHEREAS**, to satisfy the requirements of the Municipal Land Use Law the Township needs to address deficiencies in the 35 year old Master Plan, and

**WHEREAS**, the Township supplied to the Highlands Council a proposed scope of work for the completion of a comprehensive Master Plan update; and

**WHEREAS** funding in the amount requested of \$44,000 was approved by the New Jersey Highlands Resolution 2020-16.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Township Council of the Township of West Milford formally accept the \$44,000 grant received for the above stated project.

Adopted: February 8, 2023

Agenda No. XIII 11

~ Resolution 2023 – 088 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE TOWNSHIP OF WEST MILFORD OFFICE OF EMERGENCY MANAGEMENT TO ACCEPT A SUB GRANT AWARD OF THE FEDERAL FISCAL YEAR 2022 OF EMERGENCY MANAGEMENT PERFORMANCE GRANT AND EMERGENCY MANAGEMENT AGENCY ASSISTANCE**

**WHEREAS**, the West Milford Township Office of Emergency Management has been awarded State Homeland Security Grant Program Sub Grant AFN #97.042, Sub Grant Award #FY22-EMPG-EMAA-1615 from the New Jersey Department of Law and Public Safety, Office of the Attorney General. The Sub Grant, consisting of \$10,000.00 Federal Award is for the purpose of enhancing the Townships ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies; and

**WHEREAS**, the Township of West Milford Office of Emergency Management will use these funds to enhance its Emergency Management Program and that the funds will be used for Emergency Management purposes; and

**WHEREAS**, the application for the Sub Grant Award calls for a match in the amount of \$0; and

**WHEREAS**, the award period is from July 1, 2022 to June 30, 2023; and

**WHEREAS**, the Sub Grant Award incorporates all conditions and representations contained or made in application and notice of award; and

**WHEREAS**, the West Milford Township Office of Emergency Management Office Emergency Management, designated by the New Jersey State Police, Office of Emergency Management, has submitted an application for Sub Grant Award that has been required by the said New Jersey State Office of Emergency Management.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of West Milford does authorize the Office of Emergency Management to apply and accept the award of the FFY22 Emergency Management Performance Grant Program (EMPG), Emergency Management Agency Assistance Sub Grant (EMAA) in the amount of up to \$10,000.00 Federal Funds from the New Jersey State Police, Office of Emergency Management.

**BE IT FURTHER RESOLVED** that the West Milford Township Administrator, the Township Chief Fiscal Officer, the Township Emergency Management Coordinator, and the Township Deputy Emergency Management Coordinator are authorized to the sign the appropriate Sub Grant Award documents; and

**BE IT FURTHER RESOLVED** that copies of this resolution shall be forwarded to the New Jersey State Police, Office of Emergency Management; the West Milford Township Administrator; the West Milford Chief Financial Officer; the West Milford Office of Emergency Management; and the West Milford Finance Office.

Adopted: February 8, 2023

Agenda No. XIII 12

~ Resolution 2023 – 089 ~

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

Minutes of: Governing Body Regular Meeting  
Date of Meeting: February 8, 2023  
Time of Meeting: 6:30 p.m.  
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**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SUBMISSION OF A FISCAL YEAR (FY) 2022 ASSISTANCE TO FIREFIGHTERS GRANTS APPLICATION**

**WHEREAS**, the West Milford Fire Bureau has an obligation to keep our communities safe, not limited to fire prevention and suppression; and

**WHEREAS**, fire departments having a formally recognized arrangement with a state, local, tribal or territorial authority (city, county, parish, fire district, township, town or other governing body) to provide fire suppression to a population within a geographically fixed primary first due response area are eligible to apply; and

**WHEREAS**, Assistance Firefighters Grant awards can provide volunteer fire departments not less than 25% of total available funds, with up to 90% of local funding with a 10% local match (this is based off township population), to be utilized to purchase emergency vehicles and equipment; and

**WHEREAS**, not more than 25% of available grant funds may be used by recipients for the purpose of vehicles; with a period of performance of 24 months; and

**WHEREAS**, the West Milford Fire Bureau is applying for this grant funding for a new tanker truck; this will reflect positively on quality of service and reliability of the equipment to service the public.

**NOW THEREFORE, BE IT RESOLVED**, the Township Council of the Township of West Milford hereby authorizes the submission of a 2022 Assistance to Firefighters Grants Application to purchase a new tanker truck. This grant awards up to 90% of funding over the twenty-four (24 month) award period, with a minimum 10% local cash match requirement, with maximum federal share of \$1,000,000.

Adopted: February 8, 2023

Agenda No. XIII 13

~ Resolution 2023 – 090 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC STATE OF NEW JERSEY AUTHORIZING THE ACCEPTANCE OF A STRATEGIC PLAN FOR THE WEST MILFORD MUNICIPAL ALLIANCE GRANT BY THE MUNICIPAL ALLIANCE COMMITTEE**

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

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

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

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

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

1. The Township Council does hereby accept a grant of a strategic plan for the West Milford Municipal Alliance for the period of July 1, 2022 to June 30, 2023 (FY2023) in the amount of:

|            |            |
|------------|------------|
| DEDR       | \$8,276.48 |
| Cash Match | \$2,069.12 |
| In-Kind    | \$6,207.36 |

2. The Township Council acknowledges the terms and conditions for administering the Municipal Alliance Grant, including the administrative compliance and audit requirements.
3. The Chief Financial Officer has certified as to the availability of funds for this match, said funds to be encumbered from account number 19-295-56-120-215.

Adopted: February 8, 2023

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

Minutes of: Governing Body Regular Meeting  
Date of Meeting: February 8, 2023  
Time of Meeting: 6:30 p.m.  
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Agenda No. XIII 14

~ Resolution 2023 – 091 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY ACCEPTING OF A GRANT FROM THE PASSAIC COUNTY CULTURAL & HERITAGE COUNCIL AT PASSAIC COUNTY COMMUNITY COLLEGE BY THE FRIENDS OF WALLISCH HOMESTEAD FOR THE CONSTRUCTION OF ART SHOW DISPLAY PANELS IN THE AMOUNT OF \$4,110**

**WHEREAS**, the Township Council of the Township of West Milford, County of Passaic, State of New Jersey via Resolution 2022-268 authorized the submission of a grant to the Passaic County Cultural & Heritage Council at Passaic County Community College by the Friends of Wallisch Homestead for the Construction of Art Show Display Panels; and

**WHEREAS**, the Friends of Wallisch Homestead received a letter of intent from the Passaic County Cultural & Heritage Council approving the grant application in the approximate amount of \$4,110; and

**WHEREAS**, this grant will be effective for the period of January 1, 2023 through December 31, 2023.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey hereby approves the acceptance of the Passaic County Cultural & Heritage grant in the amount of \$4,110 for Art Show Display Panels at the Wallisch Homestead.

Adopted: February 8, 2023

Agenda No. XIII 15

~ Resolution 2023 – 092 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING A GRANT APPLICATION SUBMISSION TO THE COLUMBIA BANK FOUNDATION BY THE FRIENDS OF WALLISCH HOMESTEAD FOR THE WALLISCH HOMESTEAD HISTORIC PRESERVATION PLAN, PHASE 2, PART 1**

**WHEREAS**, the Columbia Bank Foundation awards grants to local non-profit organizations; and

**WHEREAS**, the Friends of Wallisch Homestead (FOWH) desires to further the public interest by obtaining funding in the amount of \$7,500 from the Columbia Bank Foundation for the Wallisch Homestead Historic Preservation Plan, Phase 2, Part 1; and

**WHEREAS**, Phase 2, Part 1 will include Architectural and Engineering drawing details of the exterior building and interior elements and analysis of existing conditions including damage and structural problems of all buildings.

**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 FOWH be and hereby are authorized to make application, provided all required information and documents as required and correspond as necessary, for a grant to the Columbia Bank Foundation;
2. That the FOWH are hereby authorized to execute a grant agreement and any amendment thereof with the Columbia Bank Foundation for the Wallisch Homestead Historic Preservation Plan, Phase 2, Part 1;
3. That, if the funds provided by the PCCHC are less than the total project cost of \$15,250.00 the applicant has the balance of funding necessary to complete the project or the applicant will decline the grant.
4. That, the applicant agrees to comply with all applicable Federal, State, County, and local laws, rules, and regulations in its performance of the project; and
5. That this Resolution shall take effect immediately.

**2023 Columbia Bank Foundation grant for  
Wallisch Homestead Historic Preservation Plan, Phase 2, Part 1**

|                                    |                   |
|------------------------------------|-------------------|
| <b>TOTAL PROJECT GRANT REQUEST</b> | <b>\$7,500.00</b> |
|------------------------------------|-------------------|

Adopted: February 8, 2023

Agenda No. XIII 16

~ Resolution 2023 – 093 ~

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

Minutes of: Governing Body Regular Meeting  
Date of Meeting: February 8, 2023  
Time of Meeting: 6:30 p.m.  
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**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY TO AUTHORIZE THE ESTABLISHMENT OF A DEDICATION BY RIDER TO THE BUDGET OF THE TOWNSHIP OF WEST MILFORD FOR UNIFORM CONSTRUCTION CODE ENFORCEMENT FEES FUND PURSUANT TO N.J.A.C. 5:30-15**

**WHEREAS**, N.J.A.C. 5:30-15 provides for the insertions of a "Dedication by Rider" in the budget of any local unit which dedicates revenues anticipated during the fiscal year from revenues, subject to written prior consent of the Director of the Division of Local Government Services, when the revenue is not subject to reasonably accurate estimate in advance; and

**WHEREAS**, N.J.A.C 5:23-4.17 states that it is the purpose and intent to ensure that construction code revenue is used only for construction code enforcement purposes and to provide a means of making such revenue readily available from year to year; and

**WHEREAS**, such dedicated revenues shall be appropriated for the purpose to which said revenue is dedicated by statute or other legal requirements.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey that all UCC fees collected as revenue received by the Township of West Milford, be placed in a specific trust fund and such trust fund shall be considered a "Dedication by Rider" to the budget of the local unit, pursuant to N.J.A.C. 5:30-15, for the sole purpose stated above.

Adopted: February 8, 2023

Agenda No. XIII 17

~ Resolution 2023 – 094 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS PRIOR TO THE ADOPTION OF THE 2023 BUDGET PER N.J.S.A. 40A:4-20**

**WHEREAS**, Local Budget Law N.J.S.A. 40A:4-1 states in part, in addition to temporary appropriations necessary for the period prior to the adoption of the budget and regular appropriations, the Governing Body may, by resolution adopted by a 2/3 vote of the full membership thereof, make emergency temporary appropriations for any purposes for which appropriations may lawfully be made for the period between the beginning of the current fiscal year and the date of the adoption of the budget for said year and,

**WHEREAS**, the Township of West Milford has received the Highlands Council Comprehensive Master Plan Update Grant in the amount of \$44,000.00; and

**WHEREAS**, the Township of West Milford has received the Governor's Council on Alcoholism and Drug Abuse grant in the amount of \$8,276.48 with a local match of \$2,069.12 and an In-Kind match of \$6,207.36; and

**WHEREAS**, the amounts of both grants should be added to the 2023 temporary budget; and,

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

1. The Township Council hereby authorizes the amendment of the 2023 temporary budget with an addition of emergency temporary appropriations in the amount of \$54,345.60 by a 2/3 vote of the Governing Body.
2. The Township's 2023 adopted budget shall include these receivables and appropriations.
3. A certified copy of the resolution be sent to the DLGS.

Adopted: February 8, 2023

Agenda No. XIII 18

~ Resolution 2023 – 095 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY ADOPTING THE SCHEDULE FOR GOVERNING BODY REGULAR MEETINGS FOR THE 2023 CALENDAR YEAR AMENDED**

**BE IT RESOLVED** that the Township Council of the Township of West Milford does hereby adopt the following schedule of Reorganization and Regular Meetings of the Governing Body of the Township for the 2023 calendar year:

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

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

Governing Body Regular Meeting  
 February 8, 2023  
 6:30 p.m.  
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|                    |  |
|--------------------|--|
| January 4, 2023    | Reorganization Meeting/Regular Meeting |
| January 18, 2023   | Regular Meeting                        |
| February 8, 2023   | Regular Meeting                        |
| March 1, 2023      | Regular Meeting                        |
| March 15, 2023     | Regular Meeting                        |
| April 12, 2023     | Regular Meeting/Volunteer Night        |
| May 3, 2023        | Regular Meeting                        |
| May 17, 2023       | Regular Meeting                        |
| June 14, 2023      | Regular Meeting                        |
| July 12, 2023      | Regular Meeting                        |
| August 9, 2023     | Regular Meeting                        |
| September 13, 2023 | Regular Meeting                        |
| October 4, 2023    | Regular Meeting                        |
| October 18, 2023   | Regular Meeting                        |
| November 8, 2023   | Regular Meeting                        |
| December 13, 2023  | 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 January 4, 2023 in the main meeting room of Town Hall located at 1480 Union Valley Road, West Milford, New Jersey 07480 at 6:15 p.m. and the regular 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: February 8, 2023

Agenda No. XIII 19

~ Resolution 2023 – 096 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE IN REM FORECLOSURE OF CERTAIN PROPERTY FOR DELINQUENT TAXES**

**WHEREAS**, the Tax Collector of the Township of West Milford has prepared and presented to the Mayor and Township Council an In Rem Foreclosure for the below listed property; and

**WHEREAS**, N.J.S.A. 54:5-104:35 provides, in pertinent part, that the Governing Body may by Resolution foreclose any of the tax sale certificates held by it, by summary proceedings In Rem as provided in the In Rem Foreclosure Act [L. 1948, c. 96]; and

**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 Stuart Klepesh, Esq., with offices located at 25 Lindsley Drive Suite 200, Morristown NJ 07960-4454, is hereby authorized to foreclose the property schedule as noted below, and as reflected on the In Rem Foreclosure List, and also known as Block 6404, Lot 7.1 and as Block 6404, Lot 7.01, and with a street address as 301 Marshall Hill Road within the Township of West Milford, a copy of which is on file in the Clerk’s Office and recorded in the office of the Passaic County Clerk on October 26, 1990 in Book Z122 at Page 336:

| <u>Cert. #</u> | <u>Block</u> | <u>Lot</u> | <u>Property Owner</u> |
|----------------|--------------|------------|-----------------------|
| 90-70          | 6404         | 7.1        | Escobedo              |

This Resolution shall take effect immediately upon adoption.

Adopted: February 8, 2023



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

Minutes of: Governing Body Regular Meeting  
Date of Meeting: February 8, 2023  
Time of Meeting: 6:30 p.m.  
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Agenda No. XIII 20

**~ Resolution 2023 – 097 ~**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE ISSUANCE OF VARIOUS LICENSES FOR THE LICENSE YEAR 2023**

**WHEREAS**, applications have been made for the new licenses and the renewal of various Licenses for the 2023 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 203 Licenses as listed below:

| License No.       | <b>2023 CLOTHING BINS</b><br><b>NJ NY Volunteer Fire Fighters Association / H&amp;M Leasing Corp.</b> |
|-------------------|---|
| 2023-01 – 2023-02 | 2940 Rt. 23 Newfoundland – West Milford Township First Aid Squad (2)                                  |
| 2023-03 – 2023-06 | 1618 Union Valley Road - KYH Properties-Bearfort Plaza (4)  |
| 2023-07 – 2023-08 | 619 Ridge Road – West Milford First Aid Squad (2)   |

Adopted: February 8, 2023

Councilman Goodsir thanked Councilman Marsden for his work on Resolution 2023-079. Mayor Dale indicated that it would be a game changer for the Township. Councilman Goodsir asked if the company that would be working on the Town Hall Annex building was going to be able to comply with hiring 30% of the labor from West Milford. Administrator Senande indicated that they were aware of the ordinance and there was a form in the bid package that had been signed and certified.

Motion to move Resolutions 2023-079 through 2023-097

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Moved: Erik Seconded: Lichtenberg  
Voted Aye: Erik, Chazukow, Lichtenberg, Goodsir-(with the exception of 2023-080), Conlon, Marsden  
Voted Nay: None  
Motion carried:  
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Agenda No. XIV

**Consent Agenda**

**~ Resolution 2023 – 098 ~**

**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.

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

**Resolutions:**

- a) **2023-099** – Recreation Refund
- b) **2023-100** – Cancel Outstanding Checks
- c) **2023-101** – Cancellation of Taxes
- d) **2023-102** – Refund Other Liens
- e) **2023-103** – Refund Overpayments
- f) **2023-104** – Reinstatement of Taxes
- g) **2023-105** – Refund Overpayment Resolution 2022-439

Adopted: February 8, 2023

Agenda No. XIV a

**~ Resolution 2023 – 099 ~**

**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:

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

Minutes of:  
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|                                      |  |  |  |
|--------------------------------------|--|--|--|
| <b>YOGA WITH A TWIST</b>             |  |  |  |
| \$30.00                              | Iris Schiesswohl<br>22 Sweetman Lane<br>West Milford, NJ 07480   |  |  |
| <b>NIGHT CORE STRETCH &amp; FLEX</b> |  |  |  |
| \$10.00                              | Pauline Pluhar<br>27 McKinley Place<br>West Milford, NJ 07480    |  |  |
| <b>SOCCER SQUIRTS</b>                |  |  |  |
| \$116.00                             | Kelly Werner<br>3 Weeden Drive<br>West Milford, NJ 07480         |  |  |
| <b>ANIMAL TRACKS</b>                 |  |  |  |
| \$20.00                              | Jessica Touw<br>13 Warren Place<br>West Milford, NJ 07480        |  |  |
| <b>ACTIVE AGERS</b>                  |  |  |  |
| \$40.00                              | Patricia Petry<br>4103 Richmond Road<br>West Milford, NJ 07480   |  |  |
| <b>SENIOR CHAIR YOGA</b>             |  |  |  |
| \$30.00                              | Edith Dombrowski<br>9113 Richmond Road<br>West Milford, NJ 07480 |  |  |

Adopted: February 8, 2023

Agenda No. XIV b

~ Resolution 2023 – 100 ~

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

**WHEREAS**, the Chief Financial Officer has determined that the following Township of West Milford claims warrant check has been outstanding for a period in excess of three months.

| DATE    | CHECK #      | AMOUNT          |
|---------|--------------|-----------------|
| 12/1/21 | 28775        | \$427.00        |
| 1/20/22 | 29292        | \$120.00        |
| 1/20/22 | 29296        | \$ 60.00        |
| 3/17/22 | 29779        | \$ 10.00        |
| 5/19/22 | 30188        | \$ 20.00        |
|         | <b>TOTAL</b> | <b>\$637.00</b> |

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

Adopted: February 8, 2023

Agenda No. XIV c

~ Resolution 2023 – 101 ~

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

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

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

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

- REASONS:**
1. 100% Disabled Veteran
  2. Township Owned Property
  3. Veteran/Surviving Spouse of Veteran Deduction
  4. Senior Citizen/Disabled/Surviving Spouse Deduction

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

Minutes of: Governing Body Regular Meeting  
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| Block/Lot | Name  | Amount   | Year | Reason |
|-----------|---|----------|------|--------|
| 13203-037 | Autie Stefan<br>39 Northwood Dr<br>West Milford, NJ 07480 | \$607.24 | 2022 | 1      |

Adopted: February 8, 2023

Agenda No. XIV d

~ Resolution 2023 – 102 ~

**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  |
|-----------------|------------------|----------------|----------------------|---|
| 21-0028         | 10-12-21         | 05315-003.06   | \$33,922.59          | EVOLVE BANK & TRUST<br>6000 POPLAR AVENUE, STE 300<br>MEMPHIS, TN 38119 |
| 22-0022         | 10-11-22         | 07305-011      | \$ 2,917.76          | FIG 20; LLC FBO SEC PTY<br>PO BOX 12225<br>NEWARK, NJ 07101-3411        |
| <b>TOTAL</b>    |                  |                | <b>\$36,840.35</b>   |   |

Adopted: February 8, 2023

Agenda No. XIV e

~ Resolution 2023 – 103 ~

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

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

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

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

| Block/Lot | Name  | Amount   | Year | Reason |
|-----------|---|----------|------|--------|
| 13203-037 | Autie Stefan<br>39 Northwood Dr<br>West Milford, NJ 07480 | \$607.24 | 2022 | 8      |

Adopted: February 8, 2023

Agenda No. XIV f

~ Resolution 2023 – 104 ~

**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.



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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           | \$463,191.77          |
| 3      | Reserve Account           | 258,453.68            |
| 2      | Grants                    | 71,364.30             |
| 6      | Refunds                   | 40,173.23             |
| 1      | General Ledger            | 5,493,366.60          |
| 26     | Refuse                    | 287,598.73            |
| 4      | Capital                   | 4,952.88              |
| 19     | Animal Control            | 995.00                |
| 19     | Heritage Trust            | 98.00                 |
| 19     | Open Space Trust          | 0.00                  |
| 19     | Trust                     | 30,022.67             |
| 19     | Scala Trust               | 0.00                  |
| 16     | Development Escrow        | 532.00                |
| 19     | Tax Sale Trust            | 0.00                  |
| 21     | Assessment Trust          | 0.00                  |
|        | Special Reserve           | 24,489.87             |
| Total  |                           | \$6,675,238.73        |
|        | Less Refund Resolution    | -40,173.23            |
|        | <b>Actual Bills List</b>  | <b>\$6,635,065.50</b> |
|        | Other Payments            |                       |
|        | Payroll                   | 547,075.19            |
|        | Payroll                   | 559,222.19            |
|        | State of NJ, Dog Report   | 9.60                  |
|        | Petty Cash                | 1,000.00              |
|        | <b>Total Expenditures</b> | <b>\$7,742,372.48</b> |

Adopted: February 8, 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. XVII

**Appointments and Resignations**

Agenda No. XVII 1

~ Resolution 2023 – 107 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY ACCEPTING RESIGNATION TENDERED**

**BE IT RESOLVED**, by the Township Council of the Township of West Milford that they do hereby accept the following resignation tendered to the Library Board of Trustees:

| Name           | Position   | Date Tendered    |
|----------------|--|------------------|
| Linda Connolly | Library Board of Trustees<br>Citizen Member<br>Term expires 12/31/25 | January 26, 2023 |

Adopted: February 8, 2023



