
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: April 7, 2021
Time of Meeting: 6:30 pm
Minute Page No: Page 1 of 16

The Workshop Meeting of the Governing Body was called to order by Mayor Michele Dale.

Adequate Notice Statement

Mayor Dale read the following statement:

PLEASE TAKE NOTICE, that in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., and Emergency Remote Meeting Protocol for Local Public Bodies, N.J.A.C. 5:39-1.1 et seq., and in consideration of the ongoing Governor-declared COVID-19 State of Emergency and Public Health Emergency, a hybrid in-person and remote meeting of the West Milford Township Council will be held on April 7, 2021 at 6:30 p.m. Due to social distancing requirements, in-person attendance will be limited to 25 people; once the limit is reached, individuals will be required to attend remotely. All members of the public who wish to participate in the meeting, which will include a public comment portion, may do so by calling into the service number: 1 (978) 990-5000 Access Code 424062#, at the designated meeting time.

Instructions to access the meeting will be available on the Township of West Milford website at www.westmilford.org. Written public comments may also be submitted to the Clerk via email at clerksoffice@westmilford.org not later than 2:30 pm on the day of the meeting. The email subject line MUST READ – “PUBLIC COMMENTS/QUESTIONS” and MUST INCLUDE the individual's name and address and identify the meeting and ordinance (if applicable) the comments are intended for, in order to be considered and be read into the record during the public comment portion of the meeting. There is a 5-minute limit on all public comments.

Pursuant to the provisions of the Open Public Meetings Act (N.J.S.A. 10:4-8) adequate notice of this Workshop Meeting was advertised in the Herald News in its issue of December 27, 2020 and January 11, 2021; a copy was provided to the Record 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
Warren Gross, David Marsden, Mayor Michele Dale
Absent: None
Also Present: Township Administrator William Senande, Township Attorney Fred Semrau

Agenda No. III

Reading of or Approval of Unapproved Minutes

March 24, 2021 Regular Meeting

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

Agenda No. IV

Meetings

Mayor Dale noted the future meeting schedule:

April 21, 2021 Regular Meeting/Volunteer Night
May 5, 2021 Workshop Meeting
May 19, 2021 Regular Meeting

Agenda No. V

Proclamations

None

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Agenda No. VI

Presentations

None

Agenda No. VI 1

Public Hearing

~ Resolution 2021 – 133 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING A PERSON TO PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1615-33-028-007 FROM PIONEER BAR & GRILL CORPORATION TO HAVANA NIGHTS TAPAS & BAR LLC FOR PREMISES AT THE SAME LOCATION

WHEREAS, an application has been filed for a Person to Person transfer of 2020-2021 Plenary Retail Consumption License 1615-33-028-007 presently held by Pioneer Bar & Grill Corporation to Havana Nights Tapas & Bar LLC for premises at 350 Warwick Turnpike, Hewitt, NJ 07421; and

WHEREAS, the Township Council has conducted a public investigation of the applicant as stipulated in the guidelines of the Director of the Division of Alcoholic Beverage Control, and

WHEREAS, as a result of that investigation the Township Council has determined the following:

1. The submitted application form is complete in all respects.
2. The applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33.
3. The applicant has disclosed to the issuing authority the source of all financing obtained.

WHEREAS, as a further result of the public investigation and upon the recommendation of the Police Department the Township Council authorizes the active license be transferred with conditions listed below.

NOW, THEREFORE, BE IT RESOLVED that the application is hereby approved by the Mayor and Township Council of the Township of West Milford and the Township Clerk is authorized to endorse the license certificate to the new ownership and is hereby transferred to Havana Nights Tapas & Bar LLC.

LICENSE	CONDITIONS
HAVANA NIGHTS TAPAS & BAR LLC t/a Havana Nights Tapas & Bar 350 Warwick Turnpike Hewitt, NJ 07421	1. Occupancy loads must be adhered to. 2. Exits are not to be blocked.

Adopted: April 7, 2021

The Governing Body will open the meeting to the public to speak on this Resolution only. There being no one wishing to be heard, Councilwoman Erik made a motion, seconded by Councilwoman Lichtenberg and carried by unanimous voice vote to close the public comment period.

Motion to adopt Resolution 2021-133

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

Agenda No. VII

Executive Session

None

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Agenda No. VIII

Discussion Items / Official Communications

1.	Discussion: Assembly Bill No. 4454: Councilwoman Erik expressed that she is not in favor of this bill. The law requires schools to teach grades K-12 about the political, economic, and social contributions of lesbian, gay, bisexual and transgender people. She said there is no opt out for parents. She is hoping that people will become aware of this bill. Councilman Chazukow expressed that he agrees with Councilwoman Erik. If the Governing Body is going to pass a resolution he would like to draw a distinction between encouraging tolerance and explicit instructions about teaching six year olds on sex. He feels that a kindergartener is not going to understand what is being taught. Councilman Marsden feels the State is trying to tell the parents how to raise their children. This is very personal and as parents they need to have a say in this matter. The Council gave consensus for Mr. Semrau to draft a resolution for the next meeting agenda.
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Agenda No. IX

Unfinished Business, Final Passage of Ordinances

Agenda No. IX 1

~ Ordinance 2021 – 014 ~

BOND ORDINANCE APPROPRIATING \$3,617,500, AND AUTHORIZING THE ISSUANCE OF \$3,169,000 BONDS OR NOTES OF THE TOWNSHIP, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC, NEW JERSEY

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

SECTION 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by The Township of West Milford, in the County of Passaic, New Jersey. For the said several improvements or purposes stated in said Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefor and amounting in the aggregate to \$3,617,500 including the aggregate sum of \$158,500 as the several down payments for said improvements or purposes required by law and more particularly described in said Section 3 and now available therefor by virtue of provision in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes and including also in the case of the improvement or purpose described in paragraph (a) of said Section 3, the sum of \$290,000 received or expected to be received by the Township from the New Jersey Department of Transportation as a grant-in-aid of financing said improvement or purpose.

SECTION 2. For the financing of said improvements or purposes and to meet the part of said \$3,617,500 appropriations not provided for by application hereunder of said down payments and grant, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$3,169,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$3,169,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. The improvements hereby authorized and the several purposes for the financing of which said obligations are to be issued, the appropriation made for and estimated cost of each such purpose, and the estimated maximum amount of bonds or notes to be issued for each such purpose, are respectively as follows:

IMPROVEMENT OR PURPOSE	APPROPRIATION & EST. COST	EST. MAX. AMT OF BONDS & NOTES
(a) Improvement of Clinton Road in and by the Township by the construction or reconstruction therein of a roadway pavement at least equal in useful life or durability to a roadway pavement of Class B construction (as used or referred to in Section 40A:2-22 of said Local Bond Law), together with all sidewalks, curbing, structures, appurtenances, milling, drainage improvements, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the	\$410,600	\$115,000

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Township Clerk and hereby approved, the \$410,600 appropriation hereby made therefor being inclusive of the amount of \$290,000 received or expected to be received by the Township from the New Jersey Department of Transportation as a grant-in-aid of financing said improvement		
(b) Improvement of the High Crest Drive bridge in and by the Township by the upgrade thereof and the rehabilitation of the spillway training wall, together with all structures, appurtenances, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved	451,200	429,700
(c) Initial costs associated with the installation of a new traffic signal at the intersection of Greenwood Lake Turnpike and Lakeside Road, together with all studies, surveys, planning and designs, engineering, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved	101,400	96,500
(d) Improvement of various roads in and by the Township by the construction or reconstruction therein of a roadway pavement at least equal in useful life or durability to a roadway pavement of Class B construction (as used or referred to in Section 40A:2 22 of said Local Bond Law), including, without limitation, Edgewood Road, Alpine Lane, Continental Road, Windsor Road, Camelot Drive, Hemlock Lane, Oxbow Lane, Elizabeth Road, Sanders Court, Lancelot Lane, King Arthur Court, Beaver Avenue, Cedar Lane, Vineland Road, Yardville Road, Larchmont Drive, Club Place, Tyler Place, Commanche Lane, Ivan Road, Dunkirk Court, Clover Road, Upper Mt. Glen Lake Drive, Hilltop Road, Morsetown Road, Canistear Road and Gould Road, together with all sidewalks, curbing, crack sealing, guide rail installation, structures, appurtenances, milling, drainage improvements, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved	1,657,900	1,579,000
(e) Acquisition by purchase of new and additional vehicular equipment, including one (1) dump truck for use by the Department of Public Works of the Township, together with all equipment, attachments and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved	194,900	185,600
(f) Acquisition by purchase and installation, as necessary, of new and additional equipment, including without limitation, self-contained breathing apparatus for use by the fire companies of the Township, together with all appurtenances, attachments and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved	126,800	120,700
(g) Acquisition by purchase of new and additional firefighting equipment for the preservation of life and property in the Township, including one (1) fire truck for use by Fire Company #2 of the Township, together with all equipment, attachments and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved	633,700	603,500
(h) Initial costs associated with the acquisition and installation of a new radio system for use by the Office of Emergency Management of the Township, together with all studies, planning and designs necessary therefor or incidental thereto, all as shown on and in accordance with the	41,000	39,000

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plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved		
Totals	<u>\$3,617,500</u>	<u>\$3,169,000</u>

Except as otherwise stated in paragraph (a) above with respect to the said grant-in-aid of financing the purpose described in said paragraph, the excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the said down payment for said purpose.

SECTION 4. The following additional matters are hereby determined, declared, recited and stated:

- (a) The said purposes described in Section 3 of this bond ordinance are not current expenses and each is a property or improvement which the Township may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.
- (b) The average period of usefulness of said purposes within the limitations of said Local Bond Law and taking into consideration the respective amounts of the said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 12.82 years.
- (c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Township as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$3,169,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.
- (d) Amounts not exceeding \$250,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of said Local Bond Law may be included as part of the costs of said improvements and are included in the foregoing estimate thereof (and, in particular, such costs have been included in the improvement described in Section 3(c) of this bond ordinance).

SECTION 5. The funds from time to time received by the Township on account of the \$290,000 grant referred to in Section 1 of this bond ordinance shall be used for financing the improvement or purpose described in paragraph (a) of Section 3 of this bond ordinance by application thereof either to direct payment of the costs of said improvements or purposes, or to payment or reduction of the authorization of the obligations of the Township authorized therefor by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of the costs of said improvements or purposes shall, be held and applied by the Township as funds applicable only to the payment of obligations of the Township authorized by this bond ordinance.

SECTION 6. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer, acting chief financial officer or treasurer (the "Chief Financial Officer"), provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes at no less than par from time to time at public or private sale at not less than par and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

SECTION 7. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of said obligations and interest thereon without limitation of rate or amount.

SECTION 8. The capital budget or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Township Clerk and are available for public inspection.

SECTION 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law

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Introduced: February 17, 2021
Adopted: April 7, 2021
Effective Date: April 27, 2021

This Ordinance was introduced on February 17, 2021 and the Notice of Public Hearing was published in the Herald News on March 25, 2021. The Governing Body will open the meeting to the public to speak on this Ordinance only.

There being no one wishing to be heard, Councilwoman Erik made a motion, seconded by Councilwoman Lichtenberg and carried by unanimous voice vote to close the public comment period.

Motion to adopt Ordinance 2021-014

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

Agenda No. XII

New Business, Introduction of Ordinance, Resolutions

Agenda No. XII 1

~ Ordinance 2021 – 020 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY APPROPRIATING \$155,000 FROM RESERVE FOR CAPITAL PURCHASES

WHEREAS, the Township Council of the Township of West Milford did authorize the use of General Funds for Capital Purchases in the 2020 budget process; and

WHEREAS, when said funds are not expended in the year in which they are appropriated an ordinance is required to reserve those funds for their intended purpose; and

WHEREAS, the projects could be funded by the issuance of bonds if it were not being permanently funded by the capital funds on hand; and

WHEREAS, this ordinance shall appropriate \$155,000 from the Reserve for Capital Purchases.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of West Milford, County of Passaic and State of New Jersey that the sum of \$155,000 be appropriated as follows:

Scott SCBA Air Tanks	\$125,000
Fire Hoses	30,000
TOTAL	\$155,000

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

Introduced: April 7, 2021
Adopted:
Effective Date:

Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for May 5, 2021. Notice of this public hearing shall be published in the Herald News on or about April 13, 2021.

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

Mayor Dale asked to move resolutions 2021-134 through 2021-144 including resolution 2021-149.

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Agenda No. XII 2

~ Resolution 2021 – 134 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC STATE OF NEW JERSEY AUTHORIZING AN ADDENDUM TO RESOLUTION 2019-284 ADOPTED OCTOBER 2, 2019 TO THE PUBLIC HEALTH SHARED SERVICES AGREEMENT WITH THE COUNTY OF PASSAIC AMENDING A VULNERABLE POPULATIONS OUTREACH COORDINATOR

WHEREAS, the County and the Township entered into a Shared Services Agreement whereby the County furnish health services to the Township as set forth in N.J.S.A. 26:3A2-1, et seq. for a term beginning October 1, 2019 and expiring September 30, 2024; and

WHEREAS, the Township shall apply for the New Jersey Department of Health, Office of Public Health grant funding through the Strengthening Local Public Health Capacity Program 2021 (hereafter the "Program") for eligible local government units to receive funding to hire a full-time Vulnerable Populations Outreach Coordinator to respond to the social and health impacts of Covid-19 on at-risk vulnerable populations through targeted outreach; and

WHEREAS, the Township is requesting that the employee is hired by the County, pursuant to the terms and conditions in the Addendum and provide the aforementioned services in the Township; and

WHEREAS, upon confirmation by the Township to the County that the grant funding was awarded by the New Jersey Department of Health, the County shall hire a Vulnerable Populations Outreach Coordinator; and

WHEREAS, the Addendum to the Shared Service Agreement with the County for Public Health Services shall be effective for a term beginning December 1, 2020 and expiring June 30, 2021, with the County and with the mutual option to extend the Addendum for an additional period beginning July 1, 2021 through June 30, 2022.

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

1. The Mayor and the Township Clerk be and are hereby authorized the Addendum with the County of Passaic for shared services as proposed in the Shared Services Agreement for Public Health Services commencing on December 1, 2020 through June 30, 2021 with option to extend for an additional period beginning July 1, 2021 and expiring June 30, 2022.
2. This resolution and Addendum shall be available for public inspection in the office of the Township Clerk.

Adopted: April 7, 2021

Agenda No. XII 3

~ Resolution 2021 – 135 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC STATE OF NEW JERSEY AUTHORIZING AN ADDENDUM TO THE MEMORANDUM OF AGREEMENT TO THE COLLECTIVE BARGAINING AGREEMENT WITH TEAMSTERS LOCAL UNION 560

WHEREAS, the Mayor and Council adopted Resolution 2020-372 which approved the terms of a Memorandum of Agreement to the Collective Bargaining Agreement with Teamsters Local Union 560; and

WHEREAS, the Teamsters Local Union 560 submitted an Addendum A to the Memorandum of Agreement; and

WHEREAS, the Mayor and Council desire to approve Addendum A to the Memorandum of Agreement with Teamsters Local Union 560 that shall cover a three-year period expiring on December 31, 2022; and

WHEREAS, the Addendum A recognizes the Union as exclusive representative for the purpose of collective negotiations for titles in Schedule A "blue collar supervisors and provisional blue-collar supervisors"; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic, ratifies the terms contained in the Addendum A with Teamsters Local Union 560 for inclusion in the Collective Bargaining Agreement and authorizes the appropriate Township Officials to execute said Memorandum of Agreement.

Adopted: April 7, 2021

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Agenda No. XII 4

~ Resolution 2021 – 136 ~

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 STORMWATER COMPLIANCE SOLUTIONS, LLC TO PROVIDE STORMWATER MANAGEMENT SERVICES

WHEREAS, the Township of West Milford has a need to appoint a stormwater management professional as a non-fair and open contract pursuant to the provision of *N.J.S.A. 19:44A-20.4 et seq. or 20.5* as appropriate to comply with the Municipal Stormwater Permit under *N.J.A.C. 7:14*, Tier A Municipal Stormwater General Permit; and

WHEREAS, it is beneficial to retain assistance of appropriately registered experts in the field of stormwater management with knowledge and experience in these matters, to assist in assuring compliance with NJPDES Permit for stormwater discharge; and

WHEREAS, Stormwater Compliance Solutions LLC of Chester, NJ will provide stormwater management services as sought by the Township of West Milford and outlined in a contract in an amount not to exceed \$8,000.00; 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, Stormwater Compliance Solutions LLC has completed and submitted a Business Entity Disclosure Certification which certifies that the business 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 Stormwater Compliance Solutions, LLC 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* in an amount not to exceed \$8,000.00 from account #01-201-26-290-451.

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 for stormwater management services with Stormwater Compliance Solutions, LLC., 180 Main Street, P.O. Box 572, Chester, NJ 07930 to assist the Township with compliance to the NJPDES Permit in an amount not to exceed \$8,000.00.
2. This contract is awarded without competitive bidding as "Professional Services" pursuant to *N.J.S.A. 19:44A-20 et seq.* and the local public contracts law.
3. The total fee authorized for this contract shall not exceed \$8,000.00 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 resolutions authorizing same are available for public inspection in the office of the Township Clerk.

Adopted: April 7, 2021

Agenda No. XII 5

~ Resolution 2021 – 137 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING PURCHASES FROM TURN OUT UNIFORMS AS A STATE CONTRACT VENDOR PURSUANT TO N.J.S.A. 40A:11-12 (A) IN ACCORDANCE WITH THE TOWNSHIP'S PURCHASING POLICES AND PAY TO PLAY LAW N.J.S.A. 19:44A-20.5 ET SEQ.

WHEREAS, the Township of West Milford, pursuant to *N.J.S.A.40A:11-12 (a)* and *N.J.A.C. 5:34-7.29 (c)*, may, by virtue of this resolution and with a properly executed purchase order and without advertising for bids, purchase goods or services under any contract or contracts entered into on behalf of the State by the Division of Purchase and Property; and

WHEREAS, the Township of West Milford has a need on a timely basis to purchase goods utilizing the State Division of Purchase and Property contract for police uniforms and equipment awarded to Turn Out Uniforms which expense would exceed the Pay-to-Play threshold of \$17,500; and

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WHEREAS, the above vendor shall comply with the State pay-to-play regulations by completing and submitting a Business Entity Disclosure Certification; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey that the appropriate Township officials be and are hereby authorized to execute purchases to Turn Out Uniforms as a state contract vendor within the budget appropriation established for this purpose.

Adopted: April 7, 2021

Agenda No. XII 6

~ Resolution 2021 –138 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO JESSICA CALDWELL TO PROVIDE PLANNING SERVICES IN ACCORDANCE WITH THE HIGHLANDS PLAN CONFORMANCE GRANT AMENDMENT #09-033-011-1615 IN AN AMOUNT NOT TO EXCEED \$73,000.00

WHEREAS, the Township of West Milford did receive a grant in the amount of \$128,700 in 2011 from the Highlands Water Protection and Planning Council to be used for Highlands Plan Conformance; and

WHEREAS, the Township of West Milford did approve a professional services contract to allow Jessica Caldwell of J. Caldwell and Associates, LLC to fulfill the requirements of the grant; and

WHEREAS, Ms. Caldwell is fulfilling the terms of the agreement under Task 10, Highlands Redevelopment Planning; and

WHEREAS, J. Caldwell & Associates, LLC will perform the above work in an amount not to exceed \$73,000; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for this purchase, said funds to be encumbered from account number 02-213-41-734-002.

NOW THEREFORE BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey that the appropriate Township Officials be and are hereby authorized to execute payment to J Caldwell Associates LLC in an amount not to exceed \$73,000.00 for the Highlands Redevelopment Plan work completed.

Adopted: April 7, 2021

Agenda No. XII 7

~ Resolution 2021 – 139 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE INSTALLATION OF HANDS FREE PLUMBING FIXTURES BY BSE MECHANICAL IN ACCORDANCE WITH THE TOWNSHIP PURCHASING POLICY AND PAY-TO-PLAY LAW N.J.S.A. 19:44A-20.5 ET SEQ.

WHEREAS, by virtue of executive order #103 the Governor authorized the Emergency Management Coordinator to procure any goods or services need to protect the health and safety of employees and the public and to prevent the spread of the virus; and

WHEREAS, the Emergency Management Coordinator is requesting the installation of hands free plumbing fixtures by BSE Mechanical to protect the health and safety of Township employees and the public and allow for the continuation of Municipal operations; and

WHEREAS, the installation of hands free plumbing fixtures throughout all of the township buildings would exceed the Pay-to-Play threshold of \$17,500; and

WHEREAS, BSE Mechanical shall comply with state Pay-to-Play regulation by completing and submitting a Business Entity Disclosure Certification; and

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

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey that the installation of hands free plumbing fixtures by BSE Mechanical is hereby authorized and approved provided that the required 3 quotes per request be obtained and not exceed the appropriation established for this purpose.

Adopted: April 7, 2021

Agenda No. XII 8

~ Resolution 2021 – 140 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AGREEMENT WITH HART HALSEY LLC DBA EXTRA DUTY SOLUTIONS FOR POLICE BILLING SERVICES

WHEREAS, the Township of West Milford desires to outsource police billing services; and

WHEREAS, the cost of services will be paid by the vendor the Township is hiring for services; and

WHEREAS, the services include hiring of officers to work extra duty details, invoicing customers and managing payroll processes to employees.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic and State of New Jersey that they do hereby authorize to engage in police billing services between Hart Halsey LLC dba Extra Duty Solutions, 1 Waterview Dr. Suite 101, Shelton CT 06484.

Adopted: April 7, 2021

Agenda No. XII 9

~ Resolution 2021 – 141 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE ACCEPTANCE OF THE 2021 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 has granted the department with \$7,500.00 to be used for enforcement, 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 acceptance of the 2021 Distracted Driving Crackdown, U Drive, U Text, U Pay for the month of April 2021 to reduce the number of motor vehicle fatalities in the state.

Adopted: April 7, 2021

Agenda No. XII 10

~ Resolution 2021 – 142 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING AN EMERGENCY TEMPORARY APPROPRIATION PRIOR TO THE ADOPTION OF THE 2021 BUDGET PER N.J.S.A. 40A:4-20

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

WHEREAS, the Township of West Milford Police Department applied for and received a grant to crackdown on distracted driving.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford by a 2/3 vote, that the following temporary budget receivable and appropriation be made and that a certified copy of the resolution be sent to DLGS.

Appropriation	Acct Number	Amount
Distracted Driving Grant - 2021	02-213-41-719-003	\$7,500
Receivable		
Distracted Driving Grant - 2021	02-117-03-719-003	\$7,500

Adopted: April 7, 2021

Agenda No. XII 11

~ Resolution 2021 – 143 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY REQUESTING ACCEPTANCE OF A GRANT AND TO EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION (NJDOT) FOR THE MILLING AND RESURFACING OF CLINTON ROAD BETWEEN PASSAIC COUNTY BRIDGE #175 AND SEAM 0.9-MILES SOUTH

WHEREAS, on June 10, 2020, the Township Council of the Township of West Milford approved the submission of an NJDOT grant application to fund a portion of the milling and resurfacing of Clinton Road between Passaic County Bridge #175 and 0.9-miles south (0.9 miles) under the 2021 Municipal Aid Program; and

WHEREAS, the requested \$290,000 application resulted in a \$284,000 award approved by the NJDOT Commissioner; and

WHEREAS, a local capital budget request, for \$121,000, has been submitted by the Engineering Division to fund the balance of the preliminary construction cost estimate.

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

BE IT FURTHER RESOLVED that the Township of West Milford acknowledges that a contract for construction must be executed no later than November 16, 2022, as per the grant term requirements established by the New Jersey Department of Transportation.

Adopted: April 7, 2021

Agenda No. XII 12

~ Resolution 2021 – 144 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF POCKET (INACTIVE) PLENARY RETAIL CONSUMPTION LICENSES FOR THE 2020- 2021 LICENSE YEAR

WHEREAS, applications for renewal of Plenary Retail Consumption License for the 2020- 2021 License year have been processed on the ABC POSSE website and reviewed; and

WHEREAS, these licenses have received a Tax Clearance Certificate and Special Ruling for the 2020-2021 year; and

WHEREAS, the Township Council has conducted a public review of the application as stipulated in the guidelines of the Director of the Division of Alcoholic Beverage Control; and

WHEREAS, as a result of that review the Township Council has determined as follows:

1. The submitted application is complete in all respects.

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2. The applicant is qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. laws and regulations.

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

1. Inactive/Pocket Licenses must submit a 12-page Place-to-Place Transfer application with detailed sketch of proposed site and a Police Investigation Request to the Township Clerk's Office and receive satisfactory recommendations from the Health, Fire, Building, Zoning and Police Departments prior to siting this license.
2. Prior to activating the license, inspections of premises must be made and satisfactory recommendations must be received by the Fire, Health, Building, Zoning and Police Departments.
3. Licensee must submit applicable pages 1, 2, and 11 of the 12-page application to the Township Clerk's Office with date of activation prior to activation or opening this license.
4. A Health Department Retail Food Establishment license must be acquired with detailed floor plans and satisfactory recommendation received in the Clerk's Office prior to opening.

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

LICENSE/LICENSEE/T/A	CONDITIONS
SAGAR BEVERAGE LLC 1615-33-020-008 28 Phillip Drive, Parsippany, NJ 07054	Conditions stated above in resolution

Adopted: April 7, 2021

Agenda No. XII 13

~ Resolution 2021 – 149 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AMENDING A CONTRACT FOR THE SALE OF BLOCK 14113, LOT 22, PEACH LANE

WHEREAS, on October 2, 2019, the Township held a land sale of certain property no longer needed by the Township in accordance with Resolution 2019-244; and

WHEREAS, Michael Miseo was the successful bidder with respect to the property known as Block 14113, Lot 22, Peach Lane in the amount of \$5,000; and

WHEREAS, a title search conducted on the property revealed a lien of \$17,000 held by the Forest Hill Park Homeowners Association against the prior owners of said property; and

WHEREAS, while the Township made no representation as to title or other aspects of said land being sold, the Township, Forest Hill Park Homeowners Association and Mr. Miseo have agreed to amicably resolve this lien; and

WHEREAS, said Association has agreed to reduce the lien against the property to the sum of \$5,000, and in order to satisfy said lien held by Forest Hill Park Homeowners Association, the Township will amend the sales price of the property to \$2,500 and Mr. Miseo will pay off the outstanding lien.

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

1. The contract for sale between the Township of West Milford and Michael Miseo for the property known as Block 14113, Lot 22, Peach Lane is hereby amended to revise the purchase price from \$5,000 to \$2,500.
2. It is understood and agreed that as a condition of the sale of the property, the purchaser, Michael Miseo, is responsible for the balance of the settlement to Forest Hill Park Homeowners Association to satisfy the outstanding lien.

This Resolution shall take effect immediately.

Adopted: April 7, 2021

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

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Agenda No. XIII

Consent Agenda

~ Resolution 2021 – 145 ~

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) **2021-146** – Authorizing Refund of Recreation Fees

Adopted: April 7, 2021

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

Agenda No. XIII a

~ Resolution 2021 – 146 ~

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:

DAYCAMP			
\$150.00	Jennifer Fleming 12 Mickens Road West Milford, NJ 07480	\$150.00	Larissa Genardi 6 Charissa Court Hewitt, NJ 07421
\$300.00	Christin Aikey 21 Spinnler Drive West Milford, NJ 07480	\$150.00	Ettiene Rickels 43 Hanover Road Hewitt, NJ 07421

Adopted: April 7, 2021

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

Agenda No. XIV

Approval of Expenditures

~ Resolution 2021 – 147 ~

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	\$140,141.64
3	Reserve Account	45,634.30
2	Grants	6,513.50
6	Refunds	750.00

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1	General Ledger	250.00
26	Refuse	179,250.00
4	Capital	1,801.31
19	Animal Control	0.00
19	Heritage Trust	0.00
19	Open Space Trust	0.00
19	Trust	11,291.24
19	Scala Trust	0.00
16	Development Escrow	0.00
19	Tax Sale Trust	0.00
21	Assessment Trust	20,384.76
	Special Reserve	2,313.60
Total		\$408,330.35
	Less Refund Resolution	-750.00
	Actual Bills List	\$407,580.35
	Other Payments	
	Total Expenditures	\$407,580.35

Adopted: April 7, 2021

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

Agenda No. XVI

Appointments and Resignations

~ Resolution 2021 – 148 ~

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

BE IT RESOLVED, by the Township Council of the Township of West Milford that they do hereby accept the following resignation tendered to the Historic Preservation Commission:

Name	Position	Date Tendered
Harry J Rescigno	Historic Preservation Commission Citizen Member Term expires 12/31/21	March 16, 2021 effective 03/31/21

Adopted: April 7, 2021

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

Mayor Dale noted the Council will select the recipient of the Volunteer of the Year Award. Councilwoman Erik nominated number 4. Councilman Goodsir nominated number 1.

Number 4

 Voted Aye: Erik, Chazukow, Lichtenberg, Gross
 Voted Nay: Goodsir, Marsden
 Motion carried:

Number 1

 Voted Aye: Chazukow, Lichtenberg, Goodsir, Gross, Marsden
 Voted Nay: Erik
 Motion carried:

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Mayor Dale announced that Bonnie Seufert is the winner of the Volunteer of the Year Award and Robert Brady is the winner of the Mary B. Haase Lifetime Volunteer Award.

Agenda No. X

Public Comments

Mayor Dale opened the meeting to the public after advising that there is a five-minute limit for each speaker.

Richard Randazzo, 278 Wooley Road – Expressed his concerns about the noise ordinance. He provided a copy of the Point Pleasant Beach noise ordinance to the Council.

Tim Barnes, 13 Harvey Road, Hewitt – Thanked the Council for addressing their concerns regarding Assembly Bill 4454.

The following Township residents and citizens expressed why they are opposed to the TGP (Tennessee Gas Pipeline) proposed compressor station.

Ted Glick – 500 Broughton Avenue – Bloomfield, Laure Ashtyani – 32 Hopley Place, Renee Alessio – 39 Hillcrest Drive, Nancy Hunt – 1905 Clinton Road, Matt Smith, New Brunswick – State Director, Food and Water Watch, Roger Agnoli – 1103 Richmond Road, Margaret Wood – 324 Germantown Road, Karl Stehle – PO Box 431, Hewitt, Terry Milin – 25 Pawnee Terrace, Eberhard & Kerstin Dieterich – 107 Long Pond Road, Andrea Valtos – 159 Long Pond Road, Eileen Curran – 9 Ramapo Road, Margo Hollands – 24 Forge Road, Robin Rose Bennett – 41 Terra Cotta Road.

There being no more comments from the public, Councilwoman Erik moved to close the public portion of the meeting.

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

Agenda No. XI

Council Comments

Councilwoman Lichtenberg – Said she would like to discuss the noise ordinance and address the concerns raised by Mr. Randazzo. The Council gave consensus.

Councilman Chazukow – Mentioned that he is glad to have support from the community for Assembly Bill 4454. He expressed that it's very important for the Council to make decisions based on the facts regarding the TGP. He thanked the Mayor and Administration for setting up an open discussion regarding the TGP.

Agenda No. XV

Reports of Administrator, Mayor and Council Members

Councilwoman Erik – Provided Beautification Day details. She encouraged residents to participate in the Adopt-A-Road program. She expressed they really have to stand up for the kids and she thanked everyone for listening to her speak about Assembly Bill 4454.

Councilman Chazukow – Provided information about the cannabis webinar he attended. Mayor Dale recommended that the Council start a cannabis subcommittee and allow Jessica Caldwell, Planner and Mr. Semrau to be a part of the subcommittee. Councilwoman Lichtenberg asked to choose the subcommittee. Councilman Chazukow, Councilman Marsden and Administrator Senande will be on the subcommittee and Councilman Goodsir will serve as a reserve.

Councilwoman Lichtenberg – Provided information on the Barn Sale at the Friends of Wallisch.

Councilman Goodsir – Spoke about the Trout Derby.

Councilman Gross – Provided an update on the additional parking on Otterhole Road.

Councilman Marsden – Mentioned that he has friends that are Former World Champion Boxers that would be willing to come to West Milford and fight. He said they have to find a venue and see if it makes sense with social distancing.

Administrator Senande – No report.

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Mr. Semrau – Provided an update on Altise and the BPU (Board of Public Utilities).

Mayor Dale – Provided an update on the BPU hearing with Altise and the Covid-19 vaccination. Mayor Dale asked the Council if they would like to revisit and review the Township Well Ordinance at a future meeting. The Council gave consensus.

Agenda No. XVII

Adjournment

There being no further business to come before the Council, the Governing Body adjourned the meeting at 8:33 p.m.

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

Approved: April 21, 2021

Respectfully submitted:

Sherry Zbrzeski, Keyboarding Clerk II

MICHELE DALE, MAYOR

WILLIAM SENANDE, TOWNSHIP CLERK