

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: May 4, 2022
Time of Meeting: 6:30 p.m.
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Agenda No. VII

Executive Session

None

Agenda No. VIII

Discussion Items / Official Communications

Table with 2 columns: Item Number and Description. Contains 4 items regarding ordinances and discussions on construction codes, cannabis establishments, accessory structures, and retaining walls.

Agenda No. X

Public Comments:

Mayor Dale explained how the public portion of the meeting is conducted.

The following residents expressed concern and outrage regarding the recent cutting of trees in the wooded area of the Camelot Estates neighborhood. David Mussina, 9 King Arthur Court; Mark Bachmann, 51 Camelot Drive; Brian Kochan, 23 King Arthur Court; Laura Ashtyani, 32 Hoplar Place; Morgan Kelly, 57 Camelot Drive; Jonathan Durant, 27 Mountain Circle;

Many of them are longtime residents of the neighborhood and utilize the wooded area for walking dogs, hiking etc. Many feel upset and thought there should have been some conversation prior to the drastic measures taken. One questioned if the Township followed its own tree ordinance and is there a way an area could be designated for safe riding. If the trail is left in its current condition someone will get hurt. Residents wanted to know who made the decision to cut down all the trees. These residents spoke up because there has been an issue with illegal quad and dirt bike activity and many of the previous enforcement efforts have been ineffective. As a result, the Township has taken down trees and access has been blocked.

Richard Randazzo, 278 Wooley Road wanted to thank Mayor Dale for explaining the specifics about the Planning Board rules and procedures from a question raised at a previous meeting. Mr. Randazzo questioned possible conflicts of interest regarding the cannabis issue and the Council members and would like clarification on that subject from the Township Attorney. He indicated that no one was looking at the cons of the cannabis issue and the effects on younger children and teenagers. He also finds it disrespectful when someone speaks at a public meeting and their time runs out and a Council member says they have heard enough. The Council needs to focus.

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Joann Blom, Timber Lane, gave some statistics on what was collected on Beautification Day, 396 garbage bags, 192 bags of recycling materials, 889 tires, two tons of metal and one ton of construction material. Ms. Blom thanked the many volunteers. There will be a House Beautiful Contest in August.

Scott Krazinski, 4 Brook Road, was in agreement with those who spoke about the trees but also had a question regarding the increase in taxes. He questioned how revenue was raised in the Township. Mr. Krazinski is employed in Bergen County and suggested the Township try and get grants for shared services to increase the revenue coming in.

Seeing no one else wishing to speak Councilwoman Erik moved to close the public portion of the meeting. Seconded by Councilman Goodsir.

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

Agenda No. XI

Council Comments:

Mayor Dale – There has not been an increase in the Township’s operating budget in the last 7 years and there isn’t one this year. The operating budget is actually flat and we have been engaging in shared services where appropriate. Mayor Dale explained that in order to increase rateables we would have to build another complex like a ShopRite and because we are 100% in the Highlands it is not permitted. Various services have continued even though things like asphalt prices have gone up. Garbage is separate from the operating budget. It is the largest expense. It is challenging to even get bids for garbage in a town that has 80 square miles of land. In 2016 the State said that it wanted to have two legal riding areas for motorcycles and ATVs. Mayor Dale was a Councilwoman at the time and was on the task force for the project. We have a lot of land here that is State owned in West Milford and the State does not pay any taxes. At the time one option was to utilize the 800 acres in the old Jungle Habitat property as a place to ride and there was a great deal of outcry from the residents in the Mountain Circle property area. No one wants it in their backyard. The State of New Jersey denied West Milford’s application to be a host community. The current problem stems from a law enforcement issue and we cannot ignore State Laws. There are environmental impacts that result from illegal riding. State, County and local law enforcement have all been involved but that was not sufficient. Mayor Dale indicated that the Township will be looking to Don Weise for advice because he has a lot of experience with trail management on many levels. We will be receiving a report soon from the Environmental Commission regarding this matter. Mayor Dale indicated that she and the members of the Council are extremely accessible and available. Her cell phone number is on her business card and she has a social media page and answers all her emails. She is constantly out amongst the public. The budget is posted on the website for all to see. There has also been great effort by the Mayor and Council to pay down the debt in the Township and the debt has gone down. The State of New Jersey collects tax for all the entities and then disseminates the money out. The Municipality represents 21% of the tax bill.

Councilman Marsden – Indicated that he had not seen the area where the trees had been cut down and will be going out to the site to see it for himself. As far as the cannabis comments regarding the impact on children, the purpose of regulation is to ensure you know what is in the product and the ordinances are intended for adults. It will still be illegal for children to buy, possess or use it.

Councilman Chazukow – There is separation of power and the Council cannot control law enforcement. He found out about the cutting of the trees on FaceBook. He considers the area to be his back yard as well because his house is located on the other side of the woods. Mr. Chazukow has an understanding about how the residents feel and does care. Other types of enforcement have not been sufficient and unfortunately it is a case of a few bad actors spoiling it for everyone. He reiterated the Mayor’s statement that if the Township does not do everything within its power and someone gets hurt, the entire Township community will be held responsible and will have to pay. Mr. Chazukow is familiar with the tree ordinance and a certain diameter is allowable but once you intend to cut down a certain number of trees over a certain diameter a permit is necessary. In his layman’s opinion, that amount of tree cutting could have been done by a resident without a permit. The government entity cutting the trees was not required to get a permit. He would like to ask the Township Insurer what the next step would be, as the situation is escalating. Councilman Chazukow asked the Township Attorney to explain once more what is permissible as far as his public engagement. Attorney Pasternak indicated that with what has been legally disclosed there is no conflict of interest. Mayor Dale indicated that the Mayor and Council have to fill out Financial Disclosure Statements every year as well as report who contributed to their campaigns when they run for election. In reference to synthetic marijuana, Councilman Chazukow indicated that is not actual marijuana and that is the purpose of the regulation. In regard to revenue opportunities in the Township, there are few, we mostly try to find ways to save funds, but having cannabis businesses is one way to gain revenue.

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Councilwoman Erik – Indicated that though she has not been out on a horse lately, and has had recent knee surgery she will soon be back out riding and considers the woods and trails mentioned to be her back yard. She promised to fix the problem. Horses are legal.

Councilman Gross – A great deal of time is spent analyzing taxes and finding ways to save money whenever possible. Sometimes equipment is leased instead of purchased, every item is scrutinized. Marijuana is not a gateway drug. Councilman Gross shared a personal story about his son. Your children’s friends may not be friends. Councilman Gross said that he and the rest of the Council are accessible. If people know who is operating the quads they should turn them in if they don’t stop.

Councilwoman Lichtenberg – Indicated that she listens to the concerns from everyone and her phone number is 973-248-5427. Councilwoman Lichtenberg is also available every Friday at Town Hall from 10 a.m. to noon. The rules for the House Beautiful Contest are that the garden must be able to be seen from the road and professional landscaper use is not allowed.

At this time Mayor Dale addressed the remaining discussion items 2 through 4 and then continued with the Action Items.

Agenda No. IX

Action Items – Finance Matters:

Notice of this public hearing for the 2022-Municipal Budget was published in the Herald News on April 12, 2022. The Governing Body will open the meeting to the public to speak on the budget only.

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

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

Agenda No. IX 1

~ Ordinance 2022 – 020 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD COUNTY OF PASSAIC STATE OF NEW JERSEY TO EXCEED THE CALENDAR YEAR 2022 MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.50% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Council of the Township of West Milford in the County of Passaic finds it advisable and necessary to increase its CY 2022 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Council hereby determines that a 1.00% increase in the budget for said year, amounting to \$263,034.04 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of West Milford, in the County of Passaic, a majority of the full authorized membership of this Governing Body affirmatively concurring, that, in the CY 2022 budget year, the final appropriations of the Township of West Milford shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.50%, amounting to \$920,619.14, and that the CY 2022 municipal budget for the Township of West Milford be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

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BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Introduced: April 6, 2022
Adopted: May 4, 2022
Effective Date: May 24, 2022

This Ordinance was introduced on April 6, 2022 and the Notice of Public Hearing was published in the Herald News on April 12, 2022. The Governing Body will open the meeting to the public to speak on this Ordinance only.

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

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

Councilwoman Erik made a motion to adopt 2022-020. Seconded by Councilwoman Lichtenberg.

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

Administrator Senande asked Mayor Dale to take public comments on the Waste Budget, as was done with the Municipal Budget.

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

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

Agenda No. IX 2

~ Ordinance 2022 – 021 ~

BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF VARIOUS ROADS IN AND BY THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING \$1,500,000 THEREFOR, DIRECTING A SPECIAL ASSESSMENT OF PART OF THE COST THEREOF, AND AUTHORIZING THE ISSUANCE OF \$1,428,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING THE SAME

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

SECTION 1. The improvement described in Section 3 of this bond ordinance is hereby authorized as a local improvement to be made or acquired by The Township of West Milford, in the County of Passaic, New Jersey. For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of \$1,500,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$72,000 as the down payment for said improvement or purpose required by law and now available therefor by virtue of provision in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvement or purpose and to meet the part of said \$1,500,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$1,428,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Township in a principal amount not exceeding \$1,428,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

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SECTION 3. (a) The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is the reconstruction and resurfacing of various roads in and by the Township, including Hanover Road for its entire length, Alpine Court for its entire length, Beverly Court for its entire length, Princeton Road, for a portion thereof and Lyons Road for a portion thereof, so as to provide a roadway pavement at least equal in useful life or durability to a roadway pavement of Class B construction (as such term is used or referred to in section 40A:2-22 of said Local Bond Law) and being those lands designated on the official tax map of the Township as Lots 1, 3 and 4 in Block 901, Lots 1 and 22 in Block 905, Lot 1 in Block 906, Lots 7 to 9 and 11 to 16 in Block 1001, Lots 1, 3, 9, 11 and 12 in Block 1002, Lots 1 to 4 in Block 1003, Lots 1 to 3, 5, 8 to 11, 12.01, 12.02, 12.03 and 13 to 17 in Block 1004, Lots 1, 2, 5, 6, 8, 9 and 14 to 17 in Block 1005, and Lots 7 to 9 in Block 1006, including all storm water drainage facilities, milling, inlets, curbing, structures, appurtenances, equipment, site work, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved.

- (b) The estimated maximum amount of bonds or notes to be issued for said purpose is \$1,428,000.
- (c) The estimated cost of said purpose is \$1,500,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the amount of the said \$72,000 down payment for said purpose.

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

- (a) The said purpose described in Section 3 of this bond ordinance is not a current expense and is a property or improvement which the Township may lawfully acquire or make as a local improvement.
- (b) The period of usefulness of said purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is ten (10) years.
- (c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Township as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$1,428,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.
- (d) An aggregate amount not exceeding \$200,000 for interest on said obligations, costs of issuing said obligations and other items of expense listed in and permitted under section 40A:2-20 of said Local Bond Law may be included as part of the cost of said improvement and is included in the foregoing estimate thereof.
- (e) As provided in Section 5 of this bond ordinance and subject to possible reduction as described in Section 5 of this bond ordinance, \$1,136,500 of the above-stated estimated cost of said improvement or purpose will be contributed by the Township at large to payment of the cost of said improvement or purpose, and the estimated maximum amount of the special assessments to be levied on property specially benefitted by said improvement is \$363,500, and the number of annual installments in which all such special assessments may be paid is ten (10).

SECTION 5. The Township shall pay \$1,136,500 of the above-stated estimated cost of said local improvement (provided, however, that if the actual cost of said local improvement is less than the above-stated estimated cost of said local improvement, the Township's portion of the cost of said local improvement shall be reduced by the amount of said difference), and said amount shall be and hereby is contributed by the Township at large to payment of the cost of said local improvement. The cost of said local improvement, to the extent not met by the said amount contributed by the Township at large, shall be paid by special assessments which shall be levied in accordance with law on property specially benefitted thereby, as nearly as may be in proportion to and not in excess of the peculiar benefit, advantage or increase in value which the respective lots and parcels of real estate shall be deemed to receive by reason of said local improvement. The owner of any land upon which any such assessment shall have been made may pay such assessment in the number of equal annual installments hereinabove determined, all as may be provided in accordance with law and with legal interest on the unpaid balance of the assessment.

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

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

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

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

Introduced: April 6, 2022
Adopted: May 4, 2022
Effective Date: May 24, 2022

This Ordinance was introduced on April 6, 2022 and the Notice of Public Hearing was published in the Herald News on April 12, 2022. The Governing Body will open the meeting to the public to speak on this Ordinance only.

Tom Napiorski, 45 Alpine Court said thank you very much.

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

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

Councilwoman Erik made a motion to adopt 2022-021. Seconded by Councilwoman Lichtenberg.

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

Agenda No. IX 3

~ Ordinance 2022 – 022 ~

BOND ORDINANCE APPROPRIATING \$5,432,000 AND AUTHORIZING THE ISSUANCE OF \$4,857,000 BONDS OR NOTES OF THE TOWNSHIP, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC, NEW JERSEY

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

SECTION 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by The Township of West Milford, in the County of Passaic, New Jersey. For the said several improvements or purposes stated in said Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefor and amounting in the aggregate to \$5,432,000 including the aggregate sum of \$243,000 as the several down payments for said improvements or purposes required by law and more particularly described in said Section 3 and now available therefor by virtue of provision in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes and including also in the case of the improvement or purpose described in paragraph (a) of said Section 3, the sum of \$332,000 received or expected to be received by the Township from the New Jersey Department of Transportation as a grant-in-aid of financing said improvement or purpose.

SECTION 2. For the financing of said improvements or purposes and to meet the part of said \$5,432,000 appropriations not provided for by application hereunder of said down payments and grant, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$4,857,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds

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and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$4,857,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

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

IMPROVEMENT OR PURPOSE	APPROPRIATION & EST. COST	EST. MAX. AMT OF BONDS & NOTES
(a) Improvement of Germantown Road in and by the Township by the construction or reconstruction therein of a roadway pavement at least equal in useful life or durability to a roadway pavement of Class B construction (as used or referred to in Section 40A:2 22 of said Local Bond Law), together with all sidewalks, curbing, structures, appurtenances, milling, drainage improvements, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved, the \$500,000 appropriation hereby made therefor being inclusive of the amount of \$332,000 received or expected to be received by the Township from the New Jersey Department of Transportation as a grant-in-aid of financing said improvement.	\$500,000	\$160,000
(b) Installation of a new traffic signal at the intersection of Greenwood Lake Turnpike and Lakeside Road, together with all studies, surveys, planning and designs, engineering, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved.	454,000	432,380
(c) Improvement of various roads in and by the Township by the construction or reconstruction therein of a roadway pavement at least equal in useful life or durability to a roadway pavement of Class B construction (as used or referred to in Section 40A:2 22 of said Local Bond Law), including, without limitation, Van Orden Road, Lake Shore Drive (North), and Gould Road, including also the improvement of the Department of Public Works parking lot, together with all sidewalks, curbing, crack sealing, guide rail installation, structures, appurtenances, milling, drainage improvements, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved.	1,812,000	1,725,700
(d) Acquisition by purchase of new and additional equipment, including without limitation, self-contained breathing apparatus for use by the fire companies of the Township, together with all appurtenances, attachments and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved.	131,000	124,700
(e) Improvement of the first responder communication system by the acquisition and installation of a new radio system for use by the Office of Emergency Management of the Township, including also, the acquisition by purchase of antennas, cabinets, a dispatch console system and mobile radios, together with all studies, planning and designs necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved.	2,535,000	2,414,220
Totals	\$5,432,000	\$4,857,000

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

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

- (a) The said purposes described in Section 3 of this bond ordinance are not current expenses and each is a property or improvement which the Township may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.
- (b) The average period of usefulness of said purposes within the limitations of said Local Bond Law and taking into consideration the respective amounts of the said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 10.57 years.
- (c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Township as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$4,857,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.
- (d) Amounts not exceeding \$275,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of said Local Bond Law may be included as part of the costs of said improvements and are included in the foregoing estimate thereof (and, in particular, such costs have been included in the improvement described in Section 3(c) of this bond ordinance).

SECTION 5. The funds from time to time received by the Township on account of the \$332,000 grant referred to in Section 1 of this bond ordinance shall be used for financing the improvement or purpose described in paragraph (a) of Section 3 of this bond ordinance by application thereof either to direct payment of the costs of said improvements or purposes, or to payment or reduction of the authorization of the obligations of the Township authorized therefor by this bond ordinance. Any such funds so received may and all such funds so received which are not required for direct payment of the costs of said improvements or purposes shall, be held and applied by the Township as funds applicable only to the payment of obligations of the Township authorized by this bond ordinance.

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

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

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

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

Introduced: April 6, 2022
Adopted: May 4, 2022
Effective Date: May 24, 2022

This Ordinance was introduced on April 6, 2022 and the Notice of Public Hearing was published in the Herald News on April 12, 2022. The Governing Body will open the meeting to the public to speak on this Ordinance only.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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

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

Councilwoman Erik made a motion to adopt 2022-022. Seconded by Councilwoman Lichtenberg.

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

Agenda No. IX 4

~ Resolution 2022 – 178 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE ADOPTION OF THE 2022 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) \$546,553.00 (Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy
- (e) _____ (Sheet 44) Arts and Culture Trust Fund Levy
- (f) \$1,143,409.00 (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	\$ 3,215,395.00
Miscellaneous Revenues Anticipated		13-099	\$ 7,228,376.15
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		\$ 1,143,409.00
Total Revenues	13-299		\$ 35,027,400.15

SUMMARY OF APPROPRIATIONS

6 GENERAL APPROPRIATIONS:	xxxxxx	xxxxxxxxxxxxxx
Within "CAPS"	xxxxxx	xxxxxxxxxxxxxx
(a&b) Operations including Contingent	34-201	\$ 24,459,525.00
(e) Deferred Charges and Statutory Expenditures – Municipal	34-209	\$ 3,285,000
(g)Cash Deficit	46-885	
Excluded from "CAPS"	xxxxxx	xxxxxxxxxxxxxx
(a) Operations – Total Operations Excluded from "CAPS"	34-305	\$ 1,570,972.15
(c)Capital Improvements	44-999	\$ 604,412.00
(d) Municipal Debt Service	45-999	\$ 2,807,130.00
(e)Deferred Charges – Municipal	46-999	\$ 361.00.00
(f)Judgements	37-480	

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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(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	\$ 2,300,000.00
7 SCHOOL APPROPRIATIONS – TYPE I SCHOOL DISTRICTS ONLY (N.J.S.A. 40A:4-13)	07-195	
Total Appropriations	34-499	\$ 35,,027,400.15

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 4th day of May, 2022. 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 2022 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Adopted: May 4, 2022

Motion to adopt.

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

Agenda No. IX 5

~ Resolution 2022 – 179 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE ADOPTION OF THE 2022 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) \$3,292,605.00 (Item 2 below) for amount to be raised by taxation for Solid Waste Collection District.

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

SUMMARY OF REVENUES AND APPROPRIATIONS

1 General Revenues		
Surplus Anticipated		\$ 0.00
Miscellaneous Revenues Anticipated		\$ 50,000.00
2 AMOUNT TO BE RAISED BY TAXATION FOR SOLID WASTE COLLECTION DISTRICT		\$ 3,292,605.00
TOTAL REVENUES		\$ 3,342,605.00
3 General Appropriations		
Operations		\$ 3,342,605.00
Deferred Charges		
Statutory Expenditures		
Judgement		
Deficit in Operations in Prior Years		
Surplus (General Budget)		
TOTAL APPROPRIATIONS		\$ 3,342,605.00

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 4th day of May 2022. 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 2022 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Adopted: May 4, 2022

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Motion to adopt.

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

Agenda No. XII

New Business Introduction of Ordinances, Resolutions:

Agenda No. XII 1

~ Ordinance 2022 – 024 ~

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:

The Department of Community Services and Recreation is to provide all volunteers currently serving as Member of a Township fire company, ambulance squad, Search and Rescue or Community Emergency Response Team or currently serving as an appointed Member of a Township board, committee or commission established by ordinance a \$5 discount for their own pre-registration for each of the programs and events offered by the Department. All such volunteers shall also be entitled to receive the below rates for Bubbling Springs: Individual Rate: \$30, Couple Rate \$45 and Family rate \$100. Identification required for registration.

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: May 4, 2022
Adopted:
Effective Date:

Second reading and public hearing for this Ordinance is set for the Regular/Workshop Meeting of the Township Council scheduled for June 8, 2022. Notice of this public hearing shall be published in the Herald News on or about May 10, 2022.

Motion to move.

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

Agenda No. XII 2

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
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~ Ordinance 2022 – 025 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY, AMENDING CHAPTER 135 “FEES AND COSTS” TO ADD A NEW SECTION 135-42 ENTITLED “FEES AND SPECIAL SERVICE CHARGES” UNDER THE NEW JERSEY OPEN PUBLIC RECORDS ACT (OPRA)” WITHIN THE TOWNSHIP CODE

WHEREAS, the Township Council wishes to update the Township Code, as to fees and special service charges under the New Jersey Open Public Records Act, N.J.S.A. 47:1A, et seq.; and

WHEREAS, N.J.S.A. 47:1A-5 directs that if the costs of duplication or production charged by a vendor exceeds routine charges, the actual direct cost of same without any additional surcharge for labor costs shall be paid; and

WHEREAS, the Township Code currently authorizes at Section 135-1, “Fees and costs established”; and

WHEREAS, the Township Council wishes to create a new section 135-42, to be entitled “Fees and Special Service Charges Under the New Jersey Open Public Records Act (OPRA)” to ensure clarity with regard to such requests.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of West Milford, Passaic County, New Jersey, that the Code of the Township of West Milford shall be amended to create a new Section 135-42, and to read as follows:

SECTION 1. § 135-42 Fees, special service charges and special charges; when charged; amounts authorized.

§ 135-42.1 Purpose

New Jersey has adopted the Open Public Records Act, N.J.S.A. 47:1A-5, which has as its general purpose making government records more available to the public than they have been in the past. In certain instances, the production of voluminous records, archived records, or records in a format which is not the usual format maintained by the municipality or other special circumstances would be costly and time consuming. The New Jersey Open Public Records Act permits the municipality to require the payment of fees, special service charges and/or special charges as a prerequisite to the production of records requiring extraordinary time and effort, special equipment or special formatting.

§ 135-42.2 Ordinary requests for information.

The statutory fee schedule shall apply to routine requests under the Open Public Records Act. The fees of N.J.S.A. 47:1A-5 are hereby incorporated herein as such fees schedule presently exists or as such fees might appear in future modifications or amendments of the statute.

At present time, fees under N.J.S.A. 47:1A-5 for routine copies of municipal documents are:

Pages 1 through 10:	\$0.75 per page
Pages 11 through 20:	\$0.50 per page
All pages after 20:	\$0.25 per page

§ 135-42.3 Establish deputy custodians of records.

The establishment of the position of Deputy Custodians of Records within the Township of West Milford are as follows:

- A. Chief of Police.
However, all requests must be made directly to the Custodian of Records, the Municipal Clerk.

§ 135-42.4 No research or interpretation may be compelled.

Nothing in this section shall require the Custodian or Deputy Custodians of documents or any other municipal official to examine, analyze, tabulate, or otherwise interpret documents which are subject to production under the New Jersey Open Public Records Act.

§ 135-42.5 Special service charge/special charges authorized.

- A. Charges authorized. The Municipal Clerk or Deputy Custodian of documents qualifying for mandatory production as governmental records under the New Jersey Open Public Records Act shall be entitled to special service charges and/or special charges as set forth in this section.
- B. Requests to be in writing. Any requests for documents shall be made to the Municipal Clerk in writing and preferably on a form established by the Municipal Clerk for such purposes.
- C. Advance notice of fees, special service charges and special charges; deposit. Any requester of government records which may be eligible for the imposition of a fee, special charge or special service charge under this section shall receive advance notice of the amount of fees and charges before any work is started. The Municipal Clerk shall require prepayment of such charges before causing the work to begin.

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§ 135-42.6 Fees, special service charges and special charges; when charged; amounts authorized.

- A. Duplication or other work beyond capability of municipal-in-house work force. Whenever the in-house municipal work force or available municipal equipment is insufficient to duplicate or produce government records in a timely fashion, the Municipal Clerk may cause such duplication or production to be accomplished by outside vendors such as copy centers or producers of digital images. If the costs of such duplication or production charged by such vendors exceeds the routine charges set forth in N.J.S.A. 47:1A-5, the actual direct cost of same without any additional surcharge for labor costs shall be paid.
- B. Special service charged authorized. Whenever government records cannot be reproduced by regular copying equipment or fulfillment of the request would involve extraordinary time and effort (for example, where a large number of records must be recovered from storage or substantive staff time is required to review, redact, sort and/or assemble records), charges may be imposed as follows:
- (1) The actual cost (materials and supplies but no staff labor) of duplication or reproduction; plus
 - (2) A special service charge of \$32 per hour or the actual direct cost of labor (if less) shall be imposed for each hour of extraordinary time predicted to be utilized to respond to the request.
- C. Rates for in-house production of prints or blueprints. Any prints or blueprints produced in-house in response to a governmental records request shall be produced for \$28 per page.
- D. Digital records. If a request for governmental records involves production or conversion of digital or computerized records or film which is:
- (1) In a medium not routinely used by the agency (i.e., electronic or film).
 - (2) Not routinely developed or maintained by an agency; or
 - (3) Requiring a substantial amount of manipulation or programming of information technology.
- E. The requester shall pay fees and special charges incurred by the Township of West Milford if the conversion is done directly by the Township of West Milford as follows:
- (1) Direct costs (no overhead) to comply with the request; plus
 - (a) Special charges; the lesser of the cost of technology and labor actually incurred or \$45 per hour.

§ 135-42.7 Notice of requester of copyright laws.

- A. The Township of West Milford may be compelled by New Jersey Law to produce or duplicate governmental records, but no compliance with these legal obligations shall be deemed to constitute a license, sublicense or waiver of copyright laws.
- B. The Municipal Clerk shall give the following notice to any requester of governmental records.

NOTICE — COPYRIGHT LAWS

You must comply with U.S. copyright laws. These laws may restrict your right to use, duplicate or modify the records provided to you by the Township of West Milford.

You should consult your own legal counsel as severe civil and criminal penalties exist for violation of copyright laws.

§ 135-42.8 Waivers for governmental or educational requester.

The Mayor, Clerk or Township Council (by resolution) may waive the fees or other charges otherwise chargeable if the requestor of governmental records is a governmental or educational entity.

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

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

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

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

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

Introduced: May 4, 2022
Adopted:
Effective Date:

Second reading and public hearing for this Ordinance is set for the Regular/Workshop Meeting of the Township Council scheduled for June 8, 2022. Notice of this public hearing shall be published in the Herald News on or about May 10, 2022.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Motion to move.

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

The Mayor asked for a motion to adopt Resolution 2022-180 through Resolution 2022-183 and 2022-193.

Agenda No. XII 3

~ Resolution 2022 – 180 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO FERRIERO ENGINEERING, INC. FOR ENGINEERING SERVICES OF THE ANNEX BUILDING INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL SYSTEM

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

WHEREAS, Ferriero Engineering, Inc. has submitted a proposal for engineering services including soil testing, permitting, design and plan preparation and construction management for the individual subsurface sewage disposal system at the Township Annex Building (Block 7903 Lot 15); and

WHEREAS, Ferriero Engineering, Inc. will provide licensed professional engineering services as sought by the Township of West Milford in an amount not to exceed \$24,000.00 as per their proposal for Municipal Complex Individual Subsurface Sewage Disposal System; and

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

WHEREAS, the Chief Financial Officer has certified the availability of funds for these services to be encumbered from account number 01-270-55-000-001; and

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

1. The Mayor and Township Clerk be and are hereby authorized to execute a contract with Ferriero Engineering, Inc., 180 Main Street, P.O. Box 571, Chester, NJ 07930, for professional services to design and administer the construction of the individual subsurface sewage disposal system at 649 Ridge Road.
2. This contract is awarded as "Professional Services" pursuant to N.J.S.A. 19:44A-20 et seq. and the Local Public Contracts Law.
3. The total fee authorized for this contract shall not exceed \$24,000.00, without prior written approval of the Township Council.
4. That notice of this action shall be published in accordance with law and said notice to provide that the contract awarded and this resolution authorizing same are available for public inspection in the office of the Township Clerk.

Adopted: May 4, 2022

Agenda No. XII 4

~ Resolution 2022 – 181 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING RESOLUTION 2021-201 AUTHORIZING LEASING OF A VACTOR COMBINATION SEWER CLEANER THROUGH SOURCEWELL NATIONAL COOPERATIVE CONTRACT #122017-FSC THROUGH JACK DOHENY COMPANY WITH PAYMENTS TO SANTANDER BANK N.A.

WHEREAS, by virtue of Resolution 2021-201 the Township leased a Vactor Combination Sewer Cleaner through the lease program in accordance with the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the leasing of such vehicle may be awarded without competitive bid to a vendor with a National Cooperative Contract in accordance with the requirements of the Local Public Contracts Law P.L. 2011, C.139 and N.J.S.A. 52:34-6.2; and

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WHEREAS, the Township has previously acted in accordance with New Jersey public procurement statutes and regulations as promulgated by formally joining a recognized and compliant national cooperative, being the Sourcewell National Cooperative; and

WHEREAS, the equipment and corresponding Sourcewell National Cooperative contract is #122017-FSC through Jack Doheny Company; and

WHEREAS, the Township has taken delivery in 2021, with the first lease payment being due May 25, 2022 and final payment being due May 25, 2026; such payments being made to Santander Bank, N.A., PO Box 847386, Boston, MA 02284-7386; and

WHEREAS, the total for lease payments over five years is \$441,413.70, each yearly payment being \$88,282.74, to be encumbered from account 01-201-26-290-230.

NOW, THEREFORE BE, IT RESOLVED, that the Mayor and Township Council authorizes the Township Administrator to lease the Vactor Combination Sewer Cleaner as described above through Sourcewell National Cooperative Contract #122017-FSC through Jack Doheny Company, 77 Doheny Court, Northville, MI 48167; with payments being made to Santander Bank, N.A., PO Box 847386, Boston, MA 02284-7386 .

BE IT FURTHER RESOLVED, that this resolution shall be available for public inspection in the Office of the Township Clerk.

Adopted: May 4, 2022

Agenda No. XII 5

~ Resolution 2022 – 182 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION FOR THE WEST MILFORD MUNICIPAL ALLIANCE COMMITTEE FOR DMHAS GRANT FUNDING FOR THE WEST MILFORD MUNICIPAL ALLIANCE GRANT

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse (GCADA) established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

WHEREAS, in coordination with GCADA, the New Jersey Department of Human Services/ Division on Mental Health and Addiction Services (DMHAS) has awarded a Youth Leadership Grant to the GCADA Municipal Alliance Program.

WHEREAS, the West Milford Township Council of the Township of West Milford, County of Passaic, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the West Milford Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the West Milford Township Council has applied for DMHAS Youth Leadership funding through the Governor's Council on Alcoholism and Drug Abuse through the County of Passaic,

NOW, THEREFORE, BE IT RESOLVED by the Township of West Milford, County of Passaic, State of New Jersey hereby recognizes the following:

1. The West Milford Township Council does hereby authorize submission of an application for DMHAS Grant funding for the West Milford Municipal Alliance for Year One Grant Term July 1, 2022 through March 14, 2023 in the amount of:

DMHAS Grant Funding \$ 5,302.55

2. The West Milford Township Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Adopted: May 4, 2022

Agenda No. XII 6

~ Resolution 2022 – 183 ~

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE LENDING OF A VEHICLE FROM THE TOWNSHIP OF WEST MILFORD TO PROSPECT PARK VOLUNTEER FIRE DEPARTMENT

WHEREAS, the Township of West Milford is in possession and no longer is in need of a 1996 Spartan 10000EE Engine Truck, VIN number ending in 021348 and hour reading of 3378; and

WHEREAS, the Township Administrator has approved to lend this vehicle to the Prospect Park Volunteer Fire Department; and

WHEREAS, the Township's Supervising Mechanic and the Fire Commissioner have recommended that the Township authorize the lending of this vehicle.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of West Milford, County of Passaic and State of New Jersey that they hereby authorize the lending of the used vehicle ending with Vin number 021348 to the Prospect Park Volunteer Fire Department.

Adopted: May 4, 2022

Agenda No. XII 7

~ Resolution 2022 – 193 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY IN SUPPORT OF THE CLOUD NINE DISPENSARY LLC'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, The Cloud Nine Dispensary LLC has expressed interest in siting such a retail cannabis dispensary at 1592 Union Valley Road (Block 6401, Lot 1); and

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

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 The Cloud Nine Dispensary LLC to the extent consistent with applicable state and local statutes, rules, regulations and ordinances.

Adopted: May 4, 2022

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: May 4, 2022
Time of Meeting: 6:30 p.m.
Minute Page No: Page 18 of 22

Motion to adopt Resolution 2022-180 through Resolution 2022-183 and 2022-193

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

Mayor Dale asked to move Resolution 2022-184 which includes 2022-185 through 2022-191.

Agenda No. XIII

Consent Agenda

~ Resolution 2022 – 184 ~

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) **2022-185** – Refund of Recreation Fees
- b) **2022-186** – Refund of Overpayment
- c) **2022-187** – Cancellation of Outstanding Checks
- d) **2022-188** – Rescinding Petty Cash Funds
- e) **2022-189** – Change Petty Cash Fund
- f) **2022-190** – Cancel Appropriations-Grants
- g) **2022-191** – Cancel Grant Balances

Adopted: May 4, 2022

Agenda No. XIII a

~ Resolution 2022 – 185 ~

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:

SPRING SOCCER	
\$80.00	Mary Guillen 25 Olcott Road Apt 2 Hewitt, NJ 07421
SENIOR CHI YOGA	
\$60.00	Carolyn Riecker 13 N. Shore Drive Hewitt, NJ 07421
SENIOR YOGA SCULPT CLASS	
\$30.00	Ofelia Callioni 121 Richmond Road West Milford, NJ 07480
PICKLEBALL @ NIGHT	
\$35.00	Larry Heck 32 High Street Butler, NJ 07405
\$20.00	Kelly Hawruk 44 H Manchester Lane West Milford, NJ 07480
PICKLEBALL CLINIC	
\$50.00	Fay Bizub 203 Lake Shore Drive Hewitt, NJ 07421
LIFEGUARD CLASS #1	
\$295.00	Claire Gray 113 Ridge Road West Milford, NJ 07480

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: May 4, 2022
Time of Meeting: 6:30 p.m.
Minute Page No: Page 19 of 22

Adopted: May 4, 2022

Agenda No. XIII b

~ Resolution 2022 – 186 ~

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
00703-004	SINGH SURJIT 105 DREW ROAD SUSSEX, NJ 07462	\$389.10	2021	6
		\$97.00	2022	
		\$486.10		

Adopted: May 4, 2022

Agenda No. XIII c

~ Resolution 2022 – 187 ~

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

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

DATE	CHECK #	AMOUNT
9/23/21	28337	\$ 75.00
10/21/21	28449	\$ 55.00
TOTAL		\$130.00

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

Adopted: May 4, 2022

Agenda No. XIII d

~ Resolution 2022 – 188 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RESCINDING OF PETTY CASH FUNDS NO LONGER IN USE

WHEREAS, it is the desire of the Council, of the Township of West Milford, County of Passaic that the petty cash fund for the Bubbling Springs Concession Stand be rescinded; and

NOW THEREFORE, BE IT RESOLVED that the Council of the Township of West Milford, County of Passaic, State of New Jersey, hereby authorizes such action and two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

Adopted: May 4, 2022

Agenda No. XIII e

~ Resolution 2022 – 189 ~

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: May 4, 2022
Time of Meeting: 6:30 p.m.
Minute Page No: Page 20 of 22

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE CHANGE IN AMOUNT OF PETTY CASH FUND FOR COMMUNITY SERVICES AND RECREATION

WHEREAS, N.J.S.A. 40A:5-21 authorizes the establishment of a Petty Cash fund; and

WHEREAS, it is the desire of the Council, of the Township of West Milford, County of Passaic that the petty cash fund for the Community Services and Recreation Department be lowered from \$450.00 to \$200.00; and

NOW THEREFORE, BE IT RESOLVED that the Council of the Township of West Milford, County of Passaic, State of New Jersey, hereby authorizes such action and two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs along with an application for approval.

Adopted: May 4, 2022

Agenda No. XIII f

~ Resolution 2022 – 190 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY FOR THE CANCELLATION OF NJDEP GREENWOOD LAKE PHASE II (319h) AND THE MUNICIPAL ALLIANCE LOCAL SHARE FOR 2019 AND 2020 APPROPRIATION GRANT BALANCES

WHEREAS, there are appropriations in the following grants with no offsetting receivables:

- | | |
|--|-------------|
| • 2007 NJ DEP Greenwood Lake Phase II (319h) Grant | \$10,910.60 |
| • Municipal Alliance Local Share 2019 | \$ 2,390.58 |
| • Municipal Alliance Local Share 2020 | \$ 5,758.00 |

WHEREAS, these appropriations cannot be expended

NOW, THEREFORE, BE IT RESOLVED that the budget appropriations be cancelled to current fund balance.

Adopted: May 4, 2022

Agenda No. XIII g

~ Resolution 2022 – 191 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY FOR THE CANCELLATION OF DRIVE SOBER OR GET PULLED OVER GRANTS, CDBG GRANT FOR THE TOWNHALL RESTROOM AND STRENGTHENING LOCAL PUBLIC HEALTH GRANT 2021

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

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

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

Drive Sober or Get Pulled Over 2021	\$ 3,104.15
Drive Sober or Get Pulled Over Winter 2021	\$ 621.10
CDBG Grant Town Hall Restroom	\$ 2,470.00
Strengthening Local Public Health Grant 2021	\$ 67,469.00

Adopted: May 4, 2022

Motion to move Resolution 2022-184 which includes 2022-185 through 2022-191.

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

Agenda No. XIV

Approval of Expenditures

