
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: April 21, 2021
Time of Meeting: 6:30 pm
Minute Page No: Page 1 of 23

The Regular 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 21, 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 Regular 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 (arrived 7:35 pm), David Marsden, Mayor Michele Dale
Absent: None
Also Present: Township Administrator/Clerk William Senande, Township Attorney Fred Semrau

Agenda No. III

Reading of or Approval of Unapproved Minutes

April 7, 2021 Workshop Meeting

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

Agenda No. IV

Meetings

Mayor Dale noted the future meeting schedule:

May 5, 2021 Workshop Meeting
May 19, 2021 Regular Meeting
June 9, 2021 Workshop/Regular Meeting

Agenda No. V

Proclamations

None

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Agenda No. VI

Presentations

Volunteer Appreciation Night

- 1) 2020 Volunteer of the Year Award – Bonnie Seufert – Mayor Dale welcomed Bonnie Seufert and her husband to the podium as she read Bonnie's biography.
- 2) Mary B. Haase Lifetime Volunteer Award – Robert Brady – Mayor Dale welcomed Robert Brady to the podium as she read his biography.

Agenda No. VI

Presentations Cont.

Chamber of Commerce – Pamela Jordan, provided a presentation and spoke about the new people that joined the Chamber of Commerce. She expressed that they strive to encourage people to support the local businesses.

Agenda No. VII

Executive Session

~ Resolution 2021 – 150 ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 21st day of April, 2021 that:

1. Prior to the conclusion of this **Regular Meeting**, the Governing Body shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
 - () b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
 - () b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
 - () b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
 - () b. (4) A collective bargaining agreement including negotiations
 - () b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
 - () b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
 - (X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege
 - Attorney-Client Privilege – Proposed Lease
 - () b. (8) Personnel matters
 - () b. (9) Deliberations after a public hearing that may result in penalties.
2. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Adopted: April 21, 2021

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

The Governing Body went into executive session at 7:10 p.m.
The Governing Body returned to the public meeting at 7:35 p.m. with all present as before

Agenda No. VIII

Discussion Items / Official Communication

1.	Discussion: Responsible Bidder Ordinance: Mr. Semrau said this is a unique ordinance with legal justification. He provided a summary of the ordinance. He suggested the Council consider the cutoff and find a way not to lose the contract if someone doesn't have the ability to source the technical expertise. The Council gave consensus for Mr. Semrau and Administrator Senande to present a draft ordinance.
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2.	Discussion: Well Ordinance Update: Mayor Dale said she received more information about this and the reason for its existence. She understands why it is written the way it is. She asked Mr. Semrau if they can discuss this in executive session so she can provide a background to the Council. The Council gave consensus to have a discussion on this in executive session.
3.	Discussion: Construction on Weekends and Holidays: Mr. Semrau expressed that they don't want to get the DEP involved in the noise ordinance. He suggested focusing on the hours of permitted construction. He said on Sundays they can restrict intense commercial construction and not bring in outside contractors unless there is an emergency. Mayor Dale said Sundays and Holidays might be the only time residents have to work on their homes. Councilman Goodsir feels they should restrict commercial construction on Sundays and major holidays. The Council gave consensus for Mr. Semrau to revise the ordinance and provide the Council with an outline.
4.	Discussion: Improving JCP&L Services Consortium Resolution: Councilwoman Erik expressed that there are a lot of trees still touching the wires. They are only snipping branches away from the wires. They need an ordinance because there are huge trees on Echo Lake Road hanging on the wires that have been there for years. Mayor Dale said Administration will follow up with JCP&L. Mayor Dale said she agrees that Echo Lake Road needs to be addressed. The Council gave consensus for the resolution.
5.	Discussion: Cannabis Legislation: Mayor Dale expressed if the Council doesn't make decisions there will be consequences down the road. Mr. Semrau provided an update. He expressed that its better to move forward and start the process even though the deadline is August 21, 2021. He explained the six different licenses. He said if the Council wants to opt out, one ordinance is needed and he can have that prepared by the next meeting. If the Council wants to opt in, it is going to be a process and the Council should begin discussing locations throughout the Township. The Council agreed and gave consensus to opt in. Mayor Dale said the next step is to have the Planner take a look at the Township and provide the Council with general direction. She asked Mr. Semrau to have something prepared for the next Council meeting. Mr. Semrau suggested considering a notice on the website stating the Township is interested in opting in so interested businesses don't buy properties in advance that won't work out. Councilwoman Erik asked about the Right to Farm. Mr. Semrau said he will have that information at the next meeting.

Agenda No. XI

Public Comments

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

Richard Randazzo, Wooley Road – Expressed his thoughts on the well ordinance.

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

Margaret Wood – Germantown Road, Renee Alessio – 39 Hillcrest Drive, Eileen Curran – 9 Ramapo Road, Holly – Montville, NJ, Eberhard Dieterich – 107 Long Pond Road.

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

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

Agenda No. XII

Council Comments

Mr. Semrau – Provided an update on what is happening with the Tennessee Gas Pipeline proposed project. He expressed that the Township has been actively engaged in a discussion with Tennessee Gas Pipeline in order to protect the residents and the Township.

Councilman Marsden – Thanked Margaret Wood for the article and noted that he will thoroughly review it.

Councilman Goodsir – Commended Renee Alessio for being a good advocate for the Tennessee Gas Pipeline. He expressed that the original resolution was not factual.

Councilman Chazukow – Said he remains open minded and he hopes that the information session with the Tennessee Gas Pipeline is fruitful.

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Agenda No. IX

Action Items – Finance Matters

Notice of this public hearing for the 2021 Municipal Budget was published in the Herald News on March 30, 2021. The Mayor will open the meeting to the public to speak on the budget only.

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

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

Agenda No. IX 1

~ Resolution 2021 – 151~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE ADOPTION OF THE 2021 MUNICIPAL BUDGET

WHEREAS, the Township Council has completed its review of the General Fund Budget , revised the proposal from the Administration where it deemed necessary, and held the required public hearings.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford of the County of Passaic that the budget herein before set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$22,340,220 (Item 2 below) for municipal purposes, and
- (b) _____ (Item 3 below) for school purposes in Type 1 School Districts only (N.J.S.A. 18A:9-2) to be raised by taxation and,
- (c) _____ (Item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S.A. 18A:9-3) and certification to the County Board of taxation of the following summary of general revenues and appropriations.
- (d) \$147,444.00 (Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy
- (e) _____ (Sheet 44) Arts and Culture Trust Fund Levy
- (f) \$1,054,049.00 (Item 5 below) Minimum Library Tax

RECORDED VOTE

	(Erik	(Abstained	(None
	(Chazukow	((
	(Lichtenberg	(
Ayes	(Goodsir	Nays	(None	
	(Gross	((None
	(Marsden	(Absent	(

SUMMARY OF REVENUES

1 General Revenues			
Surplus Anticipated		08-100	\$ 3,725,684.00
Miscellaneous Revenues Anticipated		13-099	\$ 6,860,197.80
Receipts from Delinquent Taxes		15-499	\$ 1,100,000.00
2 AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6(a), Sheet 11)		07-190	\$ 22,340,220.00
3 AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY:	07-195		
Item 6, Sheet 42			
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)	07-191		
4 To Be Added TO THE CERTIFICATE FOR AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE II SCHOOL DISTRICTS ONLY:			
Item 6(b),Sheet 11 (N.J.S.A. 40A:4-14)			
5 AMOUNT TO BE RAISED BY TAXATION FOR MINIMUM LIBRARY TAX	07-192		\$ 1,054,049.00
Total Revenues	13-299		\$ 35,080,150.80

SUMMARY OF APPROPRIATIONS

6 GENERAL APPROPRIATIONS:	xxxxxx	xxxxxxxxxxxxxx
Within "CAPS"	xxxxxx	xxxxxxxxxxxxxx
(a&b) Operations including Contingent	34-201	\$ 22,798,404.00
(e) Deferred Charges and Statutory Expenditures – Municipal	34-209	\$ 3,505,000.00
(g)Cash Deficit	46-885	
Excluded from "CAPS"	xxxxxx	xxxxxxxxxxxxxx
(a) Operations – Total Operations Excluded from "CAPS"	34-305	\$ 1,543,025.80
(c)Capital Improvements	44-999	\$ 316,000.00
(d) Municipal Debt Service	45-999	\$ 4,631,846.00
(e)Deferred Charges – Municipal	46-999	\$ 10,875.00

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(f)Judgements	37-480	
(n)Transferred to Board of Education for Use of Local Schools (NJSA 40:48-17.1 & 17.3)	29-405	
(g)Cash Deficit	46-885	
(k)For Local District School Purposes	29-410	
(m)Reserve for Uncollected taxes	50-899	\$ 2,275,000.00
7 SCHOOL APPROPRIATIONS – TYPE I SCHOOL DISTRICTS ONLY (N.J.S.A. 40A:4-13)	07-195	
Total Appropriations	34-499	\$ 35,080,150.80

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 21st day of April, 2021. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2021 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Adopted: April 21, 2021

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

Agenda No. IX 2

~ Resolution 2021 – 152 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE ADOPTION OF THE 2021 SOLID WASTE BUDGET

WHEREAS, the Township Council has completed its review of the Solid Waste Budget ,revised the proposal from the Administration where it deemed necessary, and held the required public hearings.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford of the County of Passaic that the budget herein before set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

(a) \$2,881,910.00 (Item 2 below) for amount to be raised by taxation for Solid Waste Collection District.

RECORDED VOTE	Ayes (Erik (Chazukow (Lichtenberg (Goodsir (Gross (Marsden	Nays (None (Abstained (None (Absent (
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SUMMARY OF REVENUES AND APPROPRIATIONS

1 General Revenues		
Surplus Anticipated		\$ 267,564.00
Miscellaneous Revenues Anticipated		\$ 80,000.00
2 AMOUNT TO BE RAISED BY TAXATION FOR SOLID WASTE COLLECTION DISTRICT		\$ 2,881,910.00
TOTAL REVENUES		\$ 3,229,474.00
3 General Appropriations		
Operations		\$ 3,229,474.00
Deferred Charges		
Statutory Expenditures		
Judgement		
Deficit in Operations in Prior Years		
Surplus (General Budget)		
TOTAL APPROPRIATIONS		\$ 3,229,474.00

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 21st day of April, 2021. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2021 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Adopted: April 21, 2021

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

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Mayor Dale announced that the County budget was adopted on March 9th and the overall levy remained flat for a third year in a row. The amount of taxes paid to the County from the Township will decrease. Mr. Semrau explained why the decrease happens.

Agenda No. X

Unfinished Business, Final Passage of Ordinances

Agenda No. X 1

~ Ordinance 2021 – 006 ~

ORDINANCE TO AMEND ORDINANCE 2020-19, “OUTDOOR DINING”, SECTION 500-177, “DEFINITIONS” ITEM B “PERMITTED ZONE” AND ITEM F “OUTDOOR DINING” OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY

WHEREAS, Ordinance 2020-019, entitled “Outdoor Dining”, was introduced on October 21, 2020 and adopted on December 2, 2020 with an effective date of December 22, 2020; and

WHEREAS, the Township wishes to revise Section 500-177, “Definitions”, Item “B” Permitted Zone and Item “F”, “Outdoor Dining”.

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:

SECTION 1. Section 500-177, “Definitions”, Item “B” Permitted Zone and Item “F” “Outdoor Dining” are hereby revised to read as follows:

- B. Permitted Zone – Outdoor dining shall be a permitted accessory use to a permitted restaurant in the community commercial, village commercial, neighborhood commercial and lake commercial zones as defined in Section 500, Zoning, as shown on the Zoning map of the Township of West Milford.

It shall also be considered a permitted accessory use for those restaurants that have been established with a pre-existing non-conforming use as defined by the Township Code and the Municipal Land Use Law.

- F. Outdoor Dining – An accessory use to a restaurant as defined herein which also is characterized by the following:
1. The consumption of food by the public at tables located outside of the restaurant on a patio, deck or within that more or less rectangular portion of the sidewalk which lies within the area bounded by the public street or parking area, the principal facade, and the imaginary perpendicular lines running from the outer edge of such principal facade to the public street; and
 2. Containing readily removable tables, chairs, umbrellas, temporary railings, barriers and/or planters; and
 3. May be enclosed by fixed walls or ceilings, fences, landscaping walls, retractable awnings, removable barriers, tents or other semi-permanent or permanent enclosures; and
 4. May include outdoor entertainment or live music between the hours of 10:00 am and 10:00 pm provided that the sound from said entertainment or live music does not exceed sound levels permitted in N.J.A.C. 7:29-1 et seq. Noise Control, and meets the following conditions:
 - A. A sketch of the proposed area for live entertainment, along with lighting, electrical, parking and seating must be included in the application and submitted for approval;
 - B. The live entertainment will be for the purpose of the patrons within the established seating and parking arrangements of the restaurant or establishment.
 - C. There will be no “standing room,” dancing, additional seating or parking permitted in connection with live entertainment.

SECTION 2. The appropriate municipal officials are hereby authorized to execute any collateral documents necessary to effectuate the purposes of this Ordinance.

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.

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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.

This Ordinance shall take effect upon passage and publication in accordance with applicable law.

Introduced: January 20, 2021
Adopted: April 21, 2021
Effective Date: May 11, 2021

This Ordinance was introduced on January 20, 2021 and Notice of the public hearing was published in the Herald News on January 26, 2021 and April 4, 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 Councilman Goodsir and carried by unanimous voice vote to close the public comment period.

Motion to adopt Ordinance 2021-006

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

Agenda No. X 2

~ Ordinance 2021 – 018 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING THE TOWNSHIP CODE CHAPTER 33 “PERSONNEL” OF THE REVISED GENERAL ORDINANCES 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 33 “Personnel” Article XI Criminal History Check of Employees and Volunteers of Nonprofit Youth Serving Organizations”, Section 33-33 Request for Criminal Background Checks” adding a section E below in the aforesaid Revised General Ordinances Background is hereby amended to read as follows:

Article XI - Criminal History Background Checks of Employees and Volunteers of Nonprofit Youth-Serving Organizations

§33-33 Request for criminal background checks.

- A. The Township of West Milford requires that all employees and volunteers of youth-serving organizations involved in sponsored programs and/or utilizing the Township's recreational facilities request through the West Milford Township Department of Community Services and Recreation that a criminal history background check on each prospective and current coach of nonprofit youth-serving organizations be performed. No person will be permitted to act as an employee or volunteer until the results of the background checks have been received and reviewed by the Administrator of the Township. Said background check will be in accordance with:
- (1) The State Bureau of Identification, in accordance with N.J.A.C. 13:59-1.1 et seq. and with the procedures and guidelines adopted by the VRO; or
 - (2) An agency approved by the Township Police Chief which conducts an internet-based search of relevant databases which would indicate all criminal history for an individual comparable to the information obtained from the State Bureau of Identification.
- B. The West Milford Township Department of Community Services and Recreation shall conduct the criminal history record background check(s) only upon receipt of the written consent to the check(s) from the prospective or current employee or volunteer or from the organization itself.
- C. The VRO or the approved internet-based provider shall advise the Township Department of Community Services and Recreation of the eligibility of the prospective or current coach. Any information received by the Township shall be confidential.
- D. The organization shall bear the costs for conducting such checks for prospective or current coaches participating in cosponsored programs in accordance with the regulations established by the VRO or approved internet-based agency.

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- E. The Township of West Milford requires that all volunteers of youth-serving organizations involved in programs and/or utilizing the Township's Recreational facilities through the West Milford Department of Community Services and Recreation shall be required to complete the free online Brain Injury Alliance of New Jersey/Rutgers Youth Sports Research Council - Concussion: What Youth Sports Coaches Need to Know. A certificate of completion shall be provided to the Recreation Director.

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 as required by law and upon the posting of appropriate signs.

Introduced: March 24, 2021
Adopted: April 21, 2021
Effective Date: May 11, 2021

This Ordinance was introduced on March 24, 2021 and Notice of the public hearing was published in the Herald News on March 30, 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 2021-018

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

Agenda No. X 3

~ Ordinance 2021 – 019 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, AND STATE OF NEW JERSEY ACCEPTING VIRGINIA LANE FOR USE AS A PUBLIC ROAD

WHEREAS, Virginia Lane is a roadway located within the boundaries of the Township of West Milford as shown on Filed Map 3604, filed in the Passaic County Clerk's Office on May 9, 2016; and

WHEREAS, the Township Engineer has inspected said roadway, prior to the expiration of the maintenance bond and has found same to be acceptable for Township acceptance; and

WHEREAS, the Township of West Milford does hereby determine to accept said roadway for public use as set forth herein for the benefit of the Township of West Milford and the public in general.

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

1. The Township of West Milford formally accepts Virginia Lane, from the easterly sideline of Wooley Road in a westerly direction to its terminus for use as a public road.
2. The West Milford Township Chief of Police and the West Milford Township Police Department are hereby notified that, upon the acceptance of a portion of said roadway for use as a public road, enforcement of the traffic laws of New Jersey Statutes Title 39 is now permitted.
3. If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.
4. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.

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5. This Ordinance shall take effect after publication and passage according to law.

Introduced: March 24, 2021
Adopted: April 21, 2021
Effective Date: May 11, 2021

This Ordinance was introduced on March 24, 2021 and Notice of the public hearing was published in the Herald News on March 30, 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 2021-019

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

Mayor Dale asked to move resolutions 2021-153 through 2021-166 including resolution 2021-179. Councilwoman Erik asked Mayor Dale to read resolution 2021-163 into the record. Councilman Gross proposed an amendment on resolution 2021-163. There was no discussion from the Council, so Councilwoman Erik made a motion to move resolution 2021-163 as is. Mayor Dale noted the Council will vote separately on resolution 2021-163.

Agenda No. XIII

New Business, Introduction of Ordinance, Resolutions

Agenda No. XIII 1

~ Resolution 2021 – 153 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY PROVIDING CONSENT TO FILE A TREATMENT WORKS APPROVAL (TWA) APPLICATION FOR A DUAL-PHASE EXTRACTION (DPE) SYSTEM ON LOT 2 IN BLOCK 7601 AT FORMER TEXACO SERVICE STATION #211126 LOCATED AT 1463 UNION VALLEY ROAD, IN THE TOWNSHIP OF WEST MILFORD, WHICH IS UNDER THE JURISDICTION OF THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, on behalf of Texaco Inc. and Chevron Environmental Management Company, Arcadis U.S. Inc. is submitting a Treatment Works Approval (TWA) application to the New Jersey Department of Environmental Protection (NJDEP) for a dual-phase extraction (DPE) system to be constructed and operated at the former Texaco Service Station #211126 in West Milford, New Jersey; and

WHEREAS, the Arcadis U.S. Inc. has submitted a request to the Township of West Milford for Consent to File a TWA with the NJDEP for a dual-phase extraction (DPE) system on the property located at 1463 Union Valley Road (former Texaco Service Station #211126) known as Block 7601 Lot 2; and

WHEREAS, the treatment system is proposed to treat all groundwater extracted during this dual-phase remediation project (groundwater and soil vapor extraction); and

WHEREAS, the treated water from the system will be conveyed through an underground pipe to a nearby storm sewer that leads to Belcher's Creek; and

WHEREAS, the proposed treatment works, as designed will enable the facility to meet the applicable Federal, State and local effluent limitations, conditions and/or requirements; and

WHEREAS, the proposed treatment works or contributing facility will not dilute any portion of its waste stream for the purpose of meeting any applicable NJPDES effluent limitation or condition; and

WHEREAS, Arcadis U.S. Inc. has submitted an Engineer's Abstract for Site-wide Groundwater Remediation at the former Texaco Service Station #211126 in West Milford as referenced on the TWA checklist to satisfy the NJDEP administrative and technical requirements of the TWA program as stipulated in N.J.A.C. 7:14A-22 and -23; and

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

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WHEREAS, the Township Engineer and Environmental Commission do not have concerns about the submission of the document for a TWA approval and recommends to the Mayor and Township Council to consent to this application.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey hereby consents to the Treatment Works Application as submitted for the property known as 1463 Union Valley Road (former Texaco Service Station #211126) in the Township of West Milford which is known as Block 7601 Lot 2 with respect to the dual-phase extraction (DPE) system.

Adopted: April 21, 2021

Agenda No. XIII 2

~ Resolution 2021 – 154 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A CONTRACT FOR THE BUBBLING SPRINGS CONCESSION STAND TO JOSHUA TREE FOOD SERVICE

WHEREAS, pursuant to authorization by the Mayor and Township Council of the Township of West Milford, the Township received a sealed competitive bid for concession services at Bubbling Springs in accordance with the bid specifications on March 26, 2021 at 10 a.m.; and

WHEREAS, the Township of West Milford received one (1) bid for this contract from The Joshua Tree Food Service; and

WHEREAS, said bid has been duly reviewed and analyzed by the West Milford Township Attorney and Township Recreation Director; and

WHEREAS, the Local Public Contracts Law requires that competitive bidding contracts be awarded to the lowest, responsible, responsive bidder; and

WHEREAS, the bid received from the lowest qualified bidder The Joshua Tree Food Service has been found to be in proper form and in compliance with the provisions of N.J.S.A. §40A:11-23.5 and the specifications as written.

NOW, THEREFORE, BE IT RESOLVED that 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 Mayor and Township Council hereby award a contract to The Joshua Tree Food Service, PO Box 739, Branchville, NJ 07826 for the provision of concession services at Bubbling Springs.
2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with The Joshua Tree Food Service in accordance with the bid specifications and its bid for provision of concession services at Bubbling Springs as amended and agreed upon.
3. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

This Resolution will take effect immediately.

Adopted: April 21, 2021

Agenda No. XIII 3

~ Resolution 2021 – 155 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE TOWNSHIP OF WEST MILFORD AND TMP OF NEW YORK, INC. d/b/a TEPLITZ METAL PROCESSING FOR THE MARKETING OF RECYCLABLE SCRAP METAL

WHEREAS, proposals were solicited for the Marketing of Recyclable Scrap Metal for the Township of West Milford by the Coordinator of Recycling and Solid Waste, West Milford Department of Public Works on April 7, 2021; and

WHEREAS, Teplitz has satisfactorily worked with the Township as the scrap metal vendor for over ten (14) years; and

WHEREAS, the Director of Public Works, the Coordinator of Recycling and Solid Waste and the Township Attorney have thoroughly reviewed the proposal, and have recommended the award of a contract to TMP of New York, Inc. d/b/a Teplitz Metal Processing.

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NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Milford, County of Passaic and State of New Jersey that the Mayor and the Municipal Clerk are hereby authorized to execute an agreement with TMP of New York, Inc. d/b/a Teplitz Metal Processing for the marketing of recyclable scrap metal for the period of May 1, 2021 through April 30, 2022 for the Township of West Milford.

Adopted: April, 21, 2021

Agenda No. XIII 4

~ Resolution 2021 – 156 ~

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 May 2021 through May 2022; 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 May 2021 through May 2022 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, 2022.
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 21, 2021

Agenda No. XIII 5

~ Resolution 2021 – 157 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE INTENT TO PURCHASE FROM ATLANTIC COMMUNICATIONS AS A VENDOR THAT HOLDS A STATE CONTRACT PURSUANT TO N.J.S.A. 40A:11-12 (A) 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 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 this resolution and 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 or Cooperative Pricing contract; and

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

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WHEREAS, the Township of West Milford has a need on a timely basis to purchase goods and services utilizing the State Division of Purchase contract for communications services, purchases and repairs awarded to Atlantic Communications which expenses would exceed the threshold of \$17,500.00; and

WHEREAS, the above referenced vendor has complied 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 to the above referenced vendor within the budget appropriation established for this purpose.

Adopted: April 21, 2021

Agenda No. XIII 6

~ Resolution 2021 – 158 ~

RESOLUTION TO AUTHORIZE THE ESTABLISHMENT OF A “DEDICATION BY RIDER” TO THE BUDGET OF THE TOWNSHIP OF WEST MILFORD FOR DAMAGED TOWNSHIP PROPERTY REIMBURSEMENTS FUND PURSUANT TO N.J.S.A. 40A:4-39 AND N.J.S.A.40A:10-36.2

WHEREAS, N.J.S.A. 40A:4-39 provides for the insertions of a “Dedication by Rider” in the budget of any local unit which dedicates revenues anticipated during the fiscal year from revenues, subject to written prior consent of the Director of the Division of Local Government Services, when the revenue is not subject to reasonably accurate estimate in advance; and

WHEREAS, N.J.S.A.40a:10-36.2 states moneys appropriated from the joint insurance revolving fund shall be used by the local unit to cover losses attributable to claims; and

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey that all Damaged Township Property Reimbursements revenue received by the Township of West Milford, be placed in a specific trust fund and such trust fund shall be considered a “Dedication by Rider” to the budget of the local unit, pursuant to N.J.S.A. 40A: 4-39 for the sole purpose stated above. The Township Clerk is hereby directed to forward two certified copies of this Resolution to the Direction of Division of Local Government Services.

Adopted: April 21, 2021

Agenda No. XIII 7

~ Resolution 2021 – 159 ~

RESOLUTION TO AUTHORIZE THE ESTABLISHMENT OF A “DEDICATION BY RIDER” TO THE BUDGET OF THE TOWNSHIP OF WEST MILFORD FOR OUTSIDE EMPLOYMENT OF OFF-DUTY MUNICIPAL POLICE OFFICERS PURSUANT TO NJSA:40A:4-39 AND LFN 2000-14

WHEREAS, N.J.S.A. 40A:4-39 provides for the insertions of a “Dedication by Rider” in the budget of any local unit which dedicates revenues anticipated during the fiscal year from revenues, subject to written prior consent of the Director of the Division of Local Government Services, when the revenue is not subject to reasonably accurate estimate in advance; and

WHEREAS, Local Finance Notice 2000-14 states a municipality is permitted to establish a dedicated by rider trust fund for the receipt of fees collected from private persons or entities for the payment of wages to police officers for off-duty or outside employment services; and

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey that all Outside Employment of Off-Duty Municipal Police Officers revenues received by the Township of West Milford, be placed in a specific trust fund and such trust fund shall be considered a “Dedication by Rider” to the budget of the local unit, pursuant to N.J.S.A. 40A:4-39, for the sole purpose stated above. The Township Clerk is hereby directed to forward two certified copies of this Resolution to the Direction of Division of Local Government Services.

Adopted: April 21, 2021

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Agenda No. XIII 8

~ Resolution 2021 – 160 ~

RESOLUTION TO AUTHORIZE THE ESTABLISHMENT OF A “DEDICATION BY RIDER” TO THE BUDGET OF THE TOWNSHIP OF WEST MILFORD FOR RECREATION TRUST – FEE PROGRAMS PURSUANT TO NJSA 40A:4-39 AND NJS 40:48-2.56

WHEREAS, N.J.S.A. 40A:4-39 provides for the insertions of a “Dedication by Rider” in the budget of any local unit which dedicates revenues anticipated during the fiscal year from revenues, subject to written prior consent of the Director of the Division of Local Government Services, when the revenue is not subject to reasonably accurate estimate in advance; and

WHEREAS, N.J.S.A 40:48-2.56 states any municipality may establish a recreation trust into which shall be deposited any fees paid by individuals to offset the costs of operating municipal programs; and

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey that all Recreation Trust – Fee programs revenues received by the Township of West Milford, be placed in a specific trust fund and such trust fund shall be considered a “Dedication by Rider” to the budget of the local unit, pursuant to N.J.S.A. 40A:4-39, for the sole purpose stated above. The Township Clerk is hereby directed to forward two certified copies of this Resolution to the Direction of Division of Local Government Services.

Adopted: April 21, 2021

Agenda No. XIII 9

~ Resolution 2021 – 161 ~

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey, that the Township is hereby authorized to sell the municipality-owned property as indicated on Attachment A – Property Auction Manifest, on file in the office of the Township Clerk, on an online auction website entitled www.GovDeals.com; and

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

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

Adopted: April 21, 2021

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Agenda No. XIII 10

~ Resolution 2021 – 162 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE ACCEPTANCE OF A FY2019 COMMUNITY DEVELOPMENT BLOCK GRANT FROM THE US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT PROGRAM FOR RENOVATIONS AND ALTERATIONS TO EXISTING TOILET ROOM MUNICIPAL BUILDING #1

WHEREAS, the Township Council of West Milford adopted Resolution 2019-073 on March 6, 2019 approving the submission of a US Department of Housing and Urban Development Community Development Block Grant (CDBG) application for renovations and alterations to an existing toilet room in Municipal Building #1 (Town Hall); and

WHEREAS, the Passaic County Department of Planning and Economic Development manages the Community Development Block Grant program; and

WHEREAS, the requested \$40,000.00 application resulted in a \$35,000.00 award approved by Passaic County Board of Chosen Freeholders Resolution R20190860.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township Council of the Township of West Milford hereby authorize the acceptance of the \$35,000.00 grant received for the 2019 Community Development Block Grant for renovations and alterations to existing toilet room in the Municipal Building #1 (Town Hall).

Approved: April 21, 2021

Agenda No. XIII 11

~ Resolution 2021 – 163 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY OPPOSING CERTAIN ASPECTS OF ASSEMBLY BILL 4454 ADOPTED INTO LAW ON MARCH 1, 2021

WHEREAS, the New Jersey Legislature and Governor have adopted and enacted amendments to the New Jersey Educational Curriculum for the 2021-2022 school year with respect to instruction on diversity and inclusion; and

WHEREAS, in addition, the legislation provides for discussion and topics in connection with gender and sexual orientation as part of the curriculum for kindergarten through twelfth grade beginning in the 2021-2022 school year; and

WHEREAS, while the Council of the Township of West Milford supports the diversity and inclusion aspects of the curriculum, the governing body does not support discussion and materials relating to sexual orientation for children beginning with the kindergarten curriculum; and

WHEREAS, members of the governing body have seen excerpts of the proposed curriculum and believe that same are inappropriate for the age of children attending kindergarten for such instruction and discussion regarding sexual and gender entities with the concern that it does not provide parents the right to consider opting out of sexual orientation discussions or instruction on behalf of their children, nor does it provide for any other limitation or guidance with respect to sexual and gender discussion except that it must implemented in the curriculum for students in grades through twelve.

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 that the governing body endorses the instruction for students with respect to diversity and inclusion, however, it does not support sexual identity orientation discussions or instruction for children at such a young age without parental notification and consideration of the materials and the parental right to preclude their children from such discussions and/or instruction.

BE IT FURTHER RESOLVED, that the Council is concerned as to the extent of the materials and graphics that would be included as part of such instruction, discussion and curriculum materials for young children without parental notification and input.

BE IT FURTHER RESOLVED that a copy of this Resolution expressing the reservations of the Township Council of the Township of West Milford shall be forwarded to the Township's legislative representatives.

This Resolution shall take effect immediately.

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Approved: April 21, 2021

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

Agenda No. XIII 12

~ Resolution 2021 – 164 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY CONSENTING TO THE PROPOSED AMENDMENT TO THE NORTHEAST WATER QUALITY MANAGEMENT PLAN

WHEREAS, the Township of West Milford desires to provide for the orderly development of wastewater facilities within West Milford Township; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment service areas, as well as related subjects, be in conformance with an approved WQM plan; and

WHEREAS, the NJDEP has established the WQM plan amendment procedure through the WQMP rules at N.J.A.C. 7:15-3.5 as the method of incorporating unplanned facilities into a WQM plan; and

WHEREAS, a proposed WQM plan amendment was noticed in the New Jersey Register on February 16, 2021 for The Dollar Tree Building Expansion (Belcher's Shopping Center Extension) prepared by Dynamic Earth, LLC.

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 Township hereby consents to the Dollar Tree Building Expansion (Belcher's Shopping Center Extension) amendment and publicly noticed on February 16, 2021 prepared by Dynamic Earth, LLC for the purpose of its incorporation into the Northeast Water Quality Management Plan.
2. This consent resolution, once adopted, shall be submitted to the following: New Jersey Department of Environmental Protection, Division of Water Monitoring and Standards, Bureau of Environmental Analysis and Restoration and Standards, Water Quality Management Planning, PO Box 420, Mail Code 401-041, 401 East State Street, 3rd Floor, Trenton, NJ 08625-0420 and to Brad Hertzog, Dynamic Earth, LLC, 245 Main Street, Suite 110, Chester, NJ 07930.

This Resolution shall take effect immediately.

Adopted: April 21, 2021

Agenda No. XIII 13

~ Resolution 2021 – 165 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING RESOLUTION 2021-018 AUTHORIZING CERTAIN STATUTORY PAYMENTS OF CLAIMS AND OTHER CLAIMS REGULAR IN NATURE

WHEREAS, on January 6, 2021 the Governing Body adopted Resolution 2021-018 regarding the standard payment of claims through warrants or checks; and

WHEREAS, N.J.S.A.40A:5-16.5 states that government entities are authorized to adopt policies for payment of claims electronically and the Division of Local Government Services issued Local Finance Notice 2018-13 for guidance on the adoption of regulations using Automated clearing House (ACH) payments, a type of electronic funds transfers (EFT); and

WHEREAS, the Chief Financial Officer requests the Governing Body to amend Resolution 2021-018 to include making payments for all claims via check or ACH payments; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey hereby authorize the Chief Financial Officer to pay all claims of the Township of West Milford by check or ACH payments.

Adopted: April 21, 2021

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Agenda No. XIII 14

~ Resolution 2021 – 166 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY REQUESTING APPROVAL OF SPECIAL ITEM OF REVENUES AND APPROPRIATION

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of any item of appropriation for an equal amount; and

WHEREAS, the Township of West Milford wishes to amend its 2021 Budget to include an amount as revenue.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Township of West Milford hereby requests the Director of the Division of Local Government Services to approve the insertion of an item in the budget of the year 2021 which is now available as a revenue from:

Special Items of General Revenue Anticipated with Prior Written consent of the Director of Local Government Services:
Public and Private Revenues Off-Set with Appropriations:
CDBG Grant for ADA Improvements; \$35,000.00

BE IT FURTHER RESOLVED that a like sum be and the same is hereby appropriated under the caption of:

General Appropriations
(A) Operations – Excluded from CAPS
Public and Private Programs Offset by Revenue
CDBG Grant for ADA Improvements: \$35,000.00

BE IT FURTHER RESOLVED that the Township Finance Department will electronically file with the State of NJ in accordance with LFN 2014-11.

Adopted: April 21, 2021

Agenda No. XIII 15

~ Resolution 2021 – 179 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE SUBMISSION OF A 2021 CLICK IT OR TICKET SEAT BELT MOBILIZATION GRANT

WHEREAS, a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a seat belt; and

WHEREAS, according to the National Highway Traffic Safety Administration unbelted motorists and passengers accounted for 39% of the State's motor vehicle fatalities in 2018; and

WHEREAS, the most effective device for preventing deaths and injuries in motor vehicle crashes remains the seat belt; and

WHEREAS, the most recent statewide survey, undertaken in June 2019, determined the seat belt usage rate in New Jersey to be 90.23%; and

WHEREAS, from April 1, 2018 to April 1, 2021, 326 seatbelt tickets were issued by the West Milford Township Police Department; and

WHEREAS, the State of New Jersey will participate in the nationwide Click It or Ticket Seat Belt Mobilization from May 24, 2021 to June 6, 2021 in an effort to raise awareness and increase seat belt usage through a combination of high visibility enforcement and public education; and

WHEREAS, the objective is to reduce the number of unrestrained motor vehicle fatalities in the State and to increase the statewide seat belt observational rate through targeted seat belt enforcement during the 2021 Click It or Ticket Seat Belt Mobilization.

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NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford hereby authorizes the submission of a 2021 Seat Belt Mobilization Grant, Click it or Ticket, from May 24, 2021 – June 6, 2021.

Approved: April 21, 2021

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

Agenda No. XIV

Consent Agenda

~ Resolution 2021 – 167 ~

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) **2021-168** - Authorizing Refund of Recreation Fees
- b) **2021-169** - Authorize Tax Title Lien Sale
- c) **2021-170** - Authorize Cost of Mailing Notice Twice
- d) **2021-171** - Cancel Outstanding Checks
- e) **2021-172** - Refund of Other Liens
- f) **2021-173** - Refund of Overpayment
- g) **2021-174** - Refund of Overpayment
- h) **2021-175** - Reinstatement of Taxes
- i) **2021-176** - Amend Resolution 2021-128 Cancel Check

Adopted: April 21, 2021

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

Agenda No. XIV a

~ Resolution 2021 – 168 ~

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:

	REC SOCCER
\$70.00	April Pecoraro 169 Henderson Road Stockholm, NJ 07460
	SQUIRTS - MULTI
\$147.00	Jennifer Casamento 23 Hudson Drive West Milford, NJ 07480

Adopted: April 21, 2021

Agenda No. XIV b

~ Resolution 2021 – 169 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING A 2021 TAX TITLE LIEN SALE

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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WHEREAS, the Collector of Taxes has requested that the Township conduct a 2021 Township Tax Title Lien Sale on Tuesday, October 12, 2021; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford that the proper officers be and are hereby authorized and directed to conduct a 2021 Tax Title Lien Sale on-line @ www.realauction.com on Tuesday, October 12, 2021; site opens on September 13, 2021.

Adopted: April 21, 2021

Agenda No. XIV c

~ Resolution 2021 – 170 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE TAX COLLECTOR TO SEND TWO (2) NOTICES OF TAX SALES TO ALL PROPERTIES INCLUDED IN THE TAX TITLE LIEN SALE

WHEREAS, N.J.S.A. 54:5-19.1, authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of Local Government Services, and

WHEREAS, the rules and regulations require a municipality to send two (2) notices of tax sales to all properties included in said sale; and

WHEREAS, the rules and regulations allow said municipality to charge a fee of \$25.00 per notice for the creation, printing and mailing of said notice; and

WHEREAS, in an effort to more fairly assign greater fiscal responsibility to delinquent taxpayers, the Township of West Milford wishes to charge \$25.00 per notice mailed which will be assessed specifically to the delinquent accounts that are causing the need for a tax sale and not to the general tax base.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of West Milford, that a fee of \$25.00 per notice be established and is hereby authorized and directed to be charged for each notice of tax sale that is sent in conjunction with the 2021 electronic tax sale.

Adopted: April 21, 2021

Agenda No. XIV d

~ Resolution 2021 – 171 ~

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

WHEREAS, the Chief Financial Officer has determined that the following Township of West Milford Payroll account checks have been outstanding for a period in excess of six months.

DATE	CHECK #	AMOUNT
10/18/2019	4173	213.11
8/7/2020	10132	177.85
	TOTAL	\$390.96

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

Adopted: April 21, 2021

Agenda No. XIV e

~ Resolution 2021 – 172 ~

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:

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Certificate No.	Certificate Date	Block/Lot/Qual	Reimbursement Amount	Pay to Lien Holder
19-0003	10/15/2019	01803-006	\$10,647.98	FNA DZ LLC 120 N LASALLE ST, SUITE 1 Chicago, IL 60602
TOTAL			\$10,647.98	

Adopted: April 21, 2021

Agenda No. XIV f

~ Resolution 2021 – 173 ~

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

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

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

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

Block/Lot	Name	Amount	Year	Reason
02406-004	Matthew Weaver 94 Upper Greenwood Lake Rd Hewitt, NJ 07421	\$1,040.00	2021	2
00604-004	Monnett, Raymond & Grecco, M 71 Witte Rd Hewitt, NJ 07421	\$300.37	2021	6
02006-004	Fig NJ19 LLC P.O. Box 54472 New Orleans, LA 70154	\$1,436.00	2021	1
03005-008	FIG NJ19 LLC P.O. Box 54472 New Orleans, LA 70154	\$1,899.15	2021	1
Total		\$4,675.52		

Adopted: April 21, 2021

Agenda No. XIV g

~ Resolution 2021 – 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 | 10. Pilot Program |

Block/Lot	Name	Amount	Year	Reason
06701-010	Township of West Milford Treasurer 1480 Union Valley Road West Milford, NJ 07480	\$74,497.35	2021	10
Total		\$74,497.35		

Adopted: April 21, 2021

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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~ Resolution 2021 – 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: INSUFFICIENT FUNDS

BLOCK/LOT	NAME	AMOUNT	YEAR
07615-011	Douglas Hand 30 Vista Road West Milford, NJ 07480	\$1,200.00	2021
03004-017 03004-018	Gail Koestler 15 Dogwood Lane Hewitt, NJ 07421	\$4,436.00	2021
08903-012	Clair Gray 113 Ridge Road West Milford, NJ 07480	\$2,628.00	2021
11001-009	Russell Bauman 23 Mary Street West Milford, NJ 07480	\$ 500.00	2020
TOTAL		\$48,764.00	

Adopted: April 21, 2021

Agenda No. XIV i

~ Resolution 2021 – 176 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING RESOLUTION 2021-128 “REFUND OF OVERPAYMENT” ADOPTED MARCH 24, 2021 TO CANCEL OVERPAYMENT TO BLOCK 02408 LOT 004 AND REISSUE TO PROPER PARTY

WHEREAS, Resolution 2021-128 “Refund of Overpayment” adopted on March 24, 2021 as shown below issued a check refund of over payment to Jersey Search Service LLC on Block 02408 Lot 004; and

WHEREAS, the check issued was to the incorrect party; and

WHEREAS, upon the recommendation of the Collector of Taxes that Resolution 2021-128 be amended to cancel the refund check issued to Jersey Search Service LLC on Block 0248 Lot 004; and

NOW, THEREFORE, BE IT RESOLVED that the proper officers be and they are hereby authorized to cancel the check issued to Jersey Search Service LLC as crossed out and shown below.

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

Block/Lot	Name	Amount	Year	Reason
07801-037.01	Corelogic Tax Services LLC 3001 Hackberry Rd Irving, TX 75063	\$1,592.24	2020	1
04105-001	Corelogic Tax Services LLC 3001 Hackberry Rd Irving, TX 75063	\$6,844.00	2021	2
06204-008.02	Town Title East 40 Midland Ave Paramus, NJ 07652	\$4,150.00	2021	2

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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07403-007	Equity Trust Company 1 Equity Way Westlake, OH 44145	\$2,116.00	2021	2
01404-005.02	Corelogic Tax Services LLC 3001 Hackberry Rd Irving, TX 75063	\$1,537.00	2021	2
02408-004	Jersey Search Service LLC 5 Alyce Court Lawrenceville, NJ 08648	\$1,498.00	2021	2
00408-020	Atlantic American Title and Escrow 151 S. Main Street New City, NY 10956	\$2,215.00	2021	2
Total		\$19,952.24		

Adopted: April 21, 2021

Agenda No. XV

Approval of Expenditures

~ Resolution 2021 – 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	\$419,381.89
3	Reserve Account	50,791.16
2	Grants	599.40
6	Refunds	90,037.85
1	General Ledger	4,923.89
26	Refuse	7,678.26
4	Capital	38,190.92
19	Animal Control	10,877.20
19	Heritage Trust	0.00
19	Open Space Trust	0.00
19	Trust	38,252.37
19	Scala Trust	0.00
16	Development Escrow	4,762.50
19	Tax Sale Trust	0.00
21	Assessment Trust	63,277.01
	Special Reserve	12,612.00
Total		\$741,384.45
	Less Refund Resolution	-90,037.85
	Actual Bills List	\$651,346.60
	Other Payments	
	Enterprise Leasing	\$4,249.03
	WMBOE	4,817,963.00
	Payroll	482,050.29
	Total Expenditures	\$5,955,608.92

Adopted: April 21, 2021

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Reports of Administrator, Mayor and Council Members

Councilman Chazukow – No report.

Councilwoman Lichtenberg – Provided information about the Friends of Wallisch Art Show. She asked the Council if they would consider changing the September Council Meetings to September 8th and September 22th. The Council gave consensus.

Councilman Goodsir – Spoke about an event at the Elk's.

Councilman Gross – Provided an update about the parking on Otterhole Road. He asked why it takes 5-7 weeks to obtain a septic permit. Administrator Senande expressed that every situation is different and it shouldn't take 5-7 weeks for each permit.

Mayor Dale – Expressed that they need to continue to work on getting the septic permit process on Spatial Data Logic (SDL).

Councilman Marsden – Provided an update on the Forestry Stewardship Bills.

Councilwoman Erik – Provided information on Beautification Day. She said the West Milford Camera Club paid fees to Recreation for the use of the Library. Since the Library has been closed and they haven't been able to utilize the room, are those fees refundable. Administrator Senande said he will look into it.

Administrator Senande – No report.

Mr. Semrau – Provided an update on Altice and the Board of Public Utilities.

Mayor Dale – Expressed that they have to address the cable rates with the Board of Public Utilities. She urged residents to use the Township website to log their cable complaints under service requests and to be specific and provide their account number, name and address. She asked residents not to use social media to report issues about the cable company.

Agenda No. XVII

Appointments and Resignations

~ Resolution 2021 – 178 ~

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

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

<u>Name</u>	<u>Position</u>	<u>Date Tendered</u>
Howard Seufert	Library Board of Trustees Citizen Member Term expires 12/31/24	December 31, 2020
Andrew Gargano	Library Board of Trustees Citizen Member Term expires 12/31/23	December 31, 2020

Adopted: April 21, 2021

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

Mayor Dale announced that she will appointing Linda Connolly to Library Board of Trustees. She noted that she will speak with the President of the Environmental Commission for feedback on who would be the best candidate to appoint to the Commission. She said there are several interested parties.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Adjournment

There being no further business to come before the Council, the Governing Body adjourned the meeting at 10:03 p.m.

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

Approved: May 5, 2021

Respectfully submitted:

Sherry Zbrzeski, Keyboarding Clerk II

MICHELE DALE, MAYOR

WILLIAM SENANDE, TOWNSHIP CLERK