
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: March 1, 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, 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

February 8, 2023 Regular Meeting Minutes

Motion by Councilwoman Erik. Seconded by Councilwoman Lichtenberg.

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

Agenda No. IV

Meetings

March 15, 2023 Regular Meeting
April 12, 2023 Regular Meeting/Volunteer Night
May 3, 2023 Regular Meeting

Agenda No. V

Proclamation

None.

Agenda No. VI

Presentation

Presentation of Joint Legislative Resolution Sponsored by Senator Bucco, Assemblywoman Dunn and Assemblyman Barranco to the West Milford Highlander Marching Band represented by Drum Major Maxine Kunz. Senator Bucco congratulated the Marching Band on the success of their season for this year as well as years past. This year the Marching Band placed second in the National Championship Competition. Senator Bucco was honored to be in West Milford for the presentation and to bring recognition to the accomplishment as well as the hard work and amount of time that goes into learning the drills and music. The recognition is well deserved. Assemblywoman Dunn concurred and congratulated the Marching Band on the accomplishment as there are over 700 school districts in New Jersey. Assemblywoman Dunn thanked the parents for their support as well and read a brief portion of the resolution that was passed by both the Senate and the Assembly. Pictures were taken. Drum Major Maxine Kunz was not in attendance for the presentation but was acknowledged and congratulated by Mayor Dale and the Council when she arrived later in the meeting.

Agenda No. VII

Executive Session

None.

Agenda No. VIII

Discussion Items / Official Communications

None.

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Agenda No. IX

Unfinished Business, Final Passage of Ordinances

Agenda No. IX 1

~ Ordinance 2023 – 001 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 15 “ADMINISTRATION” SECTION 15-36 “PURCHASING PROCEDURES” WITHIN THE CODE OF THE TOWNSHIP OF WEST MILFORD

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

SECTION 1. Chapter 15-36 Purchasing Procedures under Paragraph A. Requisition a sentence within the paragraph regarding single purchase or aggregate shall be amended as shown below with all other sections remaining the same:

§ 15-36 Purchasing procedures.

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

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

SECTION 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

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

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

Introduced: January 18, 2023

Adopted: March 1, 2023

Effective Date: March 21, 2023

This Ordinance was introduced on January 18, 2023 and the Notice of Public Hearing was published in the Herald News on February 24, 2023. The Governing Body will open the meeting to the public to speak on this Ordinance only.

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

Motion to adopt Ordinance 2023-001.

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

Agenda No. IX 2

~ Ordinance 2023 – 002 ~

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

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

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

§ 135-2 Department of Community Services and Recreation

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

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A. Bubbling Springs Membership and Badge:

		Resident Rate	Non-Resident Rate
1.	Family Membership Consists of parent(s) & all children, up to & including full-time students living at home	\$275.00	\$375.00
2.	Parent/Child Membership (One adult & One Child under the age of 18 living in the same residence)	\$235.00	\$335.00
3.	Individual Membership (Ages 13 to 61)	\$135.00	\$185.00
4.	Senior Individual Member (Age 62+)	\$30.00	\$40.00
5.	Senior Couple Membership	\$45.00	\$65.00
6.	Swim Team: First Child Each Additional Child	\$150.00 \$100.00	

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

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

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

Day Camp registration incentives:

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

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

D. Swim Lessons:

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

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

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

G. Use of Teen Center/Coffee House.

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

H. Use of West Milford Recreation Center

- (1) \$25 per hour, per gym rental fees to local nonprofit organizations upon the issuance of permits and proof of proper insurance has been provided. Local nonprofit organizations are defined as registered organizations under § 501(c)(3) of the Federal Tax Code, with an established business address in West Milford Township.
- (2) \$100 per hour, per gym rental fees to nonlocal not-for-profit organizations based outside the Township of West Milford. Nonprofit organizations are defined as registered organizations under § 501(c)(3) of the Federal Tax Code.
- (3) \$100 per hour, per gym rental fees to local for-profit organizations upon the issuance of permits and proof of proper insurance has been provided.

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- (4) Concession Stand rental fee: \$75 for three hours and \$25 for each additional hour.
- (5) Exemptions:
 - (a) Fees will not be assessed to local nonprofit organizations defined in Subsection I (1) if requested use occurs during regular operating hours of the West Milford Recreation Center, as established by the Township of West Milford Department of Community Services.
- I. The Department of Community Services and Recreation is to provide all currently appointed members of boards, committees and commissions established by ordinance a \$5 discount for their own registration for each of the programs and events offered by the Department. All such members shall also be entitled to receive the same rates for Bubbling Springs as is provided to seniors.
- J. Event permits may be issued for use of the Recreation rooms of the Township Library by the Community Services and Recreation Department. The fee for such use shall be \$0.

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

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

Motion to adopt Ordinance 2023-002.

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

Agenda No. IX 3

~ Ordinance 2023 – 003 ~

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

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

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

§ 135-2 Department of Health

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

- 1. § 135-18 **Food establishments.**
The following fees shall apply for licenses required under Chapter **163**, Food Establishments, Retail:
 - A. Temporary retail food establishment (for a period not to exceed 14 days): \$100
 - B. Mobile retail food establishments: \$200 annually.
 - C. Establishments which only offer prepackaged food for sale: \$50 annually.
 - D. For any re-inspection required for any reason during any calendar year, there shall be a re-inspection fee of \$75
 - E. Farmers markets: \$50 seasonally
 - F. Nonprofit organizations, Public Schools and charitable organizations: fee waived

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- G. Restaurants:
 - 1. Seating capacity under 50: \$150
 - 2. 51 to 100 seats: \$200
 - 3. 101 seats or more: \$250
- H. Other than restaurants:
 - 1. Up to 2,499 square feet: \$100
 - 2. 2,500 to 4,999 square feet: \$200
 - 3. 5,000 to 9,999 square feet: \$300
 - 4. 10,000 square feet or more: \$400

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

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Motion to adopt Ordinance 2023-003.

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

Agenda No. IX 4

~ Ordinance 2023 – 004 ~
ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 163 “FOOD ESTABLISHMENTS, RETAIL” WITHIN THE CODE OF THE TOWNSHIP OF WEST MILFORD

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

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

Chapter 163 “Food Establishments, Retail”

§ 163-1 License required.

- A. It shall be unlawful for any person to conduct a retail food establishment as defined in N.J.A.C. 8:24 without obtaining a license from the Health Department and displaying that license in a conspicuous place within the establishment.
- B. No license shall be issued by the Health Department unless a valid certificate of occupancy issued by the Construction Official for the premises. A certificate of occupancy shall be required for any retail food establishment that has been renovated or has changed ownership.

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

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

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8:24-1.1 et seq.

§ 163-3 Fees.

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

§ 163-4 License period; renewal; transferability.

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

§ 163-5 Right of entry for inspection.

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

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

SECTION 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

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

Motion to adopt Ordinance 2023-004.

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

Agenda No. IX 5

~ Ordinance 2023 – 005 ~

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

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

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

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

SECTION 1. Chapter 214 Massage, Bodywork and Somatic Therapy

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§ 214-1 Definitions.

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

CHAIR MASSAGE ESTABLISHMENT

Any massage, bodywork and somatic therapy establishment which strictly limits its service to massages that are administered to clients who are seated in a massage chair and remain fully clothed in their own personal clothing for the duration of the service. Furthermore, no bare skin contact is made or permitted with the client, nor are any oils, creams or lotions applied to the client. The massage is strictly limited to the back, neck and shoulders.

MASSAGE, BODYWORK AND SOMATIC THERAPIES

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

MASSAGE, BODYWORK AND SOMATIC THERAPIST

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

MASSAGE, BODYWORK AND SOMATIC THERAPY ESTABLISHMENT

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

§ 214-2 License required.

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

§ 214-3 Application for establishment license; requirements.

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

- A. The business name and type of ownership of the business, i.e., whether individual, partnership, corporation or any other form of organization. When required, a copy of the entity's Business Registration Certificate (BRC) must be provided, as required by the State of New Jersey, Department of the Treasury.
- B. The trade name under which the business is to be conducted.
- C. The address and all telephone numbers associated with the business, including facsimile and email address, where business is to be conducted.
- D. A complete list of the names and residence addresses of all massage, bodywork and somatic therapists and employees of the business and the name and residence address of the manager or other person principally in charge of the operation of the business. Detailed job descriptions of those employees whose duties do not include those of a therapist must be included. It shall be the responsibility of the owner/operator to maintain an updated employee list and provide same to the Township Clerk's Office. The Township Clerk shall be notified in writing within 7 days, transmitted by regular mail, email or facsimile, of any and all changes to the list. This list shall also be made available during all inspections.
- E. A certified statement attached to the list required in paragraph D above shall be provided indicating that all massage, bodywork and somatic therapists employed or to be employed by the establishment or otherwise permitted to work at the establishment have been certified by the State of New Jersey pursuant to the Massage and Bodywork Therapist Licensing Act, N.J.S.A. 45:11-53 et seq.
- F. The following personal information shall be provided concerning the applicant, if an individual; if a corporation, each officer and each director; if a partnership, including limited partners, each partner; and the manager or other person principally in charge of the operation of the business:
 - (1) The name, complete residence address and residence telephone number.

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- (2) The two previous residential addresses immediately prior to the present residential address of the applicant.
 - (3) Copy of a current driver's license or other government issued photo I.D.
 - (4) Two front-face portrait photographs taken within 30 days of the date of the application and shall be approximately 2 inches by 2 inches in size (passport size).
 - (5) The massage therapy or similar business history and experience, including, but not limited to, whether or not such person(s) has previously operated in this or another municipality or state under a license or permit or has had such license or permit denied, revoked or suspended and the reason therefore and the business activities or occupations subsequent to such action or denial, suspension or revocation.
 - (6) All criminal convictions other than misdemeanor traffic violations, fully disclosing the jurisdiction in which convicted and the offense for which convicted and circumstances thereof.
- G.** Upon filing a completed application with the Township Clerk's Office, the Township Clerk shall direct the applicant to respond to the Police Department's Records Bureau with a current driver's license or other government issued photo identification. The applicant shall be photographed and be provided with a fingerprint form from a fingerprint vendor authorized by the State of New Jersey. The applicant, at the applicant's expense, shall respond to the authorized fingerprint vendor's location for a fingerprint check.
- H.** Upon receipt of the results of the fingerprint check and subsequent criminal history check, the Police Department shall notify the Township Clerk's Office of those results. The Township Clerk shall then notify the applicant of said results.
- I.** The submitted application must be accompanied by a copy of the signed lease for the property location where the proposed massage establishment will be in operation. The applicant must be listed as the lessee on the lease.

§ 214-4 Establishment inspection fee.

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

§ 214-5 Building requirements; inspections.

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

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

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

- A.** All license applications under this chapter are subject to an administrative review as applicable to the application before it is presented to the Township Council for consideration. Upon completion of the administrative review a written report shall be filed with the Township Clerk. If all the requirements of this chapter have been fully satisfied the Township Clerk shall then present the application to the Township Council for review and approval.

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- B.** Any license granted under this chapter shall only be valid to the person to whom it was granted and for the location as indicated on the application. Licenses shall not be transferable between individuals, entities or locations of the respective establishments.

§ 214-7 Suspension or revocation of establishment license.

- A.** Establishment licenses issued under this chapter may be revoked or suspended by the Township Council, after a public hearing. Reasons for automatic suspension or revocation of an establishment license include but are not limited to the following:
- (1) Fraud, misrepresentation or false statement in the application for the establishment license.
 - (2) Fraud, misrepresentation or false statement made while operating the licensed business in the Township.
 - (3) Conviction of a crime involving moral turpitude, a felony, an offense involving sexual misconduct, keeping or residing in a house of prostitution, and any crime involving dishonesty.
 - (4) Conducting the licensed business within the Township in an unlawful manner or in such a manner as to constitute a menace to the health, safety or general welfare of the public.
 - (5) The owner and/or operator or any employee refuses to permit any duly authorized Township Police Officer or health official to inspect the premises or the operations therein.
 - (6) The conviction of an employee of the establishment for a violation of the prohibited acts set forth in Section 214-12 shall create a rebuttable presumption that the owner/operator had actual or constructive knowledge of the violation resulting in the conviction and shall constitute cause for the suspension or revocation of the establishment license.
 - (7) Any violation of this chapter.
- B.** In addition to any penalty prescribed, any license under this chapter is subject to revocation for violating any provision of this chapter or where the operation of the licensed premises is otherwise detrimental to the preservation of the health, safety and welfare of the public. The Township Clerk shall serve the licensee with a written complaint setting forth specifically the grounds of the complaint along with a notice indicating the time and place to appear before the Township Council for a hearing. Such service shall be made by personal service or certified and regular mail at least 10 days before the hearing date. The Township Council after such hearing may revoke the license.
- C.** Should it be determined that the conduct of the licensee is detrimental to the health, safety and general welfare of the public, such establishment's license may be suspended by the Health Officer or designee and the establishment shall close until all violations are corrected. The Health Officer may also recommend revocation of the license and suspend the license pending the revocation hearing referred to in paragraph B above. This hearing must be concluded within 45 days of the date of the suspension and closure of the establishment.

§ 214-8 Display of license.

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

§ 214-9 Operating requirements.

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

- A.** Every portion of the massage, bodywork and somatic therapy establishment, including appliances and apparatus, shall be kept clean and operated in a sanitary condition.
- B.** Price rates for all services shall be prominently posted in the reception areas in a location available to all prospective customers.
- C.** All employees, including massage, bodywork and somatic therapists, shall be clean and wear clean, nontransparent outer garments.
- D.** All massage, bodywork and somatic therapy establishments shall be provided with clean laundered sheets and towels in sufficient quantity which shall be laundered after each use thereof and stored in a sanitary manner.
- E.** The sexual or genital area of patrons must be covered by towels, cloths or undergarments when in the presence of an employee or massage, bodywork or somatic therapist.
- F.** All walls, ceilings, floors, pools, showers, bathtubs, sinks, steam rooms and all other physical facilities and surfaces shall be in good repair and maintained in a clean and sanitary condition. Wet and dry heat-rooms, steam or vapor rooms or steam or vapor cabinets and shower compartments and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs and showers shall be kept dry, clean and sanitary at all times.
- G.** Oils, creams, lotions and other preparations used in administering massage, bodywork and somatic therapies shall be from an approved source and kept in clean closed containers or cabinets. Single service products shall be used when available.
- H.** Animals, except for Service dogs, shall not be permitted in the massage work area.
- I.** Each massage, bodywork and somatic therapist shall wash his or her hands and arms up to and including the elbows in hot running water, using a proper soap and/or disinfectant before administering a massage, bodywork or somatic therapy to a patron. All restroom and workstation

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hand wash sinks are to be stocked with liquid hand soap and paper towels. Dispensers for soap and paper towels are to be wall mounted. Restroom hand wash sinks must have signs conspicuously displayed with the following language: "Employees must wash hands after using the restroom".

- J. No massage establishment shall knowingly serve any patron infected with any fungus or other skin infections, nor shall service be performed on any patron exhibiting skin inflammation or eruptions, provided that a duly licensed physician may certify that a person may be safely provided with a massage, bodywork or somatic therapy, prescribing the conditions thereof. No therapist may perform service if they themselves are infected with any fungus or other skin infections, skin inflammation or eruptions unless a medical physician duly licensed by the State of New Jersey has certified that a therapist may safely provide the massage, bodywork or somatic therapy, prescribing the conditions thereof.
- K. A written disinfection plan for all linens, towels and reusable instruments used by the establishment must be approved by the Health Department, kept on site and available for review by the inspecting official at all times. The establishment must operate in conformance with the approved plan at all times.
- L. Client records must be kept for each and every client who receives services from the massage establishment. These records shall include at a minimum an intake form filled out by each customer to include their name, address, phone number, date of birth, date of service, the specific service they've received, the licensed therapist's full name, their NJ State Massage and Bodywork Therapist License number and the signature of the client. These records must be stored on the premises and available for review by the Health Department at all times for a period of not less than 3 years of the date the service was performed.
- M. Signage specifying the age restriction and the required record keeping requirements must be posted in English, conspicuously displayed and clearly readable from the customer entrance of the establishment at all times.
- N. Employees shall at all times provide access to a sanitary restroom for clients of the massage establishment.
- O. The massage establishment shall conform to and observe all applicable rules, regulations and prohibitions set forth by the NJ Board of Cosmetology.

§ 214-10 Inspections.

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

§ 214-11 Sleeping quarters.

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

§ 214-12 Prohibited acts.

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

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may not be commingled with the linens or towels used in the operation nor shall personal clothing not specific to the operation be stored on the premises.

- F. No bulk food storage or meal preparation is permitted on premises.
- G. Personal effects of establishment owner(s) or employee(s) are not permitted on premises.
- H. No one under 18 years of age shall be served unless accompanied by a parent or legal guardian.
- I. Alcoholic beverages shall not be stored nor consumed on the premises.

§ 214-13 Exceptions.

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

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

§ 214-14 Violations and penalties.

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

§ 214-15 Enforcement Agent.

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

§ 214-16 License term.

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

§ 214-17 License fees.

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

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

SECTION 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

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

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

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

Introduced: January 18, 2023
Adopted: March 1, 2023
Effective Date: March 21, 2023

This Ordinance was introduced on January 18, 2023 and the Notice of Public Hearing was published in the Herald News on February 24, 2023. The Governing Body will open the meeting to the public to speak on this Ordinance only.

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

Motion to adopt Ordinance 2023-005.

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

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

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Public Comments

Charlene Staub, 1640 Macopin "Highway" thanked the Mayor for the signs and added police presence on Macopin Road but still feels more should be done and the speed limit should still be lowered. The signs may have a battery issue.

Richard Randazzo, 278 Wooley Road indicated that new dumpsters were placed at Cosmo's but nothing has been done to keep the animals from getting into them. He indicated that the parking lot was painted but that it still has holes. He questioned the status of Gould Road because there are still heavy trucks using the road and last he knew signs were going to be posted. He questioned the purpose of writing to the State as it was stated in the West Milford Messenger that Councilwoman Lichtenberg had asked Council members to do. Mr. Randazzo suggested a gifting tax or a transfer tax be applied to make money off vans or businesses gifting cannabis. The Zoning Officer paid a visit to a contractor using heavy, noisy equipment on a neighboring property and he was in favor of how the situation was handled.

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

Agenda No. XII

Council Comments

Mayor Dale asked that the batteries be examined on the "your speed is" signs and explained that data was being collected from the signs. Mayor Dale indicated that Council members writing letters to our legislators is not a waste of time and is a necessary step to take when contacting the attorney general, working with the police department and pursuing other avenues to correct the problem have been exhausted. The Governing Body is actually being proactive and trying to prevent an illegal operation in Town and should not be criticized for doing so. In order for taxes to be collected, the business must be legal. The entities that are gifting marijuana are not legal businesses. Mayor Dale indicated that information presented at the podium should be factual as the public watches the broadcasts and often bases their opinions on what is being said. Mayor Dale did respond to Mr. Randazzo's email regarding the noise in his neighborhood and the protocol is to notify the Zoning Officer if there is a lot of noise being created outside of the hours of permitted operation. It was determined that it was already on the books that there are to be no trucks on Gould Road. The sign is missing and a replacement has been ordered.

Councilman Chazukow mentioned that the sign located nearer the Butler side of Town was blocked by a telephone pole and should be relocated.

Councilman Conlon indicated that the Legislature created the laws within which the Township is to work. Some ideas are good in theory but not in practice and as with anything, adjustments will need to be made. Cannabis has not been on the dockets he has seen recently. By writing and bringing attention back to the subject, subsequent changes may be able to be made. Councilwoman Lichtenberg's recommendation to write to the Legislature made sense because it provides a record that the Township is being proactive in trying to solve the problem. It is a matter now of letting the law catch up to what is happening currently, day to day. It is not without effort by the Governing Body and the frustration is shared. Councilman Conlon indicated that there are legislators currently working toward taking the steps to get the State to do something to get some of the open ended issues resolved. Macopin Road has been mentioned at several meetings now. He asked if there was a proposal for specific densely populated areas of Macopin Road.

Councilman Goodsir indicated that Mr. Randazzo is the only person complaining about the noise ordinance. He maintained that the issue with Macopin Road was not speed but rather distracted driving and that is why there is going to be a distracted driving campaign.

Councilman Marsden expressed disappointment in the West Milford Messenger. Gifting is not cool. If a product is not regulated it is not safe. Someone in Philadelphia was given fentanyl laced gummies. Revenue can be fixed, if someone dies that cannot be fixed. If we establish a record that we were asking Trenton for help and nothing gets done, those leaders can be voted out. Regarding Macopin Road, lowering the speed limit does not ensure that people are going to slow down. It is an enforcement issue. With a Township that is over 80 square miles it is very difficult.

Councilman Chazukow indicated that a greater explanation of the redevelopment rules should be given and Mayor Dale explained that taxes are collected and there is no free ride and that it serves as a way to fill empty storefronts. There are conditions placed on the agreement and it has been a positive outcome because about 50% of the storefronts were empty. As a consumer rights advocate, Councilman Chazukow wanted to make it abundantly clear that Councilwoman Lichtenberg did not persuade him to write a letter to the legislature. Having an unregulated business is bad for the consumer. He clarified that what the Council had voted on was the regulation of a business, not to legalize cannabis in New Jersey in every way possible. Most of the harm related to cannabis businesses are a result of poorly labeled products. The letters for the bud bus are sent to the enforcement agencies. Regulated businesses have

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accurate labels that let people know exactly what is in the product. People should not get their medicine with a wink and a nod.

Councilwoman Erik indicated that the police study that was presented was with regard to accidents on Macopin Road and the problem is one of congestion with more and more cars on the road. If the speed limit is not going to be lowered, signs should be placed at every speed limit change. School buses are speeding as well.

There was more discussion regarding Macopin Road.

Councilwoman Lichtenberg indicated that to say she persuaded anyone to do anything was inaccurate.

Agenda No. XII

New Business, Introduction of Ordinances, Resolutions

Mayor Dale asked to move Resolutions 2023-108 through 2023-125.

Agenda No. XII 2

~ Resolution 2023 – 108 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO LARRY COHEN ESQ. TO PROVIDE LEGAL SERVICES FOR THE TOWNSHIP OF WEST MILFORD ON NEWARK WATERSHED TAX APPEAL

WHEREAS, the Township of West Milford is in need of legal services to represent the Township in the matter of the Newark Watershed Tax Appeal; 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 01-201-20-155-502; and

WHEREAS, Larry Cohen, Esq. has completed and submitted a Business Entity Disclosure Certification which certifies that his firm 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 the firm of Lavery, Selvaggi, Abromitis & Cohen, P.C. from making any reportable contributions through the term of the contract.

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. Mayor and Township Clerk be and are hereby authorized to execute a contract with Larry Cohen, Esq. 1001 Route 517, Hackettstown, NJ 07840 for professional services to assist the Township with legal matters pertaining to Newark Watershed at a rate of \$175.00 per hour and in an amount not to exceed \$10,000.
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. This contract shall expire on December 31, 2023 whichever comes first,
4. That 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 1, 2023

Agenda No. XII 3

~ Resolution 2023 – 109 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO GARDEN STATE FIREWORKS, INC. FOR THE TOWNSHIP'S FOURTH OF JULY CELEBRATION IN AN AMOUNT NOT TO EXCEED \$12,000

WHEREAS, the Township is in need of professional pyrotechnics handler services for the 2023 Fourth of July celebration; and

WHEREAS, Garden State Fireworks, Inc. has vast experience and expertise in providing such services in New Jersey, and to the Township; and

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WHEREAS, the Township wishes to retain the services of Garden State Fireworks, Inc. to assist the Township of West Milford in providing a Fourth of July celebration by preparing and displaying a fireworks exhibition; and

WHEREAS, the total amount of the contract shall not exceed \$12,000 and

WHEREAS, the Chief Financial Officer has certified that funds are available for these services and shall come from the Fireworks Trust Account 19-295-56-120-202 and account 01-201-30-420-582; and

WHEREAS, pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-3, when the cost or price of any contract awarded by the contracting agent in the aggregate does not exceed in a contract year the total sum of \$17,500, the contract may be awarded by the contracting unit without public advertising for bids; and

WHEREAS, Garden State Fireworks, Inc. has received the Township's Political Contribution Disclosure Form and a Business Entity Disclosure Certification which certifies that the firm 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 Garden State Fireworks, Inc. from making any reportable contributions through the term of the contract, and

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1, et seq. requires that the resolution authorizing the award of contracts for "professional services" without competitive bid and the contract itself must be made available for public inspection.

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 Mayor and Township Clerk be and are hereby authorized to execute an agreement with Garden State Fireworks, Inc. PO Box 403 Millington, NJ 07946 for professional pyrotechnics fireworks display in an amount not to exceed \$12,000.
2. This contract is awarded without competitive bidding, as the total price of the contract shall not exceed the \$17,500 bid threshold in accordance with the provisions of the Local Public Contracts Law, specifically N.J.S.A. 40A:11-3.
3. The total fee authorized for this contract shall not exceed \$12,000 without the prior written approval of the Township Council.
4. Notice of this action shall be published in the Township's official newspaper as required by law.

Adopted: March 1, 2023

Agenda No. XII 4

~ Resolution 2023 – 110 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO JESSICA CALDWELL OF J. CALDWELL & ASSOCIATES LLC FOR A COMPREHENSIVE MASTER PLAN UPDATE TASK #3

WHEREAS, on July 20, 2022 the Township Administrator submitted the Scope of Work (SOW) prepared by Jessica Caldwell, PP/AICP to the Highlands Water Protection and Planning Council (Highlands Council); and

WHEREAS, the Highlands Council approved the Scope of Work (SOW) for completion of a comprehensive Master Plan Update; and

WHEREAS, the Township aims to address deficiencies in the 35 year old plan and to satisfy the requirements set under the Municipal Law; and

WHEREAS, the Township Council wishes to retain the services of J. Caldwell & Associates LLC to conduct the Master Plan Update from the recommendations in the recently completed 2022 Scope of Work Master Plan Update that includes a statement of objective, principles, assumptions, policies and standards upon which the constituent proposals for the physical, economic and social development of the municipality are based; and a land use element; and

WHEREAS, J. Caldwell & Associates LLC shall be paid an amount not to exceed \$44,000.00 to complete the Master Plan Update; and

WHEREAS, Jessica Caldwell has completed and submitted a Business Entity Disclosure Certification which certifies that the firm 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 the firm of J. Caldwell & Associates LLC from making any reportable contributions through the term of the contract; and

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WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these services said funds to be encumbered from account number 02-213-41-734-007.

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

1. The Mayor and Township Clerk are hereby authorized to execute an agreement with Jessica Caldwell, PP/AICP of J. Caldwell & Associates LLC, 145 Spring Street, Suite E, Newton, NJ 07860 for professional services for the Master Plan Update.
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 total fee authorized for this contract shall not exceed \$44,000.00 without the prior written approval of the Township Council.
4. That 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 1, 2023

Agenda No. XII 5

~ Resolution 2023 – 111 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO STUART B. KLEPESCH, ESQ. TO PROVIDE LEGAL SERVICES FOR THE TOWNSHIP OF WEST MILFORD (TAX FORECLOSURE LIST #39)

WHEREAS, the Township of West Milford is in need of legal services to represent the Township in foreclosure matters as outlined in foreclosure list #39; and

WHEREAS, Stuart B. Klepesch, Esq. has worked on these matters on behalf of the Township; 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 01-201-20-145-503; and

WHEREAS, Stuart B. Klepesch, Esq. has completed and submitted a Business Entity Disclosure Certification which certifies that his firm 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 the firm of Stuart B. Klepesch from making any reportable contributions through the term of the contract.

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 Township Mayor and Township Clerk be and are hereby authorized to execute a contract with Stuart B. Klepesch, Esq. for professional services to assist the Township with legal matters pertaining to those tax foreclosures outlined in tax foreclosure list #39 in an amount not to exceed \$29,000.00 for the entire list.
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. This contract shall expire on completion of foreclosure List #39 or December 31, 2023 whichever comes first.
4. That 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 1, 2023

Agenda No. XII 6

~ Resolution 2023 – 112 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO FERRIERO ENGINEERING INC. FOR ENGINEERING AND SURVEY SERVICES FOR BUBBLING SPRINGS PARK ADA PARKING AREA AND ACCESSIBILITY PLAN

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WHEREAS, the Township of West Milford has a need to appoint a licensed professional engineer as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and

WHEREAS, Ferriero Engineering, Inc. has submitted a proposal for engineering survey, design and plan preparation for the Bubbling Springs Park ADA parking area and accessibility plan (Block 9001 Lot 13) regarding an environmental permitting due to a soil erosion condition; and

WHEREAS, Ferriero Engineering, Inc. will provide licensed professional engineer services as sought by the Township of West Milford in an amount not to exceed \$13,000.00 as per their proposal for Bubbling Springs Park ADA Parking Area and Accessibility Plan; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et. seq.) requires that the Resolution authorizing the award of contracts for Professional Services without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, Ferriero Engineering Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that the firm 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 him 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 pursuant to N.J.A.C. 5:30-5.4, said funds to be encumbered from account 04-215-55-830-004.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey authorizes the Mayor and the Township Clerk to enter into a contract with Ferriero Engineering, Inc. in an amount not to exceed \$13,000.00 for engineering and survey services for Bubbling Springs Park ADA Parking Area and Accessibility Plan.

BE IT FURTHER RESOLVED that the contract, resolution and all other pertinent documents shall remain on file in the office of the Township Clerk.

BE IT FURTHER RESOLVED that a notice of this action shall be printed once in the Township's legal newspaper.

Adopted: March 1, 2023

Agenda No. XII 7

~ Resolution 2023 – 113 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A ONE (1) YEAR EXTENSION FOR 2023 TO THE AGREEMENT WITH SKYTOP RECYCLING INC. FOR COLLECTION OF BRUSH AND SMALL TREE LIMBS FROM WEST MILFORD RESIDENTS AND STORM DEBRIS FROM WEST MILFORD DPW IN AN AMOUNT NOT TO EXCEED \$47,400.00

WHEREAS, by virtue of Resolution 2022-110 the Township of West Milford entered into an agreement with Skytop Recycling, Inc. to accept resident's brush and small tree limbs and storm debris from West Milford DPW; and

WHEREAS, due to strict NJDEP regulations, West Milford Township has a very limited permit allowing for the acceptance of leaves and grass only and any brush or small tree limbs dropped off at the West Milford Recycling Center creates a violation of the permit and subject the Township to fines and other penalties; and

WHEREAS, Skytop Recycling, Inc. has agreed to a one (1) year extension of the agreement to accept resident's brush and small tree limbs for a monthly fee of \$3,950.00 for an annual total of \$47,400.00; and

WHEREAS, the Director of Public Works and Recycling Coordinator have submitted a written recommendation for the one (1) year extension; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for this purchase, said funds to be encumbered from account 26-201-55-500-450.

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

1. The Mayor and Township Council are hereby authorized and directed to execute a one (1) year extension to the agreement with Skytop Recycling Inc. 80 Airport Road, West Milford, NJ 07480 for the collection of residential brush and small tree limbs from West

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- Milford residents and storm debris from West Milford DPW for 2023 in an amount not to exceed \$47,400.00.
2. The extension is for the 2023 calendar.
 3. The Chief Financial Officer has certified the availability of funds for same.
 4. This resolution shall serve as an Addendum to the agreement with Skytop Recycling, Inc. for collection of brush and small tree limbs as stated above and be available for public inspection in the office of the Township Clerk.

Adopted: March 1, 2023

Agenda No. XII 8

~ Resolution 2023 – 114 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AMENDING RESOLUTION 2021-154 TO EXTEND THE CONTRACT FOR FOOD CONCESSIONS AT BUBBLING SPRINGS TO THE JOSHUA TREE

WHEREAS, by virtue of Resolution 2021-154 adopted on April 21, 2021 the Township Council did authorize the contract for food concessions at Bubbling Springs to Shawn Leonardo, owner of The Joshua Tree; and

WHEREAS, the existing contract with The Joshua Tree expired on December 31, 2022; and

WHEREAS, by virtue of the bid specifications and contract as written it may be extended for one (1) year for Food Concessions at Bubbling Springs at the sole option of the Township; and

WHEREAS, the Township Administrator has been advised that the Department of Community Services does recommend extending the existing contract until December 31, 2023; and

WHEREAS, the Township of West Milford will receive revenue from the award of a contract to The Joshua Tree for the management and operation of the Bubbling Springs Food Concessions in the amount of \$1,40715 which includes the five percent (5%) increase per year as permitted above for the extension of the contract for this year; and

WHEREAS, this resolution serves as an Addendum to the contract that is available for public inspection in the office of the Township Clerk; and

NOW THEREFORE BE IT RESOLVED the Township Council hereby authorizes the Mayor and Township Administrator to approve the amendment to extend the existing contract to December 31, 2023 with The Joshua Tree for the food concessions at Bubbling Springs in accordance with the contract for same.

This Resolution shall take effect immediately.

Adopted: March 1, 2023

Agenda No. XII 9

~ Resolution 2023 – 115 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY RESCINDING RESOLUTION 2023-085 IN ITS ENTIRETY

WHEREAS, the Township Council adopted Resolution 2023-085 on February 8, 2023 for authorizing the rubber floor coating resurfacing in Gym #3; and

WHEREAS, Resolution 2023-085 is hereby rescinded as it erroneously stated the vendor would rubber resurface the gym floor whereby the vendor was merely painting the gym floor; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey, that Resolution 2023-085 adopted February 8, 2023 is hereby rescinded and the contract awarded to Mathusek, Inc. in a total amount not to exceed \$23,995.00 is voided.

Adopted: March 1, 2023

Agenda No. XII 10

~ Resolution 2023 – 116 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE RUBBER POURED FLOOR, REPAIR, OVERPOUR & PAINTING

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IN GYM #3 FOR FUNDING FROM THE OPEN SPACE, FARMLAND AND HISTORIC PRESERVATION TRUST FUND

WHEREAS, the Township of West Milford wishes to rubber pour the floor, repair, over pour and paint the floor in Gym #3 and paint game lines; (1) basketball, (1) volleyball, (2) pickleball; and

WHEREAS, the Director of Community Services and Recreation has provided a recommendation to purchase this through J and J Gym Floors, LLC as their quote was the lowest after obtaining the required three quotes: and

WHEREAS, the total amount of the purchase shall not exceed \$39,000; and

WHEREAS, J and J Gym Floors, LLC will comply with state pay-to-play regulation by completing and submitting a Business Entity Disclosure Certification which certifies that the firm has not made any 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 J and J Gym Floors, LLC will not make any reportable contributions through the remainder of the year.

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

1. The Township Council hereby authorizes the rubber poured floor-repair, over pour & paint of the floor in Gym #3 and painting game lines on the floor in an amount not to exceed \$39,000 through J and J Gym Floors, LLC – 62 Chicopee Drive, Wayne, NJ 07470
2. The Township Chief Financial Officer has certified the availability of funds for same in accounts: # 19-295-56-100-701
3. This resolution shall be available for public inspection in the office of the Township Clerk.

Adopted: March 1, 2023

Agenda No. XII 11

~ Resolution 2023 – 117 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE ACCEPTANCE OF A TRAILER FROM THE NJ STATE POLICE OFFICE OF EMERGENCY MANAGEMENT

WHEREAS, the New Jersey State Police Office of Emergency Management is in possession and wishes to provide a 2021 Car Mate Trailer, VIN number 5A3C612S9ML000056; and

WHEREAS, the New Jersey State Police Office of Emergency Management has offered to provide this trailer and equipment to be used by the West Milford Township Office of Emergency Managements Community Emergency Response Team (CERT); and

WHEREAS, The Township's Emergency Management Coordinator and Deputy Coordinator recommend acceptance of this trailer.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of West Milford, County of Passaic and State of New Jersey that they hereby accept trailer with VIN number 5A3C612S9ML000056 from the New Jersey State Police Office of Emergency Management; and

BE IT FURTHER RESOLVED, that the Township Council of the Township of West Milford does hereby authorize the Township Administrator to process all requisite motor vehicle paperwork to transfer title of a 2021 Car Mate Trailer, VIN number 5A3C612S9ML000056 from the New Jersey State Police Office of Emergency Management to the Township of West Milford; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the West Milford Office of Emergency Management and the Township Administrator.

Adopted: March 1, 2023

Agenda No. XII 12

~ Resolution 2023 – 118 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE SALE OF CERTAIN LANDS AND PROPERTIES WHICH ARE NO LONGER NEEDED FOR PUBLIC USE BY THE TOWNSHIP

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

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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.

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 4:30 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

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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.

The resolution shall take effect immediately.

ARTICLE I <i>Schedule A</i>						
#	ARTICLE I lock	ARTICLE I ot	ARTICLE IV Ap proximate Acreage	ARTICLE one	ARTICLE VI Location	ARTICLE VII As essor's Suggested ARTICLE VIII Mi nimum Bid
1	2311 2311	7 21	.172 .230	LR	Gladstone Road Hampton Road	\$7,000
2	2405 2405	7 17	.147 .933	LR	Riverside Road Upper Greenwood Road	\$5,100
3	2405 2405	18 20	.324 .101	LR	Upper Greenwood Road Upper Greenwood Road	\$2,550
4	2703	3	.4194	LR	Landing Road	\$4,600
5	5706	1	.319	LR	Ridge Road	\$5,500
6	11902	3	.23	R4	Algonquian Way	\$2,500
7	13910	1	.5144	LR	Woodcock Lane	\$3,400
8	13911	1	.1539	LR	Fox Trail	\$700
9	13912	1	.7213	LR	Indian Trail	\$4,700
10	14001	4	.258	R3	Fountain Road	\$2,800

LR Lake Side Residential
 R1 High Density Residential
 R2 Moderate Density Residential
 R3 Low Density Single Family Residential
 R4 Residential – Four Acres
 SHD/R-2 Rental Overlay/R-2 Special Housing District Residential

Adopted: March 1, 2023

Agenda No. XII 13

~ Resolution 2023 – 119 ~

**RESOLUTION RECOGNIZING NJ LOCAL GOVERNMENT WEEK, APRIL 16-22, 2023, AND
 ENCOURAGING ALL CITIZENS TO SUPPORT THE CELEBRATION AND
 CORRESPONDING ACTIVITIES**

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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WHEREAS, local government is the government closest to most citizens, and the one with the most direct daily impact upon its residents; and

WHEREAS, local government provides services and programs that enhance the quality of life for residents, making their municipality their home; and

WHEREAS, local government is administered for and by its citizens, and is dependent upon public commitment to and understanding of its many responsibilities; and

WHEREAS, local government officials and employees share the responsibility to pass along the understanding of public services and their benefits; and

WHEREAS, NJ Local Government Week offers an important opportunity for elected officials and local government staff to spread the word to all citizens of New Jersey that they can shape and influence this branch of government; and

WHEREAS, the NJ State League of Municipalities and its member municipalities have joined together to teach citizens about municipal government through a variety of activities.

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

1. That West Milford encourages all citizens, local government officials, and employees to attend and actively participate in public meetings and community events during NJ Local Government Week.
2. That West Milford encourages educational partnerships between local government and schools, as well as civic groups and other organizations.
3. That West Milford supports and encourages all New Jersey local governments to actively promote and sponsor NJ Local Government Week.

Adopted: March 1, 2023

Agenda No. XII 14

~ Resolution 2023 – 120 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND
STATE OF NEW JERSEY AUTHORIZING THE SUBMISSION OF A
2023 DISTRACTED DRIVING CRACKDOWN GRANT**

WHEREAS, distracted driving is a dangerous epidemic on America's roadways; and

WHEREAS, in New Jersey, driver inattention remains the most significant cause of fatal and incapacitating crashes; and

WHEREAS, to aid municipalities in addressing this increased volume and to help offset the increased cost of police enforcement during these periods, the federal government offers grant funds to certain municipalities; and

WHEREAS, the National Highway Traffic Safety Administration has grant monies available that may be used to assist the Township in offsetting the costs associated with the need for increased special enforcement patrols targeting distracted drivers; and

WHEREAS, April is National Distracted Driver Month, which is a time to remind New Jersey motorists of the states distracting driving laws, which include a ban on hand-held cell phone use and text messaging by all drivers and a ban on cell phone use (hand held or hands free) by novice drivers; and

WHEREAS, the West Milford Police Department has an obligation to keep our roadways safe.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford hereby authorizes the submission of a 2023 Distracted Driving Crackdown Grant, "You Drive, You Text, You Pay", from April 1, 2023 through April 30, 2023 to reduce the number of motor vehicle fatalities in the state.

Adopted: March 1, 2023

Agenda No. XII 15

~ Resolution 2023 – 121 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAI STATE OF NEW
JERSEY FOR THE CANCELLATION OF THE DRIVE SOBER OR GET PULLED OVER 2022 GRANT
AND THE MUNICIPAL ALLIANCE 2021 GRANT**

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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WHEREAS, there exists grant receivable balances and corresponding unexpended grant appropriations which are no longer valid; and

WHEREAS, it is necessary to formally cancel the receivable balance and its' offsetting appropriation balance.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford that the following grant receivables and appropriation balances be cancelled:

Drive Sober or Get Pulled Over 2022	\$ 1,369.15
Municipal Alliance 2021	\$ 621.10

Adopted: March 1, 2023

Agenda No. XII 16

~ Resolution 2023 – 122 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SUBMISSION OF A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATION FOR A BARRIER-FREE ACCESS WITH A.D.A. IMPROVEMENTS TO THE BUBBLING SPRINGS PARK RESTROOM FACILITY

WHEREAS, the County of Passaic anticipates having \$700,000 available to twelve eligible municipalities of the County and to eligible non-profit agencies under the FY2023 CDBG program; and

WHEREAS, the CDBG program funding is provided by the US Department of Housing and Urban Development and project selection is determined by the national objective to assist low and moderate income individuals; and

WHEREAS, barrier free access retrofits and projects, in accordance with the Americans with Disabilities Act (A.D.A.), are a qualified exception to the low-mod requirement; and

WHEREAS, the Bubbling Springs Park does not provide barrier-free access and A.D.A. facilities in the Bubbling Springs Park Restroom Facility; and

WHEREAS, the Township seeks to improve the overall accessibility and public use of the Bubbling Springs Park for activities now and for future use; and

WHEREAS, the Township anticipates future development and increased municipal and public use and A.D.A. compliant restroom facilities is a desirable project.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and the Township Council of the Township of West Milford hereby authorize the submission of an application entitled FY2023 Community Development Block Grant for \$95,000 for A.D.A. improvements at Bubbling Springs Park Restroom Facility.

Adopted: March 1, 2023

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~ Resolution 2023 – 123 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE ACCEPTANCE OF A NEW JERSEY ASSOCIATION OF COUNTY AND CITY HEALTH OFFICIALS (NJACCHO) ENHANCING LOCAL PUBLIC HEALTH INFRASTRUCTURE LOCAL HEALTH DEPARTMENT GRANT PROGRAM IN THE AMOUNT OF \$125,572.00

WHEREAS, local health departments are responsible for providing essential services in areas such as emergency response and disaster resiliency, communicable disease investigation and outbreak response, environmental and sanitation inspections, chronic disease prevention and health promotion; and

WHEREAS, the public health priority funding was discontinued in 2011 resulting in a reduced workforce and reduced available services; and

WHEREAS, As part of COVID-19 relief efforts, the Centers for Disease Control and Prevention (CDC) has provided funds to the New Jersey Department of Health, and through the New Jersey Association of County and City Health Officials through the ELC Cooperative Agreement that are broadly intended to provide critical resources to state, local, and territorial health departments in support of a broad range of COVID-19/SARS-CoV-2 testing and epidemiologic surveillance related activities, and

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WHEREAS, the award will be effective for the grant period October 1, 2022 through June 30, 2023, and

WHEREAS, the funding will enable the Township to continue to support various Health Department grant-funded employees and other necessary staff to meet these needs; and

WHEREAS, the Township Council of the Township of West Milford has determined that there is a need for these grant funds.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of West Milford hereby authorizes the acceptance of a grant award for the Enhancing Local Public Health Infrastructure Local Health Department Grant Program 2023 grant in the amount of \$125,572.00.

Adopted: March 1, 2023

Agenda No. XII 18

~ Resolution 2023 – 124 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY REGARDING MUNICIPAL COUNCIL FAIR HOUSING

WHEREAS, the Township of West Milford supports Title VIII of the Civil Rights Act of 1968 (Federal Fair Housing Law) and the New Jersey Law Against Discrimination. It is the policy of the Township of West Milford to implement programs to ensure equal opportunity in housing for all persons regardless of race, color, religion, ancestry, sex (including pregnancy), national origin, nationality, familial status, marital or domestic partnership status, affectional or sexual orientation, atypical hereditary cellular or blood trait, genetic information, liability for military service, mental or physical disability, perceived disability, AIDS/HIV status and Lawful Income or Source of Lawful Rent Payment (Section 8). The Township of West Milford further objects to discrimination in the sale, rental, leasing, financing of housing or land to be used for construction of housing, or in the provision of brokerage services because of race, color, religion, ancestry, sex, national origin, handicap or disability as prohibited by Title VIII of the Civil Rights Act of 1968 (Federal Fair Housing Law) and the New Jersey Law Against Discrimination. Therefore, the Municipal Council of the Township of West Milford do hereby approve the following resolution:

BE IT RESOLVED, that within available resources, the Township of West Milford will assist all persons who feel they have been discriminated against under one of the aforementioned categories, to seek equity under federal and state laws by filing a complaint with the New Jersey Division on Civil Rights and the U.S. Department of Housing and Urban Development, as appropriate.

BE IT FURTHER RESOLVED, that the Township of West Milford shall publicize this resolution and through this publicity shall cause owners of real estate, developers, and builders to become aware of their respective responsibilities and rights under the Federal Fair Housing Law, the New Jersey Law Against Discrimination, and any local laws or ordinances.

BE IT FURTHER RESOLVED, that the municipality will at a minimum include, but not be limited to: (1) the printing and publicizing of this resolution, a fair housing public notice and other applicable fair housing information through local media, community contacts and placement on the Municipal website and in other social media; (2) distribution of posters, flyers, and any other means which will bring to the attention of those affected, the knowledge of their respective responsibilities and rights concerning equal opportunity in housing.

Adopted: March 1, 2023

Agenda No. XII 19

~ Resolution 2023 – 125 ~

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

WHEREAS, applications have been made for the new licenses and the renewal of various Licenses for the 2023 license year; and

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

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford does hereby approve the issuance of 203 Licenses as listed below:

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License No.	2023 CLOTHING BINS AMVETS-NJ / OGS Recycling LLC dba HELPSY
2023-09	210 Marshall Hill Road – Marshall Hill Elementary School (1)
2023-10 – 2023-12	666 Macopin Road – Apshawa Volunteer Fire Company #1 (3)
2023-13 – 2023-15	1618 Union Valley Road – KYH Properties (3)
2023-16 – 2023-19	Marshall Hill Road – West Milford Shopping Plaza (4)
License No.	2023 CLOTHING BINS Turnkey Enterprise LLC
2023-20	West Milford Elks Lodge – Union Valley Road (1)

Adopted: March 1, 2023

Motion to move Resolutions 2023-108 through 2023-125

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

Agenda No. XII 1

~ Ordinance 2023 – 007 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY CONCERNING SALARIES AND COMPENSATION FOR ADMINISTRATIVE, CONFIDENTIAL AND UNAFFILIATED EMPLOYEES

BE IT ORDAINED, by the Township Council of the Township of West Milford, in the County of Passaic, New Jersey that pursuant to Chapter 33 entitled Personnel of the Revised General Ordinances of the Township of West Milford, New Jersey, 1976, the following Officers and Employees here below stated shall be classified by job title with the corresponding pay ranges:

MAYOR AND COUNCIL

JOB TITLE	MINIMUM	MAXIMUM
Township Mayor	\$5,348.00	\$16,000.00
Township Council	\$7,000.00 \$7,000.754.00	\$5,070.99 \$7,000.005,070.99

DEPARTMENT AND OFFICE HEADS

JOB TITLE	MINIMUM	MAXIMUM
Township Administrator	\$45,000.00	\$187,000.00
Director of Community Services and Recreation	\$45,000.00	\$140,000.00
Director of Finance	\$45,000.00	\$140,000.00
Director of Public Safety/Chief of Police	\$45,000.00	\$180,000.00
Director of Public Works	\$45,000.00	\$140,000.00
Court Administrator	\$45,000.00	\$140,000.00
Township Clerk	\$10,000.00	\$140,000.00
Director of Health/Health Officer	\$10,000.00	\$140,000.00
Construction Official	\$45,000.00	\$140,000.00

DIVISION HEADS

JOB TITLE	MINIMUM	MAXIMUM
Fire Marshall	\$45,000.00	\$75,000.00
Deputy Township Clerk	\$45,000.00	\$110,000.00
Network Administrator	\$35,000.00	\$110,000.00
Tax Assessor	\$50,000.00	\$140,000.00
Tax Collector	\$50,000.00	\$95,000.00

CONFIDENTIAL AND UNAFFILIATED EMPLOYEES

JOB TITLE	MINIMUM	MAXIMUM
Judge	\$25,000.00	\$55,500.00
Prosecutor	\$20,000.00	\$44,000.00
Data Processing Technician	\$35,000.00	\$65,000.00
Secretary, Board/Commission	\$2,400	\$60,000.00

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STIPENDS

JOB TITLE	MINIMUM	MAXIMUM
Deputy Registrar	\$3,000.00	\$6,000.00
Alternate Deputy Registrar	\$1,000.00	\$3,000.00
Emergency Management Coordinator	\$2,000.00	\$10,000.00
Deputy Emergency Management Coordinator	\$3,000.00	\$3,000.00
Fire Commissioner	\$3,000.00	\$6,500.00
Deputy Fire Commissioner	\$1,500.00	\$5,000.00
Qualified Purchasing Agent (QPA)	\$5,000.00	\$5,000.00
Telecommunications Systems Analyst	\$2,500.00	\$5,500.00
Veteran Officer	\$500.00	\$1,500.00

1. The aforesaid Officers and Employees shall be compensated in accordance with the preceding Salary Range.
2. **BENEFITS:** Benefits relating to vacation, sick days, personal days, longevity, holidays, bereavement leave and medical insurance shall be those as contained in the contract between the West Milford Municipal Employees Guild (AFSCME 3301) and the Township of West Milford or any employment agreement consistent with applicable law.
3. **OVERTIME:** If not otherwise eligible for overtime compensation by contract or law, each full-time department and division head in lieu of overtime compensation as provided in the Guild contract, shall receive three (3) vacation days and up to 35 compensatory hours annually, the latter earned hour for hour for hours worked above forty per week. All other full-time employees listed in this ordinance if not otherwise eligible for overtime compensation by contract or law, shall receive 21 compensatory hours annually, plus one half hour for each hour worked above thirty-five or forty hours per week depending on the applicable contract for the employee's department. Vacation and compensatory time may be used or accumulated as follows: vacation days may be carried for up to one year from January 1 following the year earned, and compensatory hours may be taken no later than April 1 of the year following the year earned.
4. Stipend Positions will not be subject to increases unless specifically authorized by Resolution of the Governing Body.
5. Any ordinance or parts thereof in conflict or inconsistent with the provisions of this ordinance are hereby repealed to such extent as they are in conflict or inconsistent. This ordinance shall take effect 20 days after its final passage by the Township Council.

Introduced: March 1, 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 12, 2023. Notice of this public hearing shall be published in the Herald News on or about March 7, 2023.

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

Agenda No. XIII

Consent Agenda

~ Resolution 2023 – 126 ~

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) **2023-127** – Recreation Refund
- b) **2023-128** – Clerks Office Refund
- c) **2023-129** – Engineering Refund Block 5204 Lot 5
- d) **2023-130** – Fire Prevention Refund
- e) **2023-131** – Refund Overpayment
- f) **2023-132** – Cancellation of Taxes

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Adopted: March 1, 2023

Agenda No. XIII a

~ Resolution 2023 – 127 ~

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:

PICKLEBALL CLINIC			
\$50.00	14 Capstan Road West Milford, NJ 07480		
BUBBLING SPRINGS DAY CAMP			
\$183.30	18 Baldwin Drive West Milford, NJ 07480		

Adopted: March 1, 2023

Agenda No. XIII b

~ Resolution 2023 – 128 ~

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:

Application	Account #	Refund Amount	Pay To
Clothing Bin Permit	01-192-08-15-123	\$25.00	National Badge of Honor 104 Main Street Franklin, NJ 07416

Adopted: March 1, 2023

Agenda No. XIII c

~ Resolution 2023 – 129 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF SITE AND PLAN REVIEW BOND FEE

BE IT RESOLVED, upon the recommendation and request of the Township Engineering Department, the following bonded fee for a Certificate of Occupancy Site and Plan Review be refunded:

Block/Lot Street Address	Refund Amount	Refund to	Site Plan Permit No.
5204/5 45 Heritage Drive	\$2,000.00	DMZ LLC 59 Sutton Ave Totowa, NJ 07512	# SP20-018

Adopted: March 1, 2023

Agenda No. XIII d

~ Resolution 2023 – 130 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING FIRE PREVENTION BUREAU REFUND OF CERTIFICATE FEES

BE IT RESOLVED, that the fee was collected for a Smoke Detector/Carbon Monoxide Alarm Compliance and Portable Fire Extinguisher inspection that did not take place therefore the following Fire Prevention Bureau account balance be refunded:

Name	Account No.	Amount to be Refunded
75 Princeton Street Roslyn Heights, NY 11577	01-192-08-105-250	\$55.00

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Agenda No. XIII e

~ Resolution 2023 – 131 ~

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

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

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

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

Block/Lot	Name	Amount	Year	Reason
00102-028	Corelogic Centralized Funds PO Box 9202 Coppell, TX 75019	\$3,855.00	2023	2
00906-011	Corelogic Centralized Funds PO Box 9202 Coppell, TX 75019	\$1,138.00	2023	2
02712-005	Corelogic Centralized Funds PO Box 9202 Coppell, TX 75019	\$1,869.00	2023	2
07401-013	Corelogic Centralized Funds PO Box 9202 Coppell, TX 75019	\$1,432.00	2023	2
07801-051.07	Corelogic Centralized Funds PO Box 9202 Coppell, TX 75019	\$2,088.00	2023	2
02202-001.03	42 Castle Rock Rd Hewitt, NJ 07421	\$2360.25	2022	8
00102-020.05	21 Charissa Court Hewitt, NJ 07421	\$3,340.00	2023	8
05005-006	140 Rockburn Pass West Milford, NJ 07480	\$6,192.00	2023	8
06102-005	22 George St. West Milford, NJ 07421	\$620.67	2023	8

Adopted: March 1, 2023

Agenda No. XIII f

~ Resolution 2023 – 132 ~

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

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

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

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

- REASONS:**
- 100% Disabled Veteran
 - Township Owned Property
 - Veteran/Surviving Spouse of Veteran Deduction
 - Senior Citizen/Disabled/Surviving Spouse Deduction

Block/Lot	Name	Amount	Year	Reason
02202-001.03	42 Castle Rock Rd Hewitt, NJ 07421	\$2,360.25	2022	1

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

Agenda No. XIV

Approval of Expenditures

~ Resolution 2023 – 133 ~

RESOLUTION APPROVING THE PAYMENT OF BILLS

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	\$337,462.22
3	Reserve Account	78,182.76
2	Grants	76,078.00
6	Refunds	25,659.22
1	General Ledger	4,951.89
26	Refuse	258,878.15
4	Capital	123,924.50
19	Animal Control	2,889.84
19	Heritage Trust	582.00
19	Open Space Trust	9,007.50
19	Trust	12,785.79
19	Scala Trust	0.00
16	Development Escrow	2,331.50
19	Tax Sale Trust	0.00
21	Assessment Trust	0.00
	Special Reserve	62.00
Total		\$932,795.37
	Less Refund Resolution	-25,659.22
	Actual Bills List	\$907,136.15
	Other Payments	
	Payroll	549,763.71
	Enterprise lease payment	24,540.83
	State of NJ, Dog Report	639.60
	BOE	5,001,253.00
	Total Expenditures	\$6,483,333.29

Adopted: March 1, 2023

 Moved: Erik Seconded: Lichtenberg
 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 – Regarding septic pump out companies, they have to be a Town approved pumping company because they are required to be licensed with the Town and also we need to know the waste is being properly disposed. If residents have a licensed pumper that they would prefer to use who is not on the Township approved list they could fill out the application and provide the required documentation and

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be added to the list. It is also a Highlands requirement. It is a State regulation that you pump out your septic every three years. Volunteer of the Year award night will take place on April 12, 2023. The deadline to nominate someone is March 9 at 12 p.m.

Councilman Conlon – The Elks will be hosting their Veteran’s dinner this Friday. All Veterans are welcome and will eat for free. Congratulations to the West Milford Band for the level of excellence maintained for the last 10 years. The accomplishments are astonishing and it is a testament to the school district staff, the parents and all the volunteers involved as well. When he tells people he is from West Milford one of the first things mentioned is the marching band. Thank you to Senator Bucco and Assemblywoman Dunn for attending tonight.

Councilman Marsden – The CERT team meets at the library at 7:30 p.m. on the first Thursday of every month. It’s a worthwhile organization and you can learn a lot of skills that would be helpful to yourself and to others when emergency situations arise.

Councilwoman Erik – Reported that the EDC is moving forward with the holiday lighting. A lot of businesses want to participate and there should be results soon.

Councilman Chazukow – The EDC meets the second Tuesday of the month at 7:30 p.m. and volunteers are needed for the EDC as well as the Heritage Committee. The Heritage Committee meets at the West Milford Museum on the second Tuesday of every month.

Councilwoman Lichtenberg – The Highlands Family Success Center is a really good resource center. The Center is now accepting canned or frozen, non-expired food donations. Saturday, March 25 from 11 to 1p.m. they will be hosting a Free Thrift Clothing Day. The location is 1801 Greenwood Lake Turnpike. At a recent Senior Advisory meeting there were favorable comments regarding the good job the DPW did during the last snow storm.

Councilman Goodsir – Made some announcements from the Department of Recreation. Adult co-ed spring volleyball registration is now open. Recreation and travel basketball playoffs are about to start. Good luck to all the teams and coaches. Field hockey Gold Academy is open for registration. Indoor soccer registration will take place soon. Bubbling Springs Day Camp Registration is now open. Bubbling Springs is looking for lifeguards, swim instructors and counselors. Contact the Recreation Department for more information. The Trout Derby has been scheduled for May 6th. Sponsors are needed for the Military Banner Brackets. They are \$69 each checks made payable to WMCSR and please note Military Brackets in the memo. Thank you to the co-managers and the rest of the CERT Team.

Administrator Senande – No report.

Attorney Pasternak – No report.

Agenda No. XVI

Appointments and Resignations

Mayor Dale wished to appoint Mark Lynch to the Environmental Commission. All were in favor.

The Council wished to appoint Maira Rodriguez to the Economic Development Commission. Motion by Councilwoman Erik. Seconded by Councilman Chazukow. All were in favor.

Mayor Dale reminded everyone that the Eagle Scout Project was taking place at the Veteran’s Park and they were looking for donations for the flag poles as well. Contact Mayor Dale for information about the Go Fund Me page that has been set up for the project.

Agenda No. XVII

Adjournment

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

The meeting adjourned at 7:44 p.m.

Approved: March 15, 2023

Respectfully submitted:

Deidre Ellis, Keyboarding Clerk II

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MICHELE DALE, MAYOR

WILLIAM SENANDE, TOWNSHIP CLERK