
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: April 20, 2022
Time of Meeting: 5:30 p.m.
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The Regular Meeting of the Governing Body was called to order by Mayor Michele Dale at 5:30 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 and the Record in its issue of January 11, 2022, March 28, 2022 and posted on the bulletin board in the main corridor of 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 the pledge of allegiance to the flag.

Agenda No. II

Roll Call

Present: Councilmembers Ada Erik, Michael Chazukow, Marilyn Lichtenberg, Kevin Goodsir, Warren Gross, David Marsden

Absent:

Also Present: Mayor Michele Dale, Township Administrator William Senande, Township Attorney Dawn Sullivan

Agenda No. III

Reading of or Approval of Unapproved Minutes

April 6, 2022 Workshop Meeting Minutes

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

Agenda No. IV

Meetings

May 4, 2022 Workshop Meeting
May 18, 2022 Regular Meeting
June 8, 2022 Workshop/Regular Meeting

Agenda No. V

Proclamations

None.

Agenda No. VI

Executive Session

None.

At this time Mayor Dale introduced Officer Michael Webber and he gave details regarding the Community Funding Request that he had submitted to Congressman Josh Gottheimer and the House Committee Appropriations. The Township is trying to get a grant to supplement the cost of the antiquated radio system used by the police and other first responders. If a grant were to be received it would ease the burden on the taxpayers. Members of the public should feel free to call our representatives, Congressman Gottheimer or anyone else on the Appropriations Committee. Mayor Dale said if we could get a grant it could help alleviate a huge burden. According to representatives of Congressman Gottheimer, the exact amount that could be received has yet to be determined. Officer Webber has submitted the requested documents and letters and will advise the Mayor and Council as he receives information. Mayor Dale indicated that this type of request was meant to go towards improving infrastructure. She thanked Officer Webber for his help with this grant and also other grants he has worked on in the past.

Agenda No. VII

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Discussion Items / Official Communications

Table with 2 columns: Item Number and Description. Item 1: Ordinance: Bubbling Springs Fees for Volunteers. Item 2: Ordinance: Special Services - OPRA Redaction Fee.

Agenda No. IX

Public Comments

None.

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

Agenda No. X

Council Comments

None.

Agenda No. VIII

Unfinished Business, Final Passage of Ordinances

Agenda No. VIII 1

~ Ordinance 2022 - 017 ~

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 Article VII Office of Administration Chapter 15-36 Purchasing Procedures are amended as follows:

§ 15-36 Purchasing procedures.

- A. Requisition. All purchases made for any supplies, materials, equipment or contractual services...
B. Award of contracts; execution. Where contracts are by law required to be let to competitive public bidding...
C. Standards and tests. The Administrator shall establish and approve uniform standards for

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requisitions and purchases; shall control the delivery of all supplies, materials and equipment and other items purchased; and can make or cause to be made proper test checks and inspections thereof. The ordering department shall ascertain whether the supplies, materials, equipment and other items purchased comply with the specifications and shall cause laboratory or other tests to be made whenever in his opinion it is necessary to determine whether the materials or supplies furnished are of the quality and standard required, and shall accept or reject the deliveries in accordance with the results of his inspection.

- D. Storerooms, stockrooms, or storage places. The Administrator shall control any general storerooms, stockrooms, or storage places, which the Council may authorize. The Administrator may make transfers of supplies, materials and equipment between departments, officers and agencies; sell surplus, obsolete, unused or waste supplies, materials and equipment; and make any other sales authorized by Council.
- E. Emergencies. In emergency situations, the Administrator shall establish a procedure for the purchase of any materials and supplies and/or services required for the immediate protection of the public health, safety, morals or welfare and have the authority to negotiate and award such contracts on behalf of the municipality in accordance with N.J.S.A. 40A:11-6

§ 15-36.1 Responsible bidder requirements.

- A. Purpose.
 - (1) The Township of West Milford solicits bids and/or proposals on many different types of construction contracts and therefore must take into account the qualifications of contractors and subcontractors due to the substantial taxpayer investments involved in the public construction project(s).
 - (2) The Township of West Milford has the right to adopt licensing, regulations, and ordinances pursuant to Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., to ensure the performance capabilities of prospective bidders.
- B. Responsible bidder requirements.
 - (1) All contractors and subcontractors that perform work on projects valued at or above \$250,000 or more shall meet the requirements of this article.
 - (2) All contractors and subcontractors, irrespective of the number of laborers, shall provide that at least 33% of such laborers have primary residence in the Township of West Milford.
 - (3) The contractor shall confirm and verify its past performance and work history, current qualifications, and performance capabilities.
 - (4) A contractor or subcontractor shall submit a responsible bidder certification at the time it submits its bid for the contract work, and provide the information contained in Subsection B (1) through (3) above.
 - (a) If the contractor or subcontractor is not able to meet the percentage requirements set forth in Subsection B(2), they shall note that the specialized labor force needed to complete the project cannot be found in the Township of West Milford. The Township of West Milford may take that into consideration when deciding to award specific contracts.
 - (5) If the Township of West Milford concludes that the qualifications and background of the prospective contractor or subcontractor are met, it shall issue a written notice that the contractor is a responsible bidder.
 - (6) If the Township of West Milford concludes that the qualifications and background of the prospective contractor or subcontractor are not met, it shall issue a written notice that the contractor is a not responsible bidder, and shall thereafter conduct a review of the next lowest responsible bidder or, if necessary, rebid the project.
 - (7) A contractor or subcontractor shall submit a responsible bidder certification each time it submits its bid.
- C. Penalties. If the Township of West Milford determines that a contractor or subcontractor provides false or misleading material information that was provided knowingly or with reckless disregard for the truth, the bidder shall be subject to the penalties as outlined under N.J.S.A. 40A:11-34.

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

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

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

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

Introduced: March 16, 2022
Adopted: April 20, 2022
Effective Date: May 10, 2022

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There being no one else 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 vote on Ordinance 2022-017 by Councilwoman Erik seconded by Councilman Lichtenberg.

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

Agenda No. VIII 2

~ Ordinance 2022 – 018 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER §285, “PROPERTY MAINTENANCE” SECTION §285-12 “VACANT, ABANDONED AND FORECLOSED PROPERTIES” OF THE REVISED GENERAL ORDINANCES

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 285 “Property Maintenance”, §285-12 Vacant, Abandoned and Foreclosed Properties is amended as follows:

B. Registration of Vacant, Abandoned, and Foreclosed Properties

- (1) Registration. The responsible party for a vacant, abandoned, or foreclosed, residential property shall immediately file a certificate of registration with the Township Clerk after receipt of notice, that the property has been determined to be vacant, abandoned or foreclosed upon, or immediately after the responsible party assumes ownership of or responsibility for a property already determined to be vacant, abandoned, or foreclosed upon. A certificate of registration shall remain valid for one year from the date of issuance and renewal shall be required annually that reverts back to the initial registration date if the property remains vacant and abandoned.

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.

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There being no one else 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 vote on Ordinance 2022-018 by Councilwoman Erik seconded by Councilman Lichtenberg.

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

Agenda No. VIII 3

~ Ordinance 2022 – 019 ~

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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" had additional fees and items amended to read as follows:

§ 135-2 Department of Community Services and Recreation

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

C. 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.

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

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

G. Use of Teen Center/Coffee House.

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

H. Use of West Milford Recreation Center

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

I. The Department of Community Services and Recreation is to provide all currently appointed members of boards, committees and commissions established by ordinance a \$5 discount for their own registration for each of the programs and events offered by the Department. All such members shall also be entitled to receive the same rates for Bubbling Springs as is provided to seniors.

J. Event permits may be issued for use of the Recreation rooms of the Township Library by the Community Services and Recreation Department. The fee for such use shall be \$0.

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

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

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

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

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

Introduced: March 16, 2022
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There being no one else wishing to be heard, Councilwoman Erik made a motion, seconded by Councilman Lichtenberg and carried by unanimous voice vote to close the public comment period.

Motion to vote on Ordinance 2022-019 by Councilwoman Erik seconded by Councilwoman Lichtenberg.

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

Agenda No. XI

New Business, Introduction of Ordinances, Resolutions

Agenda No. XI 1

~ Ordinance 2022 – 023 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 500 “ZONING” OF THE REVISED GENERAL ORDINANCES TO UPDATE SECTION 500-191 “DEFINITIONS”

WHEREAS in 2021 the Township of West Milford adopted an ordinance allowing for cannabis business licenses within the township and setting forth distances between any cannabis business and parks, schools and other cannabis businesses; and

WHEREAS the Governing Body wishes to update the ordinance to minimize confusion and better define parks, park areas or municipal grounds as park areas.

NOW THEREFORE BE IT ORDAINED by the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey as follows that the following “Definition” section be amended to add “Park”.

SECTION 1. Article XVII Cannabis Cultivation, Manufacturing, Wholesale, Distribution, Retail and Delivery

§ 500 -191, Definitions

As used in this article, the following terms shall have the meanings indicated:

This section is hereby amended to add the following:

PARK

Areas larger than one acre used for active recreation that are owned and managed by a government entity and that have improvements such as athletic fields, playground equipment and/or pavilions.

SECTION 2. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other section or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

SECTION 3. 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 4. 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 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: April 20, 2022
Adopted:
Effective Date:

Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for May 18, 2022. Notice of this public hearing shall be published in the Herald News on or about April 26, 2022

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Motion to move forward.

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

Mayor Dale asked to move resolutions 2022-166 through 2022-170.

Agenda No. XI 2

~ Resolution 2022 – 166 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH FESTIVAL WORKS, LLC TO SERVE AS THE PLANNER FOR THE 2022 AUTUMN LIGHTS FESTIVAL

WHEREAS, the Township of West Milford annually undertakes the task of coordinating and hosting the Autumn Lights Festival (“ALF”); and

WHEREAS, ALF is one of the Township’s premier community events; and

WHEREAS, ALF requires both Township staff and volunteers to dedicate a great deal of time to ensure its success; and

WHEREAS, the Township seeks to build on the success of ALF; and

WHEREAS, Festival Works, LLC with an address of 15 Walts Way, Box 60, Sterling Forest, NY 10979 has successfully coordinated similar events in the region; and

WHEREAS, Festival Works, LLC has the experience, expertise, capital and staffing necessary to build on the success of ALF; and

WHEREAS, Festival Works, LLC has proposed to coordinate ALF at no cost to the Township; and

WHEREAS, the Township will retain all authority to accept or reject material aspects of ALF; and

WHEREAS, the Township Council believes that it is in the best interest of the Township to award an agreement to Festival Works, LLC for the management of ALF as it will help ensure its continued success.

NOW, THEREFORE, BE IT RESOLVED that the Township Council authorizes the Township Administrator to enter into an agreement with Festival Works, LLC for the management of ALF for 2022 at no cost to the Township.

Adopted: April 20, 2022

Agenda No. XI 3

~ Resolution 2022 – 167 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE TOWNSHIP TO ENTER INTO A COOPERATIVE CONTRACTING AGREEMENT WITH THE NATIONAL COOPERATIVE PURCHASING ALLIANCE (NCPA)

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing Systems and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the National Cooperative Purchasing Alliance, hereinafter referred to as the “Lead Agency” has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services; and

WHEREAS, the Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey; and

WHEREAS, the Cooperative Pricing Systems is authorized by N.J.S.A. 40A:11-11 and has been approved by the Division of Local Government Services in the Department of Community Affairs pursuant to N.J.A.C. 5:34-7.1 et seq., and

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WHEREAS, the Township of West Milford desires to be a Participating Member hereinafter referred to as the "Member" in a "recognized cooperative purchasing organization" known as National Cooperative Purchasing Alliance (NCPA); and

WHEREAS, on April 20, 2022 the governing body of the Township of West Milford, County of Passaic, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services; and

NOW, THEREFORE, BE IT RESOLVED this resolution shall be known and may be cited as the Cooperative Pricing Resolution of the Township of West Milford; and

NOW, THEREFORE, BE IT RESOLVED the Township Council pursuant to the provisions of N.J.A.C. 5:34-7.1 et seq. and N.J.S.A. 40A:11-11(5) hereby authorizes the Mayor and Clerk to execute a Cooperative Pricing Agreement with the "Lead Agency" National Cooperative Purchasing Alliance for the purchase of work, materials and supplies on behalf of the Township of West Milford.

BE IT FURTHER RESOLVED, the Township of West Milford does hereby stipulate and agree that it desires to be a Registered Member of NCPA with contract purchasing benefits in accordance with terms and conditions of the applicable agreement, and that NCPA hereby grants said Membership to the Township of West Milford.

This Resolution shall take effect immediately upon final passage.

Adopted: April 20, 2022

Agenda No. XI 4

~ Resolution 2022 – 168 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A ONE YEAR EXTENSION TO THE AGREEMENT WITH ULTRA-SAFE SECURITY SYSTEMS INC. FOR MONITORING OF THE FIRE ALARM, CARBON MONOXIDE DETECTORS AND/OR BURGLARY SYSTEMS

WHEREAS, by virtue of Resolution 2018-113 the Township of West Milford entered into an agreement with Ultra-Safe Security Systems, Inc. for the monitoring of the fire alarm, carbon monoxide detectors and/or burglary systems; and

WHEREAS, said Resolution authorized the execution of an agreement with Ultra-Safe Security Systems, Inc., for a period of May 2018 through May 2019, at which time the Township may, by written notice, renew for additional one (1) year periods; and

WHEREAS, Ultra-Safe Security Systems, Inc., has satisfactorily worked with the Township for the monitoring of the fire alarm, carbon monoxide detectors and/or burglary systems; and

WHEREAS, the Director of Public Works has recommended a one year extension of the agreement with Ultra-Safe Security Systems, Inc. for the period from June 2022 through May 2023; and

WHEREAS, the Chief Financial Officer has certified that encumbrances for these services shall come from account 01-201-20-161-450;

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

1. The Mayor and Township Clerk are hereby authorized and directed to execute a one year extension to the agreement with Ultra-Safe Security Systems, Inc., 79 Timber Lane East, Newfoundland, NJ 07435 for the period of June 2022 through May 2023 for the monitoring of the fire alarm, carbon monoxide detectors and/or burglary systems in an amount not to exceed \$7,740.00.
2. This extension will expire on May 31, 2023.
3. The Township's Chief Financial Officer has certified the availability of funds for same.
4. This resolution shall serve as an addendum to the agreement with Ultra-Safe Security Systems, Inc. for alarm system monitoring as stated above.

Adopted: April 20, 2022

Agenda No. XI 5

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~ Resolution 2022 – 169 ~

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey that the appropriate Township officials be and are hereby authorized to execute purchases not to exceed the budgeted appropriation established for this purpose for the remainder of the 2022 calendar year.

Adopted: April 20, 2022

Agenda No. XI 6

~ Resolution 2022 – 170 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY IN SUPPORT OF ROBERT MARTI'S CANNABIS BUSINESS

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

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

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

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

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

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

WHEREAS, Robert Marti has expressed interest in siting such a retail cannabis dispensary at 24 Marshall Hill Road (Block 5701, Lot 7); and

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

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

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

Adopted: April 20, 2022

Motion to move Resolutions 2022-166 through 2022-170

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

Agenda No. XII

Consent Agenda

~ Resolution 2022 – 171 ~

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) **2022-172** – Cancelling Taxes and Authorizing Refund
- b) **2022-173** – Refund of Other Liens
- c) **2022-174** – Refund of Overpayment
- d) **2022-175** – Refund Reinstatement of Taxes
- e) **2022-176** – Refund Recreation Fees

Adopted: April 20, 2022

Agenda No. XII a

~ Resolution 2022 – 172 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, AND STATE OF NEW JERSEY CANCELLING TAXES AND AUTHORIZING A REFUND PURSUANT TO N.J.S.A. 54:4-3.32

WHEREAS, the former owner ('Former Owner') of the property located at Block 6603, Lot 11 on the Township tax map ('Subject Property') was eligible to receive the Totally Disabled Veterans Property Tax Exemption for tax year 2020 ('Exemption'); and

WHEREAS, due to a deficiency in the former owner's written claim for exemption, the Subject Property, which had enjoyed the Disabled Veterans Property Tax Exemption from tax year 2007 through tax year 2019, was retroactively deemed by the Township Deputy Tax Assessor to be ineligible for the Exemption for tax year 2020; and

WHEREAS, upon deeming the Subject Property ineligible for the 2020 Exemption, the Deputy Tax Assessor in 2021 removed the Exemption and levied the full 2020 property taxes, in the amount of \$4,871.52, against the Subject Property as an added assessment for tax year 2021 ('Added Assessment'); and

WHEREAS, the Deputy Tax Assessor subsequently became aware that the Subject Property had in fact been eligible for the 2020 Exemption and that the Added Assessment had been levied erroneously; and

WHEREAS, the Subject Property was sold to a new owner, Joseph McMahon ('New Owner'), on January 29, 2021; and

WHEREAS, the erroneous Added Assessment was paid by the New Owner in 2021 in the full amount of \$4,871.52, in addition to the Subject Property's 2021 property taxes; and

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WHEREAS, the Added Assessment should not have been levied, as the Subject Property had been eligible for the 2020 Exemption; and

WHEREAS, the Township was not entitled to the payment of the Added Assessment by the New Owner.

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

1. The property located at Block 6603, Lot 11 on the Township tax map was eligible for the Disabled Veterans Property Tax Exemption for tax year 2020.
2. In accordance with N.J.S.A. 54:4-3.32, the Tax Collector is hereby authorized to cancel the 2020 property taxes for the property located at Block 6603, Lot 11 on the Township tax map, in the amount of \$4,871.52.
3. A refund of the 2020 property taxes for the property located at Block 6603, Lot 11 on the Township tax map shall be issued to the current owner of the property, Joseph McMahon, in the total amount of \$4,871.52, which is the amount paid by Mr. McMahon for the 2020 property taxes that were erroneously levied against the property as an added assessment.

This Resolution shall take effect immediately.

Adopted: April 20, 2022

Agenda No. XII b

~ Resolution 2022 – 173 ~

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

WHEREAS, the Collector of Taxes has reported receiving the amounts shown below for the redemption of the respective lien.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of West Milford that the proper officers be and are hereby authorized and directed to pay the indicated amount to the holder of the lien certificate as hereinafter shown below:

Certificate No.	Certificate Date	Block/Lot/Qual	Reimbursement Amount	Pay to Lien Holder
18-0006	10/09/2018	00903-009	\$11,995.56	US BANK CUST FOR TOWER DB VIII TRUST 50 SOUTH 16 TH STREET, SUITE 2050 PHILADELPHIA, PA 19102
21-0014	10/12/2021	02704-017	\$24,188.57	EVOLVE BANK & TRUST 6070 POPLAR AVE; SUITE 200 MEMPHIS, TN 38119
21-0034	10/12/2021	06604-006	\$37,145.61	FNA VI LLC 120 N LASALLE ST; SUITE 1220 CHICAGO, IL 60602
TOTAL			\$73,329.74	

Adopted: April 20, 2022

Agenda No. XII c

~ Resolution 2022 – 174 ~

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 | |

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Block/Lot	Name	Amount	Year	Reason
10202-010	TA REALTY GROUP LLC P.O. BOX 963 HEWITT, NJ 07421	\$131.11	2022	1
14701-050	FIRE PREVENTION BUREAU TWP OF WEST MILFORD 1480 UNION VALLEY ROAD WEST MILFORD, NJ 07480	\$100.00	2021	1
07801-016.05	LUZDIVINA TORRES 16E QUINCY LANE WEST MILFORD, NJ 07480	\$1,571.00	2022	2
16304-013	Saiber 18 Columbia Tpk Suite 200 Florham Park, NJ 07932 Attn: Andrew Kesler	\$799.16	2020	6

Adopted: April 20, 2022

Agenda No. XII d

~ Resolution 2022 – 175 ~

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

WHEREAS, there appears on the tax records receipt of payment of taxes; and

WHEREAS, the Collector of Taxes recommends the reinstatement of taxes due to reasons stated below.

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

- REASON:**
- 1 **INSUFFICIENT FUNDS**
 - 2 **NO ACCOUNT/CANNOT LOCATE**
 - 3 **ACCOUNT CLOSED**
 - 4 **STOP PAYMENT**

BLOCK/LOT	NAME	AMOUNT	INT	YEAR	REASON
12307-013	Lo Chihua Ho	\$2,192.00	32.88	2022	1
05902-012	Stephen Edward Beck	\$2,246.00		2022	1
16004-007	Stephen Jose DiPresso	\$1,665.74		2022	1

Adopted: April 20, 2022

Agenda No. XII e

~ Resolution 2022 – 176 ~

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:

COOKING CLASS – PIZZA			
\$13.00	Marisa Gough 34 Center Street West Milford, NJ 07480		
FIELD HOCKEY GOLD			
\$190.00	Nicole Fritz 18 Cherbourg Drive West Milford, NJ 07480		
YOGA SCULPT CLASS			
\$40.00	Joanne Denneau 33 Lafayette Street West Milford, NJ 07480	\$40.00	Elaine Monks 10 Yale Road Hewitt, NJ 07421
COED VOLLEYBALL			
\$70.00	Amy Cutugno 65 Vreeland Road West Milford, NJ 07480		

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PICKLEBALL CLINIC			
\$50.00	Catherine DeMouth 21 Spinnler Drive West Milford, NJ 07480		
BOB ROSS PAINTING SENIOR			
\$35.00	Laurel O'Rourke 16 East Sunset Hill Road Blairstown, NJ 07825		
BOB ROSS ADULTS - APRIL			
\$60.00	Nadia SH 138 Kitchell Lake Drive West Milford, NJ 07480	\$60.00	Betty Gartner 24 Christine Ct. West Milford, NJ 07480
ACTIVE AGERS			
\$45.00	Elaine Monks 10 Yale Road Hewitt, NJ 07421		
ART CLASS			
\$100.00	Sherie Williamson 59 Center Street West Milford, NJ 07480		

Adopted: April 20, 2022

Motion to move Resolutions 2022-171 through Resolution 2022-176 by Councilwoman Erik seconded by Councilman Marsden.

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

Agenda No. XIII

Approval of Expenditures

~ Resolution 2022 – 177 ~

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	\$129,959.34
3	Reserve Account	77,165.73
2	Grants	220,095.46
6	Refunds	76,634.01
1	General Ledger	7,757.00
26	Refuse	184,875.00
4	Capital	6,862.50
19	Animal Control	8,148.93
19	Heritage Trust	0.00
19	Open Space Trust	0.00
19	Trust	13,898.12
19	Scala Trust	0.00
16	Development Escrow	2,077.50
19	Tax Sale Trust	0.00
21	Assessment Trust	57,567.26
	Special Reserve	87.00
Total		\$785,127.85
Less Refund Resolution		-76,634.01
Actual Bills List		\$708,493.84
Other Payments		

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Payroll	502,751.09
Payroll	513,202.70
William & Ramona Walsh	1,800.00
Enterprise Lease Services	14,826.84
BOE	4,913,376.00
Total Expenditures	\$6,654,450.47

Adopted: April 20, 2022

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

There was some discussion, regarding Resolution 2022-166 that everyone resigned except for one person. Councilman Gross asked for clarification on Resolution 2022-170. Councilman Marsden said it would be considered from door to door. Mr. Senande said it referred to public access. Mayor Dale indicated it was the same as a liquor license. Attorney Sullivan said that the previous vote could be rescinded and a new vote could be taken if anyone wished to change their vote and reminded the Council that Resolution 2022-170 is simply stating that Marti's Cannabis Business has the support of West Milford to go to the State and make an application. Councilman Marsden indicated that it was only fair to let businesses apply. It is up to them to spend the capital. The Council doesn't know who is going to apply or perhaps who may be interested now and then decide not to do it later on. Councilman Chazukow believes that the name has to be the actual name of the business. Mr. Senande said that was the name given on the zoning approval and also on the lease. The location is across from ShopRite. Currently there is a gifting business operating there. Councilman Chazukow does not want them to get rejected down the road. No one wanted to change their votes so the original vote to approve Resolutions 2022-166 through 2022-170 stands as read.

Agenda No. XIV

Reports of Administrator, Mayor and Council Members

Councilwoman Lichtenberg – The West Milford Health Department is having a free health screening this Friday. Beautification Day is Saturday. People can also sign up to Adopt a Spot and Adopt a Storm Drain, a road or sign. Single use plastic bags will no longer be allowed in grocery stores, retail stores, restaurants on May 4, 2022. No paper bags will be allowed in grocery stores either. The New Jersey law also bans food service businesses from using poly-styrene foam. Councilwoman Lichtenberg brought free washable, reusable bags for people to take home and thanked the Volunteers being honored tonight for their service.

Councilman Goodsir – Congratulated Dan Kochakji and his family on the recent birth of his son Asher. On May 1 from 8:30 a.m. to 12:30 p.m. at Bubbling Springs people can register for the First Annual Disc Golf Competition. Registration is now open for the Third Annual Trout Derby that is scheduled to take place May 7 from 9 a.m. to 11:00 a.m. at the Teen Center. Volunteers are needed to help with the startup of a kids' indoor hockey program. Contact the Recreation Department if interested. There will be Spring Skate Clinics for children ages 7 to 14, beginner and intermediate skill levels. Skateboarding at Mt. Laurel Skate Park starts May 7th and registration is required. There is a list of Senior Activities located on the website under the Recreation Department heading. The Soup Kitchen will be open from 11 a.m. to 1 p.m. with the option to eat in or take out on May 7th at the Presbyterian Church. People willing to help are needed and may call 973-769-5632 if they wish to do so. The Elk's Club will be having sliced steak next Friday from 5 p.m. to 8 p.m.

Councilman Gross – No report.

Councilman Marsden – No report.

Councilwoman Erik – No report.

Councilman Chazukow – Happy 4-20!! Gave an update on the cannabis news around the state. Starting tomorrow New Jersey will begin legal State licensed adult use marijuana sales. There will be 13 locations available and Councilman Chazukow plans to go to Paterson tomorrow and stand in line with others who wish to purchase marijuana and experience the whole process. More information can be found on the Rise website. There are no businesses currently located in West Milford, though cannabis signs are out there no one is licensed yet. Four of the ten spots available for retail cannabis businesses have received preapproval here in West Milford. Two cultivators have pre-approval. There is a possibility that businesses may be open by the end of the year. We continue to enjoy the decriminalization. Medical marijuana may someday be covered by health insurance. Police have been given the green light to

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participate in cannabis consumption while off duty, though that may be subject to change. It helps to de-stigmatize cannabis. We have a lot to celebrate in regard to the progress that has been made.

Administrator Senande – No report.

Attorney Sullivan – No report.

Agenda No. XV

Appointments and Resignations

None.

At this time, 6:17 p.m., Mayor Dale suggested the meeting and upcoming Volunteer Presentations would resume after a short break. The meeting resumed at 6:30 p.m.

Agenda No. XVI

Presentations

Volunteer Appreciation Night

Agenda No. XVI (2)

2021 Volunteer of the Year Award – Erika Crocco

Mayor Dale thanked all the volunteers that serve the Town though they had not been selected and then read a brief biography of Erika Crocco's life and volunteer history. She began volunteering at age 13 at the local hospital where she lived. She continued to volunteer at a local senior home and many organizations through her high school years. In college she volunteered as a night patrol officer with the Local Auxiliary Police Unit. Later she organized the local school tricky trays, the Cinderella project and talent shows, theatre projects, fundraisers for the softball committee, Autumn Lights Festival and parks & Recreation 4th of July Celebration. Erika has a love for theatre and loves to perform. She serves as President of The West Milford Players as well as The Mysterical Players murder group. Erika has worked with the West Milford PRIDE program as well as STAGE 2 and continues to give back as much as she can to her township and township organizations. Mayor Dale presented a plaque. Ms. Crocco thanked everyone and said she was very humbled and honored.

Agenda No. XVI (1)

Mary B. Haase Lifetime Volunteer Award – Kerry O'Brien

Mayor Dale introduced Kerry O'Brien and read a history of his lifetime of volunteerism. A Hewitt resident for 20 years, he's devoted countless hours to preserving and promoting our historical landmarks, as well as local and regional history. He has had a lot of training. Mr. O'Brien had administered grants amounting to hundreds of thousands of dollars. The grants helped to fund restoration projects and provide special events at the Long Pond Ironworks Historic District, the Hewitt Church, the West Milford Museum and Wallisch Homestead. He has volunteered his time and resources at the local animal shelter, at a Shaker community and has been involved in organizing and assisting at many local community events. He has been a member of the West Milford Historic Preservation Commission, the West Milford Heritage Committee, Friends of Long Pond Ironworks, North Jersey Highlands Historical Society, the Economic Development Committee and is a founder of the Friends of Wallisch Homestead. Kerry has always been willing to research historical events and garner information to assist in requests from the public, taking extra effort to insure as much historical accuracy as possible. He is well deserving of receiving the Mary B. Haase Lifetime Volunteer Award for 2021. Mr. O'Brien accepted his plaque from the Mayor and said he was very humbled to receive the award.

A representative from the Knights of Columbus thanked the volunteers and said that they had nominated Donna Petronchak because of all she does. The Knights of Columbus will be celebrating their 50th anniversary this year. They support Veterans, the St. Joe's food pantry, food banks, and children's programs among other things.

Mayor Dale reminded those in attendance that beautification day was this Saturday and the new newsletter in town called The Buzz which has details. Supplies can be picked up the the DPW and there will be a celebration at Bubbling Springs afterward.

Jo Ann Blom said that the Beautification Committee is having a House Beautiful contest. No professional landscaping is allowed and gardens must be able to be viewed from the street. Judging will take place in August. Entries can be submitted to the Clerk's office. Councilwoman Erik reminded everyone that all the committees need more volunteers. Another audience member from the West Milford Animal Shelter thanked Chris Garcia and Geoff Syme, who have begun cleanup already, and also a landscaper who repaired a wall at the triangle of Greenwood Lake Turnpike and East Shore Road. He also thanked the Council and Mayor and the Elks for their hot dogs and the Council Liaison and Mr. Senande. He urged people to get out and make a difference. Councilwoman Erik has been on the Beautification Committee for 39 years and explained that members will be coming around to ask people to "Adopt a Drain" as well as "A Spot" and "A Sign" etc. Councilwoman Lichtenberg indicated that cleanup can be done the following weekend as well. Councilwoman Erik reminded everyone that the grant money for the cleanup that we

