
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: March 15, 2023
Time of Meeting: 6:30 p.m.
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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 arrived at (6:31 p.m.),
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

March 1, 2023 Regular Meeting Minutes

Motion by Councilwoman Lichtenberg. Seconded by Councilman Goodsir.

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

Agenda No. IV

Meetings

April 12, 2023 Regular Meeting/Volunteer Night – (Was changed to April 19, 2023 later in the meeting.)
May 3, 2023 Regular Meeting
May 17, 2023 Regular Meeting

Agenda No. V

Proclamation

None.

Agenda No. VI

Presentations

Friends of Wallisch- Annual Report – Sue Lynch, the current Chairperson, indicated that 2021 was productive and 2022 was very productive and 2023 was already off to a great start. They are very pleased that the Board of Ed has agreed to cut the cost of the wifi. Storage space has been donated. Ron Perez, a Board Member, 9 Eisenhower Drive, thanked the Mayor and Council and went over some highlights of the very detailed report the Mayor and Council had been given. The Friends of Wallisch have the goals of stabilization, restoration and preservation for the adaptive reuse of the property. Goals have been achieved by receiving funding from grants, donations, membership fees and events as well. There were several members in the audience. Changes are inevitable and an article by local architect Steve Boshart indicated that a Master Plan would be needed. The total cost of the proposed project is \$38,000 with phase one focusing on the historical aspect and phase two to address architectural and landscape details. The Friends of Wallisch have contributed half the money for phase two, \$15,250 of the \$30,500. Unfortunately, there were issues regarding the grant process. They did not get the grant and the organization was asking the Mayor and Council if Open Space Funds could be used. They requested \$15,250. The Homestead provides historic value to the Township and could help with economic development and tourism, consistent with the Master Plan of the Township. Being that the Wallisch Estate is located halfway between the projected two points of the Greenway project, Pinecliff Lake area of Belcher's Creek to Brown's Point the phrase has been coined "the Gateway to the Greenway". There is a lot of potential for building a partnership moving forward. There was more discussion about grants and the grant process, possible reasons for denial and eligibility and the qualifications for consideration. There were twice as many grants as requests for grants. The application is voluminous and the Friends of Wallisch were not given two weeks notice to prepare. Membership for individuals is \$15 and it is \$25 for a family membership. Members may receive discounts for certain events, early admittance for the

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Barn Sale and attendance to the meet and greet for the Art Show. The barn is a historical structure that dates back to the early 1800's and verified documentation of the historical significance maximizes the opportunity for future grants. Ms. Decker thanked the Council and especially Councilwoman Lichtenberg who acts as the Council Liaison. Present and past members of the Friends of Wallisch, were thanked because without their help the Homestead would be beyond repair.

2023 Debt & Capital Budget was presented by the Township Administrator and Township CFO. Mayor Dale introduced CFO Ellen Mageean, who did a power point presentation. Ms. Mageean showed details regarding the total bonds issued and the balances that are paid each year. Most bonds are ten year bonds but the library bond is a twenty year bond and the library pays a portion of that. The total Outstanding Debt for 2023 is \$33,070,080. Mayor Dale made clarification that the numbers you see as far as the debt goes, reflect what was borrowed in 2014. Ms. Mageean indicated that the balance that you see is also the total debt for the end of the year. Regarding the Total Debt Service in 2020 the total was 4.3 million, in 2021 it was 4.4 million and in 2022 the total was 2.6 million. In 2022 we issued new debt so in 2023 we are back up to 3.7 million but the numbers are still below what they were in 2020 and 2021. Going forward there are estimated numbers because you can't know for sure, the assumption would be having about 3 million in debt. 2032 may have heftier debt but it is far enough in the future that certainly may change. Ms. Mageean indicated that in 2021 MUA money was used in order to offset the big increases to the debt service. There is still 3.2 million left in MUA money that we need to use for debt service.

Administrator Senande explained that efforts are made to keep the Capital Budget in line with years past. His recommendation is a little less than 4.1 million. The requested capital expenses totaled \$10,543,500. The 2023 Capital Budget was divided into 4 sections, Public Works, Public Safety, Administration and Other Expenses. Other Expenses totaling \$50,000 is for bonding expenses. We apply every year for grant funding and this year two projects have been awarded, one for Clinton Road and one for Maple Road but not for Westbrook Road. Road improvements take up a large amount of the budget. Administrator Senande went over the various specifics of the Capital Budget on display. Mayor Dale reminded everyone that the Township has received 2.9 million dollars in grant funding for the radio system in the Public Safety category. Administrator Senande indicated that the application for federal funding will be submitted on Friday. Administrator Senande hopes to have the infrastructure in place by next year and then the second part of the project would be to get the radio equipment. Unfortunately costs are going up and equipment is getting more and more expensive. The annex building is going to be renovated and used for office space. Currently there are some departments that are not ADA compliant and this will rectify that. A new septic will be needed and the cost is \$300,000 which is fully funded. There will be a new informational sign located over near Route 23 that will provide residents of Oak Ridge and Newfoundland the same information as residents living and driving in the Town center. Channel 77 will also be provided with more cameras at a cost of \$10,000.

There was consensus by the Council for the CFO, Ellen Mageean to go to Bond Council to prepare a bond ordinance for the next meeting. All were in favor.

Agenda No. VII

Executive Session

Agenda No. VII 1

~ Resolution 2023 -134 ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 15th day of March 2023 that:

1. Prior to the conclusion of this **Regular Meeting**, the Governing Body shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
 - () b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
 - () b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
 - () b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
 - () b. (4) A collective bargaining agreement including negotiations.
 - () b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
 - () b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.

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- (X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege
 - Attorney-Client Privilege – B&B Organic Waste Recycling LLC
 - () b. (8) Personnel matters.
 - () b. (9) Deliberations after a public hearing that may result in penalties.
2. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Adopted: March 15, 2023

Motion to go begin executive session.

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

Executive session began at 7:19 p.m.
Executive session ended and the regular meeting reconvened at 8:09 p.m.

Mayor Dale asked that we begin the Public Portion at this time to accommodate those wishing to speak.

Agenda No. X

Public Comments

April Finer, a Kinnelon resident, indicated her son was one of the only out of Town members of the West Milford AA Swim Team and the Team is getting dissolved. In Kinnelon if you don't live in a lake community you are not allowed to participate. Other leagues around have practice schedules that are not only inconvenient but prohibitive. Her son is 7 years old and a good swimmer and young swimmers eventually feed into the High School programs.

Sharyn Titus, 46 West Shore Road was also concerned about the dissolution of the WM Swim Team and has a son on the team. Many of the kids who participate go on to be lifeguards and lifeguards are often in short supply, this may be a problem in the future. Stockholm practice times are not convenient. Eventually there won't be young swimmers in the pipeline to feed into the High School programs.

Erik Kliner of Kinnelon, has a child on the team and questioned why the Bubbling Springs swim fees were approved if they were not going to have a swim team.

Richard Randazzo, Wooley Road, commented about the Council comments from two weeks ago. In response to comments made that he is the only one who complains about the noise ordinance, he would like to know how many people, what exact number, need to complain for something to change. There is an exception for emergency work. He read the portion of the ordinance that states "power tools, landscaping and yard maintenance equipment used for non-residential operators shall not be operated on a residential, commercial, industrial or public property between the hours of 6 p.m. and 8 a.m. on week days or between 6 p.m. and 9 a.m. on weekends or Federal holidays." Mr. Randazzo has a lot of construction taking place next door to where he lives. There is a lot of ledge rock that is getting hammered by heavy equipment. The operator was working prior to the hours allowed and stopped work temporarily when asked. That was on a Sunday and there was no one for Mr. Randazzo to call. The work continued on Monday, which was a holiday, and again there was no one to call and he ended up calling the Zoning department on Tuesday. Initially there was discussion about adopting what the State had and amending it later. Mr. Randazzo indicated that it was agreed that there should be peaceful days without noise and the noise he is referring to is demolition, construction, and commercial types of noise. He asked if the Council could revisit the noise ordinance. Mr. Randazzo mentioned Clifton participating in a polystyrene recycling program and wanted to know if we were participating. He is concerned with the growth of landfills and would like to see West Milford participate.

Matthew Kane, 1881 Greenwood Lake Turnpike, a 31 year resident of West Milford and former swim coach was also informed by the Recreation Director that the swim team was not coming back and he feels that swimming is very important for the community. It helps prevent drownings and bolsters the High School programs. He would like to speak further on the matter with the Mayor and Council.

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

Agenda No. XI

Council Comments

Councilman Conlon responded to the gentlemen who had inquired about the fees for swimming, indicating that those documents/fees are reviewed by departments and are updated periodically. Administrator Senande added that Camp was the only fee that had actually been changed when it was approved. Mayor Dale indicated that it was in the general ordinance and the swimming portion wasn't updated at all.

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Councilman Marsden offered to speak with anyone about the swim team situation to possibly offer assistance. He grew up in Kinnelon and is sympathetic to the frustration people are experiencing.

Mayor Dale indicated that discussions had been had with various swim organizations and the lake communities. Unfortunately, because of the bylaws of the private lake associations and insurance coverage and liability issues, the lakes don't allow people who are not residents and members to participate on their swim teams. The Bubbling Springs program happened to be one of the most convenient programs because it was structured to be in conjunction with a camp program ending. There are several factors involved. Safety is a primary concern and there is a significant investment necessary to insure the safety of the swimmers. There was a lack of commitment from the current swim coach who was well respected, as well as many other factors that led to the decision. It is difficult to procure lifeguards let alone find a swim coach. Mayor Dale indicated that though the program was terminated the plan is not to do it indefinitely. There is a YMCA facility within the Township but they don't currently meet the requirements for the docks and the lights etc. However, the YMCA Director is going to speak to the Aquatics Director of the YMCA to see if there is any possibility of them taking over the program and they will get back to our Recreation Director. Currently we are just at the point where we are seeing if that is even a possibility and what the actual possibilities could be.

Councilman Chazukow is sympathetic to the members of the audience who spoke about the swim team. He grew up in a lake community in West Milford. He questioned how many kids were involved in the program and Mayor Dale indicated there were 44 families and 60 kids and made the point that swim lessons will continue to be taught. Councilman Chazukow would like to see the program continue.

There was discussion about the state of disrepair of the current docks. They are dangerous. Someone has stepped through them. Apparently money aside, there would be time constraints on getting material and being able to fix them. Councilwoman Erik questioned if we could use money earmarked for recreation from the Open Space Fund.

Councilman Chazukow questioned if the Town was currently recycling the polystyrene and Councilwoman Erik indicated that currently, if residents have those materials they are asked to take them to Haskell where they have the necessary machinery. Councilwoman Erik plans to broach the subject at the next Beautification/Recycling Task Force meeting.

Agenda No. VIII

Discussion Items / Official Communications

None.

Agenda No. IX

Unfinished Business, Final Passage of Ordinances

Agenda No. IX 1

~ Ordinance 2023 – 006 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY 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 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

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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).

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

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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.

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.

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- (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.

§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

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- 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.
- (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

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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: March 15, 2023
Effective Date: April 4, 2023

This Ordinance was introduced on February 8, 2023 and the Notice of Public Hearing was published in the Herald News on February 14, 2023. The Governing Body will open the meeting to the public to speak on this Ordinance only.

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

Motion to adopt Ordinance 2023-006.

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

Agenda No. XII

New Business, Introduction of Ordinances, Resolutions

Agenda No. XII 1

~ Ordinance 2023 – 008 ~

ORDINANCE AMENDING CHAPTER 152 “FIRE PREVENTION” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP AND ADDING A NEW SECTION ENTITLED “RAPID ENTRY SYSTEM” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP

TABLED - NO ACTION

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Councilman Marsden indicated he was not in favor of this ordinance and questioned the purpose. Administrator Senande indicated that it was based on the fire department coming to a business in response to an alarm. The idea is not to break down a door in the middle of the night for a false alarm. Councilman Marsden indicated that he didn't like the idea of people being able to access labelled keys, it's one thing for the fire department to access the keys but what is to stop other people from accessing them. There was discussion about the type of box used. Administrator Senande's understanding is that this is a security box that most businesses already have and this was a recommendation from the Fire Marshall. Councilman Conlon raised the question of how this would be enforced. Administrator Senande indicated that the Fire Marshall has his own penalties and goes by State code. Councilman Marsden indicated that if most businesses were using this type of box voluntarily, that is fine but it shouldn't be a mandatory requirement.

Councilmembers were in agreement to table the ordinance.

Motion to TABLE Ordinance 2023-008.

Moved: Conlon Seconded: Chazukow
Voted Aye: Unanimous voice vote
Voted Nay:
Motion carried:

Agenda No. XII 2

~ Ordinance 2023 – 009 ~

ORDINANCE AMENDING SECTION 152-6 6 VIOLATIONS AND PENALTIES, FALSE ALARMS, TAMPERING WITH EQUIPMENT OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP

BE IT ORDAINED by the Governing Body of the Township of West Milford, County of Passaic, State of New Jersey as follows:

SECTION 1. Chapter 152 Fire Prevention is amended as follows:

152-6. Violations and penalties; false alarms; tampering with equipment.

- A. Penalties and enforcement shall be as provided for in the Uniform Fire Code.
- B. False alarms.
 - (1) The following penalties shall be assessed for false alarms occurring within a ~~thirty-day~~ **one year** time period:
 - (a) First two alarms: warning only.
 - (b) Third alarm: \$200.
 - (c) Fourth alarm: \$300.
 - (d) Fifth through seventh alarm: \$400.
 - (e) Over seven alarms: \$1,400.
 - (2) The failure to pay a penalty assessed under this section within 30 days of the occurrence shall be deemed a violation of this chapter.
 - (3) All penalties collected pursuant to this section shall be placed in the Division of Fire Prevention trust account.
- C. Blocking, interfering, tampering with suppression equipment. Blocking access, interfering, tampering with or causing malicious damage to any fire alarm, suppression system, fire communications system, fire detection, first-aid firefighting system, device, unit or part thereof shall result in a mandatory fine of ~~\$50 per day~~ **\$500** per violation. During an actual alarm, such a violation shall result in a mandatory fine of ~~\$200 per day~~ **\$1000** per violation. Fines shall remain in effect until conditions are deemed corrected by the Fire Marshal. Failure to comply shall result in an issued summons to appear in court.

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: March 15, 2023
Adopted:
Effective Date:

Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for April 19, 2023. Notice of this public hearing shall be published in the Herald News

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on or about March 21, 2023.

Motion to introduce Ordinance 2023-009.

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

Agenda No. XII 3

~ Ordinance 2023 – 010 ~

**ORDINANCE AMENDING PART II, GENERAL LEGISLATION AS CHAPTER 214 ENTITLED
MASSAGE PARLORS AMENDED**

WHEREAS, the Township of West Milford adopted the ordinance addressing standards for massage parlors and their operation within the Township for the health, welfare and benefit of the general public; and

WHEREAS, the Governing Body wishes to further clarify the application requirements regarding fingerprinting, history check and submitting a lease for the property location.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Township Council of the Township of West Milford, Passaic County, New Jersey, that the following code section be amended and to read as follows:

SECTION 1. Chapter 214 Massage, Bodywork and Somatic Therapy

§ 214-3 Application for establishment license; requirements.

- G.** Upon filing a completed application with the Township Clerk's Office, the Township Clerk shall direct the applicant to get fingerprinted. The applicant, at the applicant's expense, shall respond to the authorized fingerprint vendor's location for a fingerprint check.
- H.** Fingerprints will be forwarded to the Police Department.
- I.** Upon the 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.
- J.** 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.

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: March 15, 2023

Adopted:

Effective Date:

Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for April 19, 2023. Notice of this public hearing shall be published in the Herald News on or about March 21, 2023.

Motion to introduce Ordinance 2023-010.

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 2023-135 through 2023-145 and 2023-154.

Agenda No. XII 4

~ Resolution 2023 – 135 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A COMPETITIVE BIDDING CONTRACT TO ANYTIME LANDSCAPING LLC FOR THE MAINTENANCE OF BALLFIELDS AND OTHER SITES

WHEREAS, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on February 24, 2023 at 10:30 am for Maintenance of Ballfields and Other Sites as per the Bid Specifications; and

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

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

WHEREAS, the bid received from the lowest bidder Anytime Landscaping LLC is complete; and

WHEREAS, the Chief Financial Officer has certified that encumbrances for these services shall come from account number 01-201-26-291-450.

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

1. The Township Council hereby awards a contract to Anytime Landscaping LLC, PO Box 40, Ringwood, NJ 07456 for Maintenance of Ballfields and Other Sites in an amount not to exceed \$49,999.00 for one year.
2. The Mayor and Township Clerk be and are hereby authorized and directed to execute a contract with Anytime Landscaping LLC in accordance with its bid for said Maintenance of Ballfields and Other Sites 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: March 15, 2023

Agenda No. XII 5

~ Resolution 2023 – 136 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF AN ANNUAL MAINTENANCE CONTRACT FOR THE ENGINEERING DIVISION HP DESIGNJET T3500 LARGE FORMAT COPY MACHINE THROUGH R.S. KNAPP CO., INC.

WHEREAS, the Township of West Milford Engineering Division purchased a large format multifunction printer in 2014 by way of a 60-month purchase agreement to R.S. Knapp Co., Inc. for the HP Designjet T3500 large format copy machine which terminated in 2019; and

WHEREAS, the Engineering Division has successfully utilized maintenance contracts in the past with R.S. Knapp Co., Inc. including the former agreement that began in 2019; and

WHEREAS, the rates for maintenance of the large format multifunction have increased for the equipment; and

WHEREAS, the cost for the maintenance contract will be in the amount of \$114.75 per month plus \$0.035 per square foot; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for this maintenance contract, said funds are to be encumbered from account number 01-201-20-165-498.

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 Township Administrator to execute a maintenance contract not to exceed \$2,000.00 annually at a rate of \$114.75 per month plus

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- \$0.035 per square foot with R.S. Knapp Co., Inc., 1000 Wall Street West,
Lyndhurst, NJ 07071
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: March 15, 2023

Agenda No. XII 6

~ Resolution 2023 – 137 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF
NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT TO
ASSOCIATED APPRAISAL GROUP TO PROVIDE APPRAISAL SERVICES TO THE TOWNSHIP OF
WEST MILFORD FOR BLOCK 6001 LOTS 7 & 7 QFARM**

WHEREAS, the Township of West Milford wishes to retain professional real estate appraisal services to assist the Township of West Milford in determining the value of the subject property Block 6001 Lots 7 & 7Qfarm; and

WHEREAS, Associated Appraisal Group has completed and submitted both a Political Contribution Disclosure Form and a Business Entity Disclosure Certification which certifies that it has not made any 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 the contract will prohibit Appraisal Consultants Corp. from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these services, said funds to be encumbered from account number 01-201-20-161-450.

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

1. The Mayor and Township Clerk be and are hereby authorized to execute a contract with Associated Appraisal Group, 6 Commerce Drive, Suite 303, Cranford, NJ 07016 for professional services to assist the Township with real estate appraisal in an amount not to exceed \$8,000.00.
2. This contract is awarded without competitive bidding as "Professional Services" pursuant to *N.J.S.A. 19:44A-20 et seq.* and the local public contracts law.
3. The term of this contract shall be for a period of twelve (12) months or completion of the project, whichever is sooner.
4. The total fee authorized for this contract shall not exceed \$8,000.00 without the prior written approval of the Township Council.
5. A notice of this action shall be published in accordance with law, and said notice to provide that the contract awarded and this resolution authorizing same are available for public inspection in the office of the Township Clerk.

Adopted: March 15, 2023

Agenda No. XII 7

~ Resolution 2023 – 138 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF
NEW JERSEY AUTHORIZING THE SALE OF MUNICIPALITY-OWNED PROPERTY IN ACCORDANCE
WITH THE TERMS AND CONDITIONS OUTLINED IN THE STATE CONTRACT WITH
GOVDEALS.COM**

WHEREAS, the Township Council of the Township of West Milford did authorize the execution of a contract with Govdeals.com, for the on-line sale of municipal and seized property by virtue of resolution 2017-251 adopted on September 6, 2017; and

WHEREAS, pursuant to the provisions of N.J.S.A. 40A:14-157 and N.J.S.A. 40A:11-6, the Township of West Milford may sell any municipality-owned personal property at a public auction that is no longer needed for public use; and

WHEREAS, the sales are being conducted pursuant to the Division of Local Government Services' Local Finance Notices 2008-9 and 2008-21R; and

WHEREAS, N.J.S.A. 40A:14-157 and the Division of Local Government Services' Local Finance Notice 2008-9 outline specific advertising requirements to provide for transparency and public participation in such sales; and

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WHEREAS, prior to the commencement of such sale, GovDeals.com shall confirm that the Township Clerk is appraised of all necessary information to provide such public notice and the date of sale shall be such that there is sufficient time within the law to advertise in the Township's official newspaper.

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 Township is hereby authorized to sell the municipality-owned property as indicated on Attachment "A" Property Auction Manifest, on file in the office of the Township Clerk, on an online auction website entitled www.GovDeals.com; and

BE IT FURTHER RESOLVED, that the terms and conditions of the agreement entered into between GovDeals.com and the Township of West Milford are available at www.GovDeals.com and in the Office of the Township Clerk; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded by the Township Clerk to the Division of Local Government Services, Department of Community Affairs, and that a notice will be published in the official newspaper in accordance with N.J.S.A. 40A:11-36.

Adopted: March 15, 2023

Agenda No. XII 8

~ Resolution 2023 – 139 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF WEST MILFORD LIBRARY TO PROVIDE SNOW REMOVAL SERVICES

WHEREAS, the Township of West Milford Library has expressed a need for snow removal services; and

WHEREAS, it is deemed to be in the best interests of the residents of the Township of West Milford and the Township of West Milford Library to enter into an agreement to enable the Township of West Milford to provide snow removal services to the Township of West Milford Library; and

WHEREAS, to effectuate this agreement, the Township of West Milford wishes to enter into shared services agreement from November 1, 2022 through May 15, 2023 with the Township of West Milford Library that will fully set forth the complete terms of the agreement; and

WHEREAS, prior to execution of the agreement, the Governing Body of the Township of West Milford Library will also adopt a resolution approving execution of the agreement.

NOW THEREFORE BE IT RESOLVED by the Township of West Milford, in the County of Passaic and State of New Jersey, that the Mayor is hereby authorized to execute the above referenced shared services agreement with the Township of West Milford Library for snow removal services.

This Resolution shall take effect immediately.

Adopted: March 15, 2023

Agenda No. XII 9

~ Resolution 2023 – 140 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE SALE OF CERTAIN LANDS & PROPERTIES WHICH ARE NO LONGER NEEDED FOR PUBLIC USE BY THE TOWNSHIP & AMENDING START TIME TO 4:00 P.M.

WHEREAS, Resolution 2023-118 was adopted on March 1, 2023 for the open public land sale that is corrected to start at 4:00 p.m.; and

WHEREAS, the Township of West Milford is the owner of certain lands and premises within the Township of West Milford; and

WHEREAS, the Mayor and Township Council of the Township of West Milford does hereby determine that the lands and properties set forth in Schedule A are no longer needed for public use; and

WHEREAS, the Township of West Milford desires to make available for public sale said lands, with the right of prior refusal to be afforded to adjacent property owners pursuant to N.J.S.A. 40A:12-13.2.

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NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Milford as follows:

1. The Township of West Milford hereby declares that the lands and premises set forth in Schedule A are no longer needed for public use and should be sold in accordance with appropriate statutes of the State of New Jersey.
2. The Township Council of the Township of West Milford hereby authorizes the Township Clerk to offer for sale to the highest bidder by open public sale at auction the property set forth in Schedule A attached hereto and made a part hereof.
3. The public sale shall take place at the West Milford Township Municipal Building, 1480 Union Valley Road, West Milford, New Jersey, on April 12, 2023 at 4:00 pm or as soon thereafter as the matter can be heard and publicly announced, provided the sale is not cancelled.
4. The public sale, if not cancelled, shall take place by open public sale at auction to the highest bidder.
5. The successful bidder at the time of the sale must present cash or a check or money order, payable to the Township of West Milford, in an amount that equals 10% of the assessor's suggested minimum. This deposit shall be non-refundable. The balance of the purchase price shall be paid to the Township no later than sixty (60) days following the acceptance by the Township and the tender of marketable title to the purchaser and submitted to the Township. The purchaser shall be entitled to possession immediately following closing of title.
6. The Township makes no representation as to the title or any other aspects of the land to be sold.
7. At closing of title, purchaser shall also pay to the Township a buyer's premium in the amount of ten (10%) percent of the bid amount.
8. The Township reserves the right to accept or reject any and all bids at the public sale and not to award to the highest bidder. Such decision will be made by the Township Council at a Public Meeting within 30 days from the date of such sale.
9. In the event the Township of West Milford is unable to convey clear and marketable title, insurable at regular rates by a title insurance company authorized to do business in the State of New Jersey, the Township shall forthwith return to the purchaser the deposit and neither party shall have any further rights against the other. The acceptance of a deed by the purchaser from the Township shall extinguish any claims the said purchaser may have against the Township of West Milford in connection with the quality of title conveyed.
10. All conveyances by the Township shall be made by way of a Quit Claim Deed, unless an adequate title binder prepared at the expense of the purchaser is forwarded to the Township prior to the conveyance and discloses that the Township holds marketable title in which case a Bargain and Sale Deed with Covenants Against Grantor's Acts will be the form of conveyance. The Township will include within its deed a metes and bounds description based upon a survey if a survey and metes and bounds description is obtained by the purchaser.
11. The Township Council of the Township of West Milford reserves the right to waive any and all defects and informalities in any proposal and to accept or reject the highest responsible and responsive bidder deemed to be in the best interests of the Township.
12. In those cases where the property being offered is an under-sized lot, adjoining property owners shall be given the first right to bid. If purchased by an adjoining property owner, the under-sized property shall merge into the purchaser's current lot. Furthermore, the property shall not be further subdivided as the conveyance is being made to accommodate the adjoining property owner as to his/her current residence, not for subdivision purposes.
13. If no adjoining property owners bid, the bidding will be opened to the public. The deed of conveyance for all under-sized lots that are sold to any party other than an adjoining property owner shall contain a restriction that the lot cannot be built upon. If it is a conforming lot, then no such deed restrictions shall be placed on the transfer of title. The Township will not represent, warrant, or guarantee the right to build on or improve any of the properties listed for sale. All properties will be subject to all Federal, State, Local Laws and Ordinances.
14. A public notice of sale shall be published in the Township's official newspaper at least once a week for two consecutive weeks, the last publication being no earlier than seven (7) days prior to the date set forth for the public sale, which notice shall contain the conditions of this sale in accordance with N.J.S.A. 40A:12-13(a).
15. In the event the successful bidder fails to close on the property, he shall forfeit ten percent (10%) of the purchase price.

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The resolution shall take effect immediately.

Adopted: March 15, 2023

Agenda No. XII 10

~ Resolution 2023 – 141 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY PROVIDING CONSENT TO FILE A TREATMENT WORKS APPROVAL (TWA) APPLICATION TO ALTER EXISTING INDIVIDUAL SUBSURFACE DISPOSAL SYSTEMS (ISSDS) ON LOTS 14 & 15 IN BLOCK 7903 OTHERWISE KNOWN AS 1480 UNION VALLEY ROAD, IN THE TOWNSHIP OF WEST MILFORD WHICH IS UNDER THE JURISDICTION OF THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION POLLUTANT DISCHARGE ELIMINATION SYSTEM, DISCHARGE TO GROUNDWATER (NJPDES-DWG) AUTHORIZATION NUMBER NJG0192112

WHEREAS, Township of West Milford is the owner of the property at 1480 Union Valley Road, West Milford, NJ 07480 in the Township of West Milford, which is otherwise known as Lots 14 & 15 in Block 7903; and

WHEREAS, the aggregate peak daily wastewater design flow for the use(s) on the property exceeds 2,000 gpd; and

WHEREAS, the construction, alteration or repair of an ISSDS designed to treat and dispose of wastewater flows in excess of 2,000 gpd is regulated by the NJDEP NJPDES program; and

WHEREAS, Township of West Milford has submitted a request to the Governing Body for Consent to file a Treatment Works Approval (TWA) with the NJDEP to alter the existing ISSDS on the property; and

WHEREAS, the Borough of Ringwood Health Department has reviewed the request and has determined that the ISSDS is regulated by the NJDEP, conforms with the requirements of all municipal ordinances pertaining to the proposed disposal system; and

WHEREAS, a permit to alter the existing wastewater treatment and disposal systems must be authorized by the NJDEP through the TWA application process; and

WHEREAS, submittal of a TWA application to the NJDEP requires the municipality to, by way of resolution, consent to the project; and

WHEREAS, the Passaic County Division of Health Services recommends to the Mayor and Township Council that it in fact consent to this application.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford, County of Passaic, State of New Jersey hereby consents to the Treatment Works Application with respect to septic alterations as submitted for the Township of West Milford municipal realty improvements and facilities located on Lots 14 & 15 in Block 7903 in the Township of West Milford.

Adopted: March 15, 2023

Agenda No. XII 11

~ Resolution 2023 – 142 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY REQUESTING APPROVAL TO SUBMIT A GRANT APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION (NJDEP) FOR MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) IMPROVEMENTS

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) is accepting applications from municipalities to upgrade their Municipal Separate Storm Sewer System (MS4) Storm water Programs; and

WHEREAS, West Milford is a qualifying, existing Tier 'A' municipality prior to July 1, 2022 requiring enhanced regulations to the MS4 Storm water Program; and

WHEREAS, the Engineering Division, Township Engineer and storm water consultant have recommended the submission of an application to be utilized for improvements and new requirements enforced by NJDEP for Tier 'A' municipalities and the recently updated standards; and

WHEREAS, the Township is eligible to receive \$25,000 in aid towards implementing the enhanced requirements.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of West Milford and County of Passaic that the Township Engineer is hereby authorized to submit an application to the New Jersey Department of Environmental Protection to be utilized for the implementation of the recently approved enhanced requirements.

Adopted: March 15, 2023

Agenda No. XII 12

~ Resolution 2023 – 143 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING A GRANT APPLICATION SUBMISSION TO PASSAIC COUNTY HISTORIC TRUST REGRANT PROGRAM BY THE FRIENDS OF WALLISCH HOMESTEAD FOR THE WALLISCH HOMESTEAD HISTORIC PRESERVATION PLAN PHASE 2

WHEREAS, the Passaic County Historic Trust Regrant Program 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 \$15,250.00 from the Passaic County Historic Trust Regrant Program for the Wallisch Homestead Historic Preservation Plan Phase 2; and

WHEREAS, Phase 2 a formal plan, 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, plus specifications/recommendations including adaptive reuse which will contain philosophies and objectives, plus cost estimates for restoration, preservation or rehabilitation including maintenance costs per the recommendations.

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 Passaic County Historic Trust Regrant Program.
2. That the FOWH are hereby authorized to execute a grant agreement and any amendment thereof with the Passaic County Historic Trust Regrant Program for the Wallisch Homestead Historic Preservation Plan Phase 2.
3. That if the funds provided by the Passaic County Historic Trust Regrant Program are less than the total project cost of \$15,250 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.
5. That this Resolution shall take effect immediately.

2023 Passaic County Historic Trust Regrant Program grant for Wallisch Homestead Historic Preservation Plan Phase 2

TOTAL PROJECT GRANT REQUEST	\$15,250
------------------------------------	-----------------

Adopted: March 15, 2023

Agenda No. XII 13

~ Resolution 2023 – 144 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING A 2023 TAX TITLE LIEN SALE

WHEREAS, the Collector of Taxes has requested that the Township conduct a 2023 Township Tax Title Lien Sale on Tuesday, October 10, 2023.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford that the proper officers be and are hereby authorized and directed to conduct a 2023 Tax Title Lien Sale on-line @www.realauction.com on Tuesday, October 10, 2023; site opens on September 11, 2023.

Adopted: March 15, 2023

Agenda No. XII 14

~ Resolution 2023 – 145 ~

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE EMERGENCY TEMPORARY AUTHORIZATIONS PRIOR TO THE ADOPTION OF THE 2023 BUDGET

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,

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Milford that the following:

1. The Township Council hereby authorizes the emergency authorization to be included in the 2023 temporary budget until adoption of 2023 budget by a 2/3 vote of the Governing Body.
2. The Township's 2023 adopted budget shall include these appropriations.

APPROPRIATION	ACCOUNT NUMBER	2023 TEMPORARY BUDGET
Administrator S&W	01-201-20-100-100	\$152,464
Administrator O.E.	01-201-20-100-200	\$34,600
TOTAL		\$187,064
Township Mayor & Council S&W	01-201-20-105-100	\$22,000
Township Mayor & Council O.E.	01-201-20-105-200	\$1,200
TOTAL		\$23,200
Information Technology S&W	01-201-20-140-100	\$82,656
Information Technology O.E.	01-201-20-140-200	\$26,550
TOTAL		\$109,206
Legal O.E.	01-201-20-155-200	\$177,500
General Services S&W	01-201-20-161-100	\$10,000
General Services O.E.	01-201-20-161-200	\$95,000
TOTAL		\$105,000
Engineering S&W	01-201-20-165-100	\$138,087
Engineering O.E.	01-201-20-165-200	\$49,825
TOTAL		\$187,912
Insurance, Other	01-201-23-210-200	\$520,000
Insurance, Group	01-201-23-220-200	\$1,828,000
Health Benefit Waiver	01-201-23-230-200	\$42,500
TOTAL		\$2,390,500
Clerk S&W	01-201-20-120-100	\$113,756
Clerk O.E.	01-201-20-120-200	\$15,400
TOTAL		\$129,156
Elections S&W	01-201-20-146-100	\$750
Elections O.E.	01-201-20-146-200	\$8,400
TOTAL		\$9,150
Treasurer S&W	01-201-20-130-100	\$160,142
Treasurer O.E.	01-201-20-130-200	\$15,000
TOTAL		\$175,142
Annual Audit	01-201-20-135-200	\$-
Annual Audit Additional Services	01-201-20-135-200	\$15,000
TOTAL		\$15,000
Tax Collector S&W	01-201-20-145-100	\$96,708
Tax Collector O.E.	01-201-20-145-200	\$28,183
TOTAL		\$124,891
Tax Assessor S&W	01-201-20-150-100	\$120,135

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Tax Assessor O.E.	01-201-20-150-200	\$10,000
TOTAL		\$130,135
PLANNING BOARD O.E.	01-201-21-180-200	\$20,025
Planning, Comp. S&W	01-201-21-181-100	\$66,891
Planning, Comp. O.E.	01-201-21-181-200	\$25,775
TOTAL		\$92,666
Zoning S&W	01-201-21-185-100	\$40,050
Zoning O.E.	01-201-21-185-200	\$26,100
TOTAL		\$66,150
BOARD OF ADJUSTMENT O.E.	01-201-21-186-200	\$35,275
Historic Preservation S&W	01-201-20-175-100	\$780
Historic Preservation O.E.	01-201-20-175-200	\$500
TOTAL		\$1,280
Building S&W	01-201-22-195-100	\$211,566
Building O.E.	01-201-22-195-200	\$20,000
TOTAL		\$231,566
Environmental Commission S&W	01-201-22-196-100	\$1,000
Environmental Commission O.E.	01-201-22-196-200	\$1,650
TOTAL		\$2,650
Police Patrol S&W	01-201-25-240-100	\$2,487,810
Police Patrol O.E.	01-201-25-240-200	\$173,100
Police Patrol-Purchase of Police Vehicles	01-201-25-240-900	-
Police Detective S&W	01-201-25-241-100	-
Police Administration S&W	01-201-25-242-100	\$294,924
Police Communication S&W	01-201-25-243-100	\$182,250
Police Comm. O.E.	01-201-25-243-400	\$6,250
Police Specials S&W	01-201-25-244-100	\$18,000
Police Specials O.E.	01-201-25-244-200	\$4,738
TOTAL		\$3,167,072
Emergency Management S&W	01-201-25-252-100	\$5,203
Emergency Management O.E.	01-201-25-252-200	\$29,750
TOTAL		\$34,953
First Aid - WMFAS Contributions	01-201-25-260-200	\$39,955
First Aid - UGLFAS Contributions	01-201-25-261-200	\$29,000
TOTAL		\$68,955
Aid To Vol. Fire Co.	01-201-25-255-200	\$60,000
Fire Prevention Bureau S&W	01-201-25-265-100	\$78,747
Fire Prevention Bureau O.E.	01-201-25-265-200	\$7,350
Fire Co. Admin. S&W	01-201-25-266-100	\$5,550
Fire Co. Admin. O.E.	01-201-25-266-200	\$160,325
LOSAP	01-201-25-267-200	\$-
TOTAL		\$311,972
DPW Streets & Roads S&W	01-201-26-290-100	\$1,093,960
DPW Streets & Roads O.E.	01-201-26-290-200	\$486,300
DPW Buildings & Grounds S&W	01-201-26-291-100	\$66,272
DPW Buildings & Grounds O.E.	01-201-26-291-200	\$51,225
DPW Snow Removal S&W	01-201-26-294-100	\$250,000
DPW Snow Removal O.E.	01-201-26-294-200	\$1,057,000
DPW Vehicle Maintenance S&W	01-201-26-315-100	\$197,315
DPW Vehicle Maintenance O.E.	01-201-26-315-200	\$182,250
TOTAL		\$3,384,322
Public Health S&W	01-201-27-330-100	\$30,776

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Public Health O.E.	01-201-27-330-200	\$20,666
Vital Statistics S&W	01-201-27-331-100	\$19,438
Vital Statistics O.E.	01-201-27-331-200	\$1,375
Housing Standard Bureau O.E.	01-201-27-332-441	\$4,000
Environmental Health S&W	01-201-27-335-100	\$118,745
Environmental Health O.E.	01-201-27-335-200	\$66,185
Animal Control O.E.	01-201-27-340-200	\$45,000
TOTAL		\$306,185
Recreation Programs S&W	01-201-28-370-100	\$58,448
Recreation Programs O.E.	01-201-28-370-200	\$66,500
Recreation.-Bubbling Springs S&W	01-201-28-371-100	\$115,000
Recreation.-Bubbling Springs O.E.	01-201-28-371-200	\$65,000
Recreation.-Admin. S&W	01-201-28-372-100	\$88,992
Recreation.-Admin. O.E.	01-201-28-372-200	\$10,100
Recreation.-Community Center S&W	01-201-28-374-100	\$15,000
Recreation.-Community Center O.E.	01-201-28-374-200	\$17,000
Recreation.-Parks Maintenance S&W	01-201-28-375-100	\$147,998
Recreation.-Parks Maintenance O.E.	01-201-28-375-200	\$70,000
Senior Citizen Services S&W	01-201-28-376-100	\$28,285
Senior Citizen Services O.E.	01-201-28-376-200	\$4,500
TOTAL		\$686,823
Veteran's Bureau S&W	01-201-20-172-100	\$668
Veteran's Bureau O.E.	01-201-20-172-200	\$75
TOTAL		\$743
Celebration of Public Events O.E.	01-201-30-420-200	\$19,000
Mass Transportation S.W	01-201-30-432-100	\$25,918
Mass Transportation O.E.	01-201-30-432-200	-
TOTAL		\$25,918
Library S&W	01-201-29-390-100	\$260,000
Library O.E.	01-201-29-390-200	\$311,705
TOTAL		\$571,705
Municipal Court S&W	01-201-43-490-100	\$145,447
Municipal Court O.E.	01-201-43-490-200	\$12,225
Municipal Court Prosecutor S&W	01-201-43-491-101	\$19,775
Municipal Court Prosecutor O.E.	01-201-43-491-200	-
Public Defender	01-201-43-495-450	\$5,000
TOTAL		\$182,447
Utilities-Electricity	01-201-31-430-200	\$72,025
Utilities-Street Lights	01-201-31-435-200	\$39,750
Utilities-Telephone	01-201-31-440-200	\$70,000
Utilities-Natural Gas	01-201-31-446-200	\$27,600
Utilities-Fuel	01-201-31-460-200	\$225,000
TOTAL		\$434,375
PERS	01-201-36-471-532	\$1,097,516
Social Security	01-201-36-472-533	\$330,000
Defined Contributions Retirement Prog	01-201-36-475-536	\$7,500
PFRS	01-201-36-473-534	1,648,097

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TOTAL		\$3,083,113
Salaries & Wages Adjustment Account	01-201-37-480-501	-
Compensated Absences	01-201-38-485-110	\$50,000
Interlocal Agreement – Health	01-201-47-600-200	\$60,125
Def. Charge – Ord. 00-09 Rec. Fac. Contr.	01-201-46-886-596	\$-
Reserve for Tax Appeals	01-201-46-886-667	\$-
Def. Charge - Ord. 07-06 Various Rd. Imp.	01-46-887-531	\$-
Reserve for Uncollected Taxes	01-201-50-899-200	\$-
TOTAL		\$-
GRANTS	G-02-41	\$-
SUBTOTAL		\$16,601,169
Capital Improvements Fund	01-201-44-900-200	-
Cap. Improv. Fund-Fire Emer Equip.	01-201-44-900-230	-
TOTAL		\$-
Debt Service Total		\$1,793,103
TOTAL OPERATING BUDGET		\$18,394,272
SOLID WASTE DISTRICT BUDGET		
Solid Waste S&W	26-201-55-500-100	\$55,878
Solid Waste O.E. All Other	26-201-55-500-200	\$96,425
Contractual Services	26-201-55-500-514	\$1,104,000
Disposal Fees	26-201-55-500-548	\$415,000
TOTAL		\$1,671,303

Adopted: March 15, 2023

Agenda No. XII 15

~ Resolution 2023 – 154 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SUBMISSION OF A 2024 COMMUNITY PROJECT FUNDING (CPF) GRANT

WHEREAS, West Milford Township Emergency Services (Police, Fire, OEM, etc.) rely on a radio communication system as a necessary component to everyday service. These organizations have an obligation to protect and serve residents, made possible by radio communication; and

WHEREAS, all state, local and tribal law enforcement agencies that have primary law enforcement authority are eligible to apply; and

WHEREAS, funding is for the 2024 Fiscal Year, with a one-year funding limit. This means requests may not include multi-year funding; and

WHEREAS, each member of Congress is limited to only 15 Community Project Funding Requests, given the number of proposals the House Appropriations Committee will receive. A request from Representative Gottheimer’s office is not a guarantee of funding.

NOW THEREFORE, BE IT RESOLVED, the Township Council of the Township of West Milford hereby authorizes the submission of a 2024 Community Project Funding (CPF) Grant in order to assist in paying for new radios for emergency communications.

Adopted: March 15, 2023

Motion to move Resolutions 2023-135 through 2023-145 and 2023-154.

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

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Agenda No. XIII

Consent Agenda

~ Resolution 2023 – 146 ~

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) **2023-147** – Recreation Refund
- b) **2023-148** – Clerk’s Office Refund
- c) **2023-149** – Refund of Permit Fee
- d) **2023-150** – Reinstatement of Taxes
- e) **2023-151** – Refund of Overpayment
- f) **2023-152** – Refund Other Liens

Adopted: March 15, 2023

Agenda No. XIII a

~ Resolution 2023 – 147 ~

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:

MAGNA TILES			
\$35.00	102 Greendale Drive Oak Ridge, NJ 07438		
INDOOR YOUTH FIELD HOCKEY			
\$110.00	33 Sussex Drive West Milford, NJ 07480		
ACTIVE AGERS EXERCISE			
\$40.00	74 Allison Ave. Newfoundland, NJ 07435		

Adopted: March 15, 2023

Agenda No. XIII b

~ Resolution 2023 – 148 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF CLERK’S OFFICE FEES

BE IT RESOLVED that the following Clerk’s Office fees upon the report of the Township Clerk be refunded:

Dog License #	Account #	Refund Amount	Pay To
1323	18-295-56-110-999	\$10.00	80 Bergen Drive West Milford, NJ 07480
1357	18-295-56-110-999	\$10.00	543 Otterhole Road West Milford, NJ 07480

Adopted: March 15, 2023

Agenda No. XIII c

~ Resolution 2023 – 149 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF PERMIT FEE

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BE IT RESOLVED, that the following Building Department permit fee be refunded:

Name	Account No.	Amount to be Refunded
Tesla Energy Operations, Inc Attn: Permitting 1 Chapin Rd Unit #4 Pinebrook, NJ 07058	01-192-08-160-190 (\$90) 01-192-08-160-191 (\$310) 01-192-08-160-200 (\$51)	\$451.00

Adopted: March 15, 2023

Agenda No. XIII d

~ Resolution 2023 – 150 ~

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 |
| 5. INVALID ACCOUNT NUMBER | 6. FROZEN/BLOCKED ACCOUNT |

BLOCK/LOT	AMOUNT	INT	YEAR	REASON
07701-003	\$2,444.00		2023	2
12901-005	\$4,768.00		2023	2
05505-003.06	\$692.00		2023	2
05504-002.15	\$692.00		2023	2
05316-001.02	\$692.00		2023	2
05317-003.03	\$946.00		2023	2
03001-004	\$1,456.00		2023	2
02303-010	\$2,149.00		2023	2
03610-023	\$2,204.00		2023	1
09404-010	\$3,412.00		2023	2
16807-004	\$2,918.00		2023	1
09001-004	\$3,652.00		2023	5
15401-055	\$2,326.00		2023	2
06603-006	\$1,403.00		2023	2
07801-014.03	\$1,545.00	\$4.27	2023	1
02701-006	\$3,916.00		2023	4
07903-005	\$573.00	\$2.04	2023	2
02012-007	\$1,642.00	\$6.47	2023	2
14601-012	\$3,076.00	\$17.94	2023	2
04005-011	\$4,420.00	\$28.69	2023	2
10403-003.02	\$5,450.00	\$48.48	2023	1
07601-012	\$1,459.00	\$7.46	2023	2
08801-010	\$2,803.10	\$19.90	2023	1
12501-019	\$1,253.19	\$57.02	2022	6
12501-019	\$1,363.33	\$63.30	2022	6
12501-019		\$9.38	2023	6
05801-005	\$244.00	\$1.03	2023	2
05803-002	\$591.00	\$2.50	2023	2
14113-052	\$2,818.00	\$15.88	2023	2
TOTALS	\$60,907.62	\$284.36		

Adopted: March 15, 2023

Agenda No. XIII e

~ Resolution 2023 – 151 ~

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.

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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
01608-010	10 Cupsaw Drive Ringwood, NJ 07456	\$79.75	2023	2
13102-017	384 Upper High Crest Road West Milford, NJ 07480	\$3,511.00	2022	2
05311-003.12	2 Richmond Road; Unit 312 West Milford, NJ 07480	\$250.00	2019	4
05311-003.12	2 Richmond Road; Unit 312 West Milford, NJ 07480	\$250.00	2020	4
05311-003.12	2 Richmond Road; Unit 312 West Milford, NJ 07480	\$250.00	2021	4
05311-003.12	2 Richmond Road; Unit 312 West Milford, NJ 07480	\$250.00	2022	4
TOTAL		\$4,590.75		

Adopted: March 15, 2023

Agenda No. XIII f

~ Resolution 2023 – 152 ~

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
22-0025	10/11/2022	07801-014.04	\$36,303.72	US BANK CUT FOR ACTLIEN HOLD.INC 2 LIBERTY PLACE STE 2050 PHILADELPHIA, PA 19102
20-0037	10/13/2020	04301-009	\$77,648.17	CHRISTIANA T C/F CE1/FIRSTTRUST PO BOX 5021 PHILADELPHIA, PA 19111
20-0032	10/13/2020	03703-003	\$56,997.56	CHRISTIANA TRUST AS CUSTODIAN PO BOX 71276 PHILADELPHIA, PA 19176
TOTAL			\$170,949.45	

Adopted: March 15, 2023

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

Agenda No. XIV

Approval of Expenditures

~ Resolution 2023 – 153 ~

RESOLUTION APPROVING THE PAYMENT OF BILLS

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
 Date of Meeting: March 15, 2023
 Time of Meeting: 6:30 p.m.
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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	\$393,088.64
3	Reserve Account	22,774.36
2	Grants	2,125.17
6	Refunds	175,725.20
1	General Ledger	417.50
26	Refuse	14,128.34
4	Capital	1,825.00
19	Animal Control	0.00
19	Heritage Trust	0.00
19	Open Space Trust	0.00
19	Trust	13,268.95
19	Scala Trust	0.00
16	Development Escrow	1,750.00
19	Tax Sale Trust	0.00
21	Assessment Trust	21,212.46
	Special Reserve	87.00
Total		\$646,402.62
	Less Refund Resolution	-175,725.20
	Actual Bills List	\$470,677.42
	Other Payments	
	Payroll	567,524.38
	State of NJ, Dog Report	1,183.20
	BOE	5,001,253.00
	Total Expenditures	\$6,040,638.00

Adopted: March 15, 2023

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

Agenda No. XVI

Reports of Mayor, Council Members, Administrator, and Attorney

Mayor Dale – Reminded everyone that her social media page has a lot of information on it and people should check it out as it is continually getting updated. Congratulations to Connor Gargiulo who placed as the runner up for the State Championship in poetry. Poetry Out Loud is a National Arts Education Program. Mayor Dale also wished to recognize the winner, Lydia Smith.

Councilman Marsden – No report.

Councilwoman Erik – Swimming is extremely important, especially here in West Milford, and swim team teaches a lot more than just swimming. We should do everything we can to get the swim team back up and running. Perhaps Open Space money can be used. We have the funds because they were raised for recreation. We need to fix things and not just start something new and drop the old. It was mentioned that we would still need a coach and Matthew Kane, who was in the audience and had spoken during the public portion of the meeting, raised his hand indicating he would be willing.

Councilman Chazukow –Reported that the Township would have it's first licensed cannabis business opening up in Oak Ridge in a month or two. The EDC needs a resolution in order to get the map project started, they do not need the funds immediately. Administrator Senande explained that the budget must be approved first, as the requested resolution authorizes the purchase order. Councilman Chazukow suggested perhaps a letter of intent could be sent, since the project is currently at a standstill.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Councilwoman Lichtenberg – Requested progress be made on the resolution necessary for Wallisch to get the requested Open Space funds. There is a new exercise class for Seniors. It is a beginner’s class that is an introduction to rhythm drumsticks exercises. Those interested should contact the Recreation Department 973-728-2871. There is also an arthritis exercise class that will run for 6 weeks on Wednesdays. Councilwoman Lichtenberg has been participating in a program walking a mile a day for three days a week at the Recreation Center. There are exercise stations set up for those interested in utilizing them. It takes place every Monday, Wednesday and Friday from 1-2 p.m. running March, April and May and people can try the program once to see if it’s something they like. There will be a free thrift clothing day at the Highlands Family Success Center, 1801 Greenwood Lake Turnpike, on Saturday March 25 from 11-1 p.m.

Councilman Goodsir – Made some announcements from the Department of Recreation. Adult co-ed spring volleyball registration is open. The Youth soccer registration deadline is April 6. There is a cooking class, where you can learn how to make your own pizza. The Kid’s Trout Derby registration is open and fills up quickly. There is a \$15 registration fee and the event will take place on May 6 from 9 to 11 a.m. back at the Bubbling Springs location for ages 3 to 15. Nine out of the 25 people at the last CERT team meeting were from West Milford. Registration for Bubbling Springs Day Camp is now open and is looking for life guards, swim instructors, camp counselors and a nurse.

Councilman Conlon – Wanted to bring attention to the passing of State Senator Ron Rice. He served in the US Marine Corp in Vietnam, was a police detective in the city of Newark and then served in the legislature for 36 years. He was 77. Councilman Conlon expressed dismay at the two week time period given to the Friends of Wallisch, to file a 32 page grant application. They get a lot done with the few volunteers and are to be commended. The DPW and storm crews did an exceptional job during the last snow storm. He also recognized and thanked the first responders. Councilman Conlon appreciated the feedback regarding the swim team and thanked everyone for respecting the process. Bubbling Springs is an important part of the Town.

Administrator Senande – No report.

Attorney Pasternak – No report.

Agenda No. XVI

Appointments and Resignations

Mayor Dale asked for nominations for 2022 Volunteer of the Year. Councilman Goodsir nominated candidate #1. (Name to be announced at the next meeting which is Volunteer Night.) Seconded by Councilwoman Lichtenberg. Councilman Conlon moved to close and confirm the nomination. Councilwoman Erik seconded.

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

Mayor Dale indicated that there would be a slight change to the Environmental Commission moving Douglas Dalton to Citizen 1 member and Mark Lynch to Alternate 1 with Council approval.

Voted Aye: Unanimous voice vote
Voted Nay: None
Motion carried.

Councilwoman Lichtenberg nominated Ketty Williams to the Health Advisory Board. Seconded by Councilman Conlon.

Voted Aye: Unanimous voice vote
Voted Nay: None
Motion carried.

Mayor Dale had a conflict with the April 12, 2023 Regular and Volunteer Night meeting. There was concern since it will be spring break as well and other families, perhaps volunteer honorees, may have plans to be away. There was discussion and a motion by Councilman Conlon to change the meeting date to April 19, 2023 beginning at 5:30 p.m. Seconded by Councilman Goodsir.

Voted Aye: Unanimous voice vote

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Voted Nay: None
Motion carried.

Agenda No. XVII

Adjournment

Moved: Conlon Seconded: Goodsir
Voted Aye: Unanimous voice vote
Voted Nay: None
Motion carried.

The meeting adjourned at 9:15 p.m.

Approved: April 19, 2023

Respectfully submitted:

Deidre Ellis, Keyboarding Clerk II

MICHELE DALE, MAYOR

WILLIAM SENANDE, TOWNSHIP CLERK