
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: June 12, 2024
Time of Meeting: 6:30 p.m.
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The Regular Meeting of the Governing Body was called to order by Mayor Michele Dale at 6:30 p.m.

Adequate Notice Statement

Mayor Dale read the following statement:

Pursuant to the provisions of the Open Public Meetings Act (N.J.S.A. 10:4-8) adequate notice of this Regular Meeting was advertised in the Herald News in and The Record in its issues of January 9, 2024, and posted on the bulletin board in the main corridor of the Town Hall and on file in the Office of the Township Clerk.

Please also make note of all fire and emergency exits – located to the left, right and rear of this room – for use in case of an emergency. Thank you.

Agenda No. I

Pledge of Allegiance

Mayor Dale led all in attendance in a salute to the flag.

Agenda No. II

Roll Call

Present: Councilmembers Ada Erik, Michael Chazukow, Marilyn Lichtenberg,
Kevin Goodsir, Matthew Conlon, David Marsden

Absent:

Also Present: Mayor Michele Dale, Township Administrator William Senande,
Township Attorney Ed Pasternak and Township Attorney Fred Semrau

Agenda No. III

Reading of or Approval of Unapproved Minutes

May 15, 2024 Regular Meeting

Motion to approve the minutes.

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

Agenda No. IV

Meetings

July 17, 2024 Regular Meeting
August 14, 2024 Regular Meeting
September 18, 2024 Regular Meeting

Agenda No. V

Proclamations

None

Agenda No. VI

Presentations and Recognitions

Mayor Dale congratulated Eagle Scouts Erik Reilly and Ryan Eckhart and handed out plaques. She thanked them for their contributions to the community. Eagle Scout Ryan Eckhart created a Fishing Board located at Bubbling Springs that serves as a platform for fishing enthusiasts but also serves as an educational tool describing wildlife around the lake. Eagle Scout Erik Reilly's project was a Gaga Pit at the Paradise Knoll Elementary School providing an outdoor space for students to enjoy activities and games.

Agenda No. VII

Executive Session

None

Agenda No. VIII

Discussion Items / Official Communications

1.	299-301 Marshall Hill Road – Potential Area in Need of Redevelopment- Administrator Senande indicated that the Council previously sent 2 properties to the Planning Board to see if they are in need of redevelopment, 299-301 Marshall Hill Road and also the Southwest corner of Marshall Hill Road and Airport Road.
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	The Planning Board has determined that they should be deemed a non condemnation area in need of redevelopment. At the next Planning Board meeting they will adopt a resolution for this. At the next Council meeting Administrator Senande will be presenting the Council with a resolution to move forward with the redevelopment of the area.
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At this time Mayor Dale asked if Township Attorney Fred Semrau would discuss some recent developments that were not included on the agenda. With regard to the Tennessee Gas Pipeline (TGP) located at 960 Burnt Meadow Road, Block 4601 Lot 17 the 2024 tax assessment was \$3,561,000 and that was increased to \$11,462,373 after the tax appeal. That brings a total additional revenue of \$312,183 to the Township. Attorney Semrau indicated that this amount was the equivalent to a new ratable of \$27,000,000. This is something that will not be appealed as TGP agreed to these terms.

Attorney Semrau indicated the Newark Watershed matter has been ongoing for around 80 years. Newark went to the Supreme Court in an effort to reduce the assessed value of the Watershed Property. They have historically not cooperated with the Township to pay their fair share of taxes. In 1952, the NJ Supreme Court ruled in favor of Newark when they went after the Township seeking to restrict or reduce their assessed value for the property and did so again in 1983 and in 1992. The Township has continued to file appeals and the value per acre has gone from around \$1,500 an acre to over \$3,000 an acre with the likelihood of it ending up being \$4,000 an acre. It's a significant increase. After eight years of appeals the Township attorneys, with consensus and help from the Mayor and Council, put together a team of specialists to help with the fight. We hired Matthew Krauser, who was the appraiser in the Jefferson Township watershed case. Another specialist was hired to report on the value of the Watershed Property, though it is somewhat limited. It is a vast land mass but there are conservation groups and agencies out there that would see this as a viable property. Frank Pinto was hired as a strategist and has experience with open space acquisition projects.

Attorney Semrau continued to say that Newark Watershed hired an appraiser by the name of John Brody, who while he has a good reputation, came up with a value of \$150/acre. The discrepancy is rather large. Robert Rossmessl, Esq. worked in the tax court and was instrumental regarding due diligence and the discovery work to help prepare for trial. Tax Assessor Brian Townsend was brought in to testify as well and he was a valuable witness because he knows the history and can say he knows what happened 40 years ago. Basically Newark said that the property has no value. We say that it is open space and useful property. Newark hasn't raised their fees for hiking or fishing in 18 years and it is an undermanaged property. Newark claimed that they don't make money but there is a day camp there and other utilities that prove the property can be utilized and money can be made.

The State of New Jersey manages comparable Waywayanda State Park and they had approximately 2.3 million visitors last year. Should the Newark Watershed be managed like the State park it shows what a viable property it could be. Township Attorney Semrau indicated that there is a market for this and West Milford is the hub for this type of passive recreation. In Court that was the message that was brought up again and again. The Court ended up recognizing that the highest invested use is open space.

Had Newark won the case, the Township would have been obligated to pay \$9,000,000 plus interest so about \$11,000,000 for this type of appeal. As a result of the Court's decision West Milford will receive an increase in tax revenue of \$4,593,225, with interest of \$1,200,000 for a total increase in revenue of \$5,700,000. The pre-litigation value was \$1,500/acre with a total of \$24,727,500. The post-litigation value is now \$3,026/acre and \$49,877,104. Newark may appeal the decision, but historically all those involved with the Town, agree that Newark needs to pay more than then they were and that is what our appraisers have said and it is now what the Court has said.

Mayor Dale thanked everyone for believing in the cause and dedicating the resources to be able to put together a team and fund the necessary winning strategy. Mayor Dale indicated that her heart sank on many nights wondering how to explain another loss to Newark Watershed and possibly end up owing \$8,000,000.

Mayor Dale opened the meeting to the public comment portion.

Agenda No. IX

Public Comments

Karen Phelan – Regarding Resolution 2024-234 requested the Council appoint a full-time Mayor by Ordinance and not resolution in order for there to be transparency and although through the ordinance that was previously passed she does not see how this position is going to ever be anything other than permanent. The position would be full-time if held by Mayor Dale, however if another person were elected and the Council voted to change the position to part-time, it could open the Township up to litigation.

Richard Randazzo – Indicated that at the March 6th Council meeting everyone was talking about paying the Mayor for a full-time position and a lot of people spoke in opposition. He feels the Council listened to the public but did not hear what they were saying. He indicated that there were a lot of questions asked but there were no answers. He indicated that by using a resolution instead of an ordinance to place Mayor Dale in the full-time position, the public is being bypassed. When the issue of marijuana came into

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play, there was a public vote, and about 60% of the voters were in favor of it. He questioned why there was no vote put out for this decision. He's disappointed.

Melissa Brown-Blauer – Congratulated the Mayor and Council on the tax appeal win. She suggested that when the Highlands Act went through there was a provision that the State should reimburse us for a portion of what we were giving up in real estate tax, and perhaps we can pursue that as well. As for Resolution 2024-234, it does not seem right. There is potential for abuse regarding the resolution and we need to be careful even at the local level. She questioned what the Mayor would be doing. She indicated she had concerns about precedent and accountability. Ms. Brown-Blauer agreed that it feels like the public is not being heard by the Mayor and Council and it is cause for concern. She asked for a public non-partisan referendum question on the ballot in 2024. If the resolution is put through a lot of people are going to be upset and we need more transparency and accountability about what exactly are we going to get for our money. There is potential for an authoritarian type person in the future to abuse this position.

Dennis Depree – Expressed concern about contaminated well water in his neighborhood in Upper Greenwood Lake and other places throughout Town. It is contaminated by PFAS. Some residents have had their wells tested and others have not. People have been told not to drink it, or to shower in it, or brush their teeth with it. He would like more information about the situation.

Wayne Gottlieb – Regarding Resolution 2024-234, the “whereas” statements are not backed up with any enforceable stipulations. The resolution appears to indicate that money has been saved in order to be able to hire a full-time Mayor and these economies will continue to be available to maintain a full-time Mayor permanently. He indicated that this appeared to him to be illusionary. That portion of the resolution bothers him but he is also bothered by something that is not stated in the resolution and that is that the Mayoral position is cited at \$130,000 a year but what isn't added is other Township expenditures like FICA, SUI, possible medical benefits and State pension. He would like to see what the real total cost is going to be to the taxpayer, and not just what the Mayor is going to make. The Faulkner Act defines in strict detail the various forms of government and it appears that the Mayor and Council have tweaked one of those forms of government to enhance the duties of the Mayor. He wonders if such tweaking is outside of the law. If it is in fact legal, why would Council be doing something as consequential as putting a dollar value on the tweaked position using a second level mechanism like a resolution and not an ordinance. He indicated that Council is using a rather trivial methodology to put this in place. An ordinance would require a second reading and a public portion.

David Sisco – The Federal Deficit is \$ 34 trillion. From the West Milford Messenger Newspaper he read that the budget for the Township is \$40 million. The superintendent of schools is getting \$205,000 per year. The school budget is \$77 million. We also pay federal taxes and he is concerned that his social security money can't pay for all the taxes imposed. He indicated that the Governing Body is not allowed to impose more taxes without the consent of the people and would like the Council to consider senior citizens on a fixed income.

Robert Nolan – Indicated that he had attended the March meeting, when the full-time Mayor position was first being discussed. He indicated that a year and a half ago the Mayor and Council decided to cancel the swim team at Bubbling Springs because they couldn't afford it. A new dock costing \$40,000 that would have lasted 20-25 years was too expensive. Now, in addition to the Administrator, we need to hire a full-time Mayor with benefits and pension, so we are not really looking at a \$130,000 salary for the Mayor but rather probably \$175,000 to \$200,000. Perhaps it is a matter of priorities and the priorities of the Mayor and Council are different than his. Resolutions are for housekeeping items, purchases and things like that. Resolution 2024-234 should be done by ordinance because it is a major change and the Attorney's had to twist themselves into a pretzel to rationalize this. The public should be allowed to speak on this before it gets rammed through by voting on it tonight. His wife said it sounds like a smash and grab. The money would be better spent elsewhere, fixing pot holes or picking up garbage to try to attract businesses to the area. If we have extra money it could simply go into a rainy day fund. Spending this money because the Mayor lost her job at TD Bank is an insult to the taxpayers.

Renee Alessio – Last year was a dry year and we had some fires as well as smoke from Canada. On Thursday June 13, the Nature Connection of West Milford will be having a program at the library about forest fire prevention. Regarding Resolution 2024-234, she is in agreement that it should be done by ordinance. She indicated that she was very disappointed in the Council and with the things that they have passed since 2020. People are expressing concerns, as they did with TGP, to the Council but it doesn't appear they are listening. While she agrees with having cannabis retail stores, she feels that having 10 is excessive. We have lost one of the best people, Sue Muhaw, from the Health Department and she doesn't know who could replace her. She was pushed out and Ms. Alessio indicated she doesn't know who is handling septs now.

Brian Zlotkin – There are a lot of people who believe that public service should be rewarded financially and those that believe public service is just public service, caring about the Town. It is clear to see which side the Mayor and Council are on.

Bob Nicholson – People have made some valid points. When Mr. Semrau gave his presentation earlier he mentioned that we had hired experts. He considers Mayor Dale an expert. He hasn't heard that

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having a full-time is going to cost the tax payers anything. We shouldn't base how we react on fear. How much of the tax money from Newark Watershed is going to go to the school? If someone can show that having a full-time Mayor is going to cost money, he will agree and be against it. It seems to be a partisan issue, but you can't please everyone. Some people will be happy and some people won't. There comes a point where compensation comes into play. We will be spending money sure, but we will be making money.

Seeing no one else wishing to speak Councilman Conlon made a motion to close the public portion. Seconded by Councilman Goodsir. All were in favor.

Agenda No. X

Council Comments

Mayor Dale – Indicated that the person that is handling the septic systems has a master's degree in that field. Regarding TGP, the comments were not true. We never entered into the agreement without sincere concern for this municipality. We did however strategically ensure that if we were going to be overruled by the federal government that the residents of this Township were protected financially as well as having the fire departments having the resources that they need, not only at the onset but in perpetuity should equipment need to be replaced. The comments made are not fair and the residents were considered and Mayor Dale did not want to spend tax payer dollars to fight when we were destined to lose. Mayor Dale expressed frustration with people coming to the podium and expressing their opinions without the facts. She can back up what she says with the facts. To those who had commented that Resolution 2024-234 should have been done by an ordinance, Mayor Dale indicated that there was an ordinance done previously and many of those people were at the meeting.

A member of the public was disruptive and yelled out that the public didn't get to vote on it.

Mayor Dale continued. To mislead the public by saying it was not done by ordinance is not the case. There was a first and second reading and a vote. Township Attorney Fred Semrau indicated that there were actually two ordinances one to establish salary ranges and then one to establish responsibilities of the Mayor. There were two readings and public hearings and it was also advertised in the newspaper. The next step of legal process, no matter what the position is, has always been that the salaries are set by the Governing Body by resolution not by ordinance.

Mayor Dale indicated that she was aware of the PFAS issues. The Environmental Commission recently held an open forum about it. She has received a lot of calls from concerned residents. The issue is nationwide and New Jersey has very strict standards. New Jersey has a program with a spill fund and once paperwork is filed a water company is hired. The second water test is free. There is special equipment that has to be installed to get rid of the PFAS.

Councilman Conlon indicated that in addition to there being public comment time for the previous ordinances, there were also four budget meetings where public comments could have been made. For members of the public to say that the Council isn't listening to the people is astounding. The people who spoke tonight are not the only members of the public that the Council listens to. Council members take the job seriously and listen to the needs of the various types of people who live in Town. The Mayor is filling the role of one and a half other high level executive positions within this Township. We have tried and been unable to fill these positions. If Mayor Dale were to quit the job of Mayor and apply for the Deputy Administrator position, she would be paid even more than \$130,000. She would be paid \$145,000.

There was a man in the audience who was speaking out of turn. Mayor Dale said that it was not a back and forth and she would like to speak to the man after the meeting. More comments were made and Councilman Chazukow took offense. Several audience members got up and left the meeting.

Councilman Chazukow indicated he was through with being threatened by the public and the Council is here as public servants, not because they are dictators and autocrats. Words carry weight.

Councilman Conlon continued by indicating that it is additional responsibilities for additional compensation that is being misrepresented for political gain. The Township is in good hands with Mayor Dale at the wheel.

Councilman Marsden indicated that Mayor Dale has been doing the job for about a year now without being compensated. You don't lead from behind you lead from the front. Mayor Dale has done a great job and should be thanked instead of vilified.

Councilman Chazukow indicated that it is a highly emotionally charged conversation and he detests the mischaracterizations and misinformation that come in front of the Governing Body. He's happy to speak with anyone from the public who has sincere, well researched concern. He is at capacity for name calling and disruptions at this meeting.

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Councilman Marsden added that at the meetings where people spoke, they were given extra time to finish because the Council wanted to hear what everyone had to say. He reminded everyone that when the Mayor gave her rebuttal to the public, people walked out and didn't listen. If people want respect they should be respectful and listen to both sides of the argument.

Councilman Conlon indicated that the negative comments are a result of more people in the Township holding a different ideology than the ones that spoke have.

Mayor Dale indicated that it is the same thing that happens with Passaic County but when you work together across the aisle you can get things done and West Milford has a nice relationship with the County even though we are on two different sides of the aisle politically. There may be a handful of Towns that are on the right but the majority of the County is on the left. The majority of what we do here is not partisan, it's the day to day operation of the Town where we live. The partisanship that is being brought into the issues does not come from Mayor Dale who just wants to work together to make our Town better. When false information is put out there it makes our Town ugly and divided. Our Town isn't ugly and it doesn't have to be divided.

Councilman Chazukow indicated that the Borough of Bloomingdale had a full-time Mayor. They are smaller and have a lower population, that doesn't necessarily dictate the necessity. Eventually they went back to a part-time Mayor and full-time business administrator. Due to the Highlands Act and the Newark Watershed, West Milford has a uniquely excessive burden. The language was changed in the ordinance to make it a full-time position based on public feedback. It would be hard to replace Mayor Dale with someone as qualified. When you have someone with knowledge and talent it pays off to utilize them. To Mr. Randazzo, we did not fund the marijuana vote. That went out through the State. It was a State ballot in November of 2020.

Attorney Semrau indicated that related to other funding from the State regarding the Newark Watershed, there were funds at one time but there was a sunset provision and there are no other fees to try to collect.

Councilman Chazukow indicated that regarding the swim team, there is a project underway to revitalize the Hillcrest building. Part of that renovation will include an indoor pool. Mr. Nolan mischaracterized what ultimately led to not having the swim team at Bubbling Springs.

Councilman Marsden added that the reason the swim team came to an end is because the Recreation Department has a budget and they decide how they are going to allocate the funds in that budget. Director Dan Kochakji decides how best to serve the community within the constraints of the budget. It has nothing to do with the full-time Mayor. Councilman Marsden is willing to listen to anyone who has a good idea regardless of what political party it comes from. No one wants to work with people who are accusatory. We need to tone down the rhetoric and people should volunteer and get involved.

Councilwoman Erik indicated that while volunteers can do a lot, they can't do everything and every club and committee in this Town has a deficit of volunteers. As far as saying that the legal team tweaks things, tweaking sounds like something is getting twisted toward being illegal. She stands by the Township's legal team. Mayor Dale is a great Mayor, who does her research and is very much involved with every aspect of things. The Township is in a much better situation than it has ever been.

Councilwoman Lichtenberg is very familiar with the Town and started working for the Town in the Tax Office in 1972. She indicated that Mayor Bieri was a great Mayor but Mayor Dale is even better.

Agenda No. XI

Unfinished Business, Final Passage of Ordinances

Agenda No. XI 1

~ Ordinance 2024 – 023 ~

ORDINANCE AMENDING AND SUPPLEMENTING §135 “FEES AND COSTS” BY ADDING A NEW SECTION ENTITLED “DEPARTMENT OF COMMUNITY SERVICES AND RECREATION DIVISION OF TRANSPORTATION SERVICES” OF THE REVISED GENERAL ORDINANCES

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

SECTION 1. §135 shall be amended to add a new section entitled Department of Community Services and Recreation, Division of Transportation Services; and

The new section shall authorize the Department of Community Services and Recreation, Division of Transportation Services to charge the following fares for transportation services:

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- (1) Effective July 1, 2024, the one-way fare shall be \$2.00.
- (2) Effective July 1, 2025, the one-way fare shall be \$3.00.

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 or 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 and upon the posting of appropriate signs.

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

Introduced: May 15, 2024
Adopted: June 12, 2024
Effective Date: July 2, 2024

This ordinance was introduced on May 15, 2024 and Notice of public hearing was published in the Herald News on May 21, 2024. The Governing Body will open the meeting to the public to speak on this Ordinance only.

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

Motion to move Ordinance 2024-023.

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

Agenda No. XI 2

~ Ordinance 2024 – 024 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD COUNTY OF PASSAIC STATE OF NEW JERSEY AMENDING ARTICLE 1 GARBAGE AND RUBBISH COLLECTION SECTION 321-8 ENTITLED “CONTRACTOR TO FURNISH SERVICE TO ALL RESIDENTS” WITHIN THE CODE OF THE TOWNSHIP OF WEST MILFORD

WHEREAS, the Township of West Milford has historically picked up garbage and recycling from churches; and

WHEREAS, the Township Code currently does not provide for such pick-up from churches; and

WHEREAS, to benefit the public’s health, safety and welfare, the Township wishes to amend the Township Code to reflect that such garbage and recycling pick up shall be provided to churches and houses of worship, by defining the term “resident” within its Code of Ordinances to include churches.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of West Milford, Passaic County, New Jersey, that Section 321-8, Contractor to furnish service to all residents, shall be amended to read as follows:

SECTION 1. 321-8 Contractor to furnish service to all residents

It shall be the duty of the contractor to furnish and make available collection service to all residents of the Township, and to those establishments and West Milford municipal facilities designated by the Township Administrator or his designee.

“Residents” is herein defined to also include churches and houses of worship as registered with the Township, and as designated by the Township Administrator or his designee.

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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 therefrom, 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 15, 2024
Adopted: June 12, 2024
Effective Date: July 2, 2024

This ordinance was introduced on May 15, 2024 and Notice of public hearing was published in the Herald News on May 21, 2024. 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 Lichtenberg.

Motion to move Ordinance 2024-024.

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

Agenda No. XI 3

~ Ordinance 2024 – 026 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY, AMENDING CHAPTER 470, ENTITLED “SUBDIVISION OF LAND AND SITE PLAN REVIEW,” ARTICLE XV “STORMWATER MANAGEMENT” WITHIN THE CODE OF THE TOWNSHIP OF WEST MILFORD

WHEREAS, the Township of West Milford seeks to revise its stormwater control ordinance in response to amendments made to the Stormwater Management Rules at N.J.A.C. 7:8 that included Inland Flood Protection Rule; and

WHEREAS, the enhanced regulations require municipal review and update to certain existing ordinances to maintain compliance; and

WHEREAS, the Mayor and Township Council have reviewed said revisions and believe that the changes are in the public interest and required by the NJDEP regulations.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey, that the Chapter 470, “Subdivision of Land and Site Plan Review”, Article XV, “Stormwater Management”, Sections 470-73 through 470-79 of the Township of West Milford are hereby repealed and replaced in their entirety as follows:

SECTION 1. Chapter 470, “Subdivision of Land and Site Plan Review”, Article XV, “Stormwater Management” is hereby repealed and replaced in its entirety as follows:

ARTICLE XV. Stormwater Management

§470-73. Scope and Purpose

A. Policy Statement. Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including Green Infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater

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management strategies. GI BMPs should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge and reduce pollution. GI BMPs should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for green infrastructure, water quality, quantity, and groundwater recharge.

- B. Purpose. The purpose of this ordinance is to establish minimum stormwater management requirements and controls for "major development," as defined below in Section 470-74.
- C. Applicability
 - 1. This article shall be applicable to all projects that meet the definition of "minor development" or "major development" as defined below.
 - 2. This ordinance shall be applicable to the following major developments:
 - i. Non-residential major developments and redevelopment projects; and
 - ii. Aspects of residential major developments and redevelopment projects that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21 et seq.
 - 3. This ordinance shall also be applicable to all major developments undertaken by the Township of West Milford.
 - 4. Applicability of this ordinance to major developments shall comply with last amended N.J.A.C. 7:8-1.6, incorporated herein by reference and minor developments as defined herein.
- D. Compatibility with Other Permit and Ordinance Requirements. Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

§470-74. Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this ordinance clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions used in this ordinance shall be the same as the last amended Stormwater Management Rules at N.J.A.C. 7:8-1.2, incorporated herein by reference. The following additional terms are defined for this chapter only.

EXEMPT DEVELOPMENT – Shall mean any development that creates less than 1,000 square feet of new impervious area and disturbs less than 5,000 square feet of land. Further, an exempt development shall not meet the definition of "minor development."

MINOR DEVELOPMENT – Shall mean any development that results in the creation of 1,000 square feet or more of new impervious area or one that disturbs more than 5,000 square feet of land area. Further, a minor development shall not meet the definition of "major development" in N.J.A.C. 7:8.

MAJOR DEVELOPMENT – (repeated from N.J.A.C. 7:8) shall mean an individual "development," as well as multiple developments that individually or collectively result in:

- 1. The disturbance of one or more acres of land since February 2, 2004;
- 2. The creation of one-quarter acre or more of "regulated impervious surface" since February 2, 2004;
- 3. The creation of one-quarter acre or more of "regulated motor vehicle surface" since March 2, 2021; or
- 4. A combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.

Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually meet any one or more of paragraphs 1, 2, 3, or 4 above. Projects undertaken by any government agency that otherwise meet the definition of "major development" but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered "major development."

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§470-75. Design and Performance Standards for Stormwater Management Measures:

This section establishes design and performance standards for stormwater management measures for minor and major development intended to minimize the adverse impact of stormwater runoff on water quality and water quantity and loss of groundwater recharge in receiving water bodies.

- A. Exempt Developments. Any project meeting the definition of "exempt development" shall be exempt from the provisions of this section.
- B. Minor Developments. Minor developments shall be designed to include the following stormwater management measures:
 - 1. Water Quality. Soil erosion and sediment control measures shall be installed in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey.
 - 2. Rate/Volume Control. Seepage pits or other infiltration measures shall be provided with a capacity of three (3") inches of runoff for each square foot of new impervious area. Stone used in the infiltration devices shall be two and one-half (2 1/2") inches clean stone and design void ratio of 33% shall be used. The infiltration measures shall be designed with an overflow to the surface which shall be stabilized and directed to an existing stormwater conveyance system or in a manner to keep the overflow on the developed property to the greatest extent feasible. If the new impervious surface is not roof area, an equivalent area of existing roof may be directed to the infiltration system. This shall be permitted where the existing roof is not already directed to infiltration devices.
- C. Major Developments. Design and performance standards for stormwater management measures shall comply with last amended N.J.A.C. 7:8-5, incorporated herein by reference.

§470-76. Waivers and Exceptions.

- A. Standards for relief (Minor Development). Waivers from strict compliance with the design standards for minor development shall only be granted upon showing that meeting the standards would result in an exceptional hardship on the applicant or that the benefits to the public good of the deviation from the standards would outweigh any detriments of the deviation. A hardship will not be considered to exist if reasonable reductions in the scope of the project would eliminate the noncompliance.
- B. Standards for relief (Major Development). Waivers from strict compliance with the design and performance standards for major development shall meet the requirements N.J.A.C. 7:8-4.6.
- C. Reviewing agency. All applications subject to the review of the Land Use Board shall be reviewed by the Board concurrently with subdivision or site plan review. Applications not subject to Land Use Board review shall be reviewed by the Township Engineer.
- D. Appeals. The appeal of the determination of the Township Engineer shall be made in accordance with N.J.S.A. 40:55D-70a.

§470-77. Solids and Floatable Materials Control Standards (Major Development)

Site design features identified under §470-75 above, or alternative designs in accordance with §470-75 above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see §470-77.A.2 below.

- 1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 - i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
 - ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension. Note that the Residential Site Improvement Standards at N.J.A.C. 5:21 include requirements for bicycle safe grates.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.

- iii. For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

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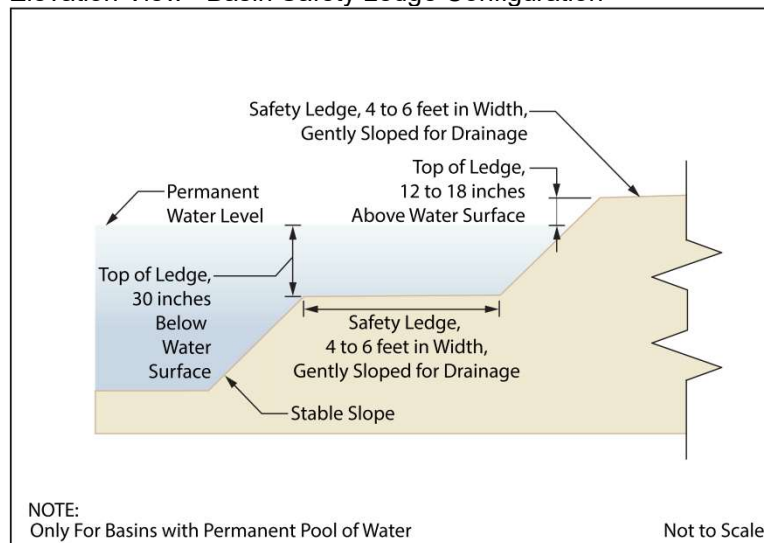
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- 2. The standard in §470-77.A.1. above does not apply:
 - i. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
 - ii. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
 - iii. Where flows from the water quality design storm as specified in the last amended Stormwater Management rules at N.J.A.C. 7:8 et seq. are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - a. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
 - b. A bar screen having a bar spacing of 0.5 inches.Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).
 - iv. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or
 - v. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

§470-78. Safety Standards for Stormwater Management Basins:

- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This section applies to any new stormwater management basin. Safety standards for stormwater management measures shall comply with last amended N.J.A.C. 7:8-6, incorporated herein by reference.
- B. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



§470-79 Requirements for a Site Development Stormwater Plan (Major Development)

- A. Submission of Site Development Stormwater Plan
 - 1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Section 470-79.C below as part of the submission of the application for approval.
 - 2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
 - 3. The applicant shall submit six copies of the materials listed in the checklist for site development stormwater plans in accordance with Section 470-79.C of this ordinance.
- B. Site Development Stormwater Plan Approval
The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the municipality's review engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.
- C. Submission of Site Development Stormwater Plan

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The following information shall be required:

1. **Topographic Base Map**
The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.
2. **Environmental Site Analysis**
A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.
3. **Project Description and Site Plans**
A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.
4. **Land Use Planning and Source Control Plan**
This plan shall provide a demonstration of how the goals and standards of Section 470-75 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.
5. **Stormwater Management Facilities Map**
The following information, illustrated on a map of a scale of 1"=50' or greater shall be included:
 - i. Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
 - ii. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.
6. **Calculations**
 - i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in §470-75 of this ordinance.
 - ii. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.
7. **Maintenance and Repair Plan**
The design and planning of the stormwater management facility shall meet the maintenance requirements of Section 470-81.
8. **Waiver from Submission Requirements**
The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in Section 470-79.C.1 through 470-79.C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.
9. **Application and Review Fees**
All major developments shall require an application to the Township Engineer for a Stormwater Permit.

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- i. There shall be no additional fees for stormwater review for applications to the Land Use Board. Major development applications to the Township Engineer shall be accompanied by a review fee in the amount of \$1,000.
- ii. If a project is approved, an inspection escrow deposit shall be made in an amount to be determined by the Township Engineer.

§470-80 Requirements for a Site Development Stormwater Plan (Minor Development)

- A. The following information shall be required:
- 1. Topographic Base Map. The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 50 feet beyond the limits of the proposed development, at a scale of 1"=30' or larger, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.
 - 2. Project Description and Site Plans. A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping.
 - 3. Stormwater Management Facilities Map
The following information, illustrated on a map of the same scale as the topographic base map, shall be included:
 - i. Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
 - ii. Details of all stormwater management facility designs.
 - 4. Calculations demonstrating compliance with the minor development standards of §470-75.B must be submitted.
 - 5. Waiver from Submission Requirements
The Township Engineer may waive submission of any of the requirements in Section 470-80.A.1 through 470-80.A.4 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.
 - 6. Application and Review Fees
All minor developments shall require an application to the Township Engineer and/or Township Engineering Division for a Stormwater Permit.
 - i. There shall be no additional fees for stormwater review for applications to the Land Use Board. There shall be no additional fees for stormwater review for applications as part of a lot development plan review under §110-4. Minor development applications to the Township Engineer and/or Township Engineering Division shall be accompanied by a review fee in the amount of \$250.
 - ii. If a project is approved, an inspection escrow deposit shall be made in an amount to be determined by the Township Engineer and/or Engineering Division. There shall be no inspection escrow deposit required for applications as part of a lot development plan review under §110-4.

§470-81. Maintenance and Repair:

- A. Applicability
Projects subject to review as in Section 470-75.C of this ordinance shall comply with the requirements of Section 470-81.B and 470-81.C.
- B. General Maintenance
- 1. Maintenance for stormwater management measures shall comply with last amended N.J.A.C. 7:8-5.8, incorporated herein by reference.
 - 2. The following requirements of N.J.A.C. 7:8-5.8 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department:
 - i. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater

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- management facility to such person under an applicable ordinance or regulation; and
 - ii. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
 - 3. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.
 - C. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

§470-82. Penalties:

Any person who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this chapter shall be subject to or more of the following penalties: imprisonment for a term not exceeding 90 days, a fine not exceeding \$2,000; and a period of community service not to exceed 90 days.

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 or 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 chapter shall take effect immediately upon final passage and publication as required by law and approval by the county review agency, or 60 days from the receipt of the chapter by the county review agency if the county review agency should fail to act.

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

Introduced: May 15, 2024
Adopted: June 12, 2024
Effective Date: July 2, 2024

This ordinance was introduced on May 15, 2024 and Notice of public hearing was published in the Herald News on May 21, 2024. The Governing Body will open the meeting to the public to speak on this Ordinance only.

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

Motion to move Ordinance 2024-026.

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

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ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 135 "FEES AND COSTS" OF THE REVISED GENERAL ORDINANCES AMENDED

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 and Costs", §135-5. Department of Planning and Building; construction fees is amended as follows:

The Planning and Building Department is authorized to charge the following fees:

A. Construction permit fees. The fee for a construction permit shall be the sum of the sub code fees listed in the following subsections and shall be paid before the permit is issued:

- (1) Building sub code fees.
 - (a) Fees for new construction and additions shall be based on the volume of the structure. The new construction fee shall be in the amount of \$0.060 per cubic foot of volume with a minimum of \$200.00. The volume for large, open, single-story warehouses, silos, greenhouses, distribution centers and other agricultural and storage-use occupancies shall be charged at a maximum height of 20 feet notwithstanding the fact that the actual height of the space may be greater than 20 feet.
 - [1] Use Group U shall be a minimum fee of \$200.00
 - [2] Residential utility sheds over 200 square feet shall be \$0.040 per cubic foot of volume with a minimum fee of \$200.00
 - [3] Use Groups U, S1, S2 for agricultural use as defined under N.J.A.C.5:23-3.2(d) shall be a minimum fee of \$200 and \$0.040 per cubic foot of volume.
 - [4] Use Group S1 and S2 for commercial; and Use Group F1 and F2 shall be charged \$0.040 per cubic foot of volume with a minimum fee of \$350.00
 - [5] Residential roof R-3/R-5: flat fee of \$90. All other Use groups: Fee will be calculated at \$30 per \$1,000 of estimated cost of work with a minimum fee of \$90.00
 - [6] Residential siding R-3/R-5: flat fee of \$90. All other Use groups: Fee will be calculated at \$40 per \$1,000 of estimated cost of work with a minimum fee of \$90.00
 - (b) For renovations, alterations, solar panel mounting/attachment, radon remediation systems, site construction associated with pre-engineered systems of commercial farm buildings, pre-manufactured construction, external utility connections for pre-manufactured construction and repairs or minor work as defined: \$40 per \$1,000 of estimated cost of the work, provided that the minimum fee shall be \$90
 - (c) For combinations of renovations and additions, the sum of the fees computed separately as renovations and additions.
 - (d) Swimming pools shall be flat fee of \$150 for above ground and \$300 for in-ground pools.
 - (e) For residential elevators, dumbwaiters or hoists shall be \$90
 - (f) For structures of temporary uses: \$90 for a period up to 90 days.
 - (g) Asbestos abatement: a flat fee of \$90.
 - (h) Lead hazard: a flat fee of \$90
 - (i) Application for variation: \$250
 - (j) Fees for retaining walls shall be as follows:
 - [1] A retaining wall with a surface area greater than 550 square feet that is associated with a residential structure shall have a flat fee of \$300.00
 - [2] A retaining wall with a surface area of 550 square feet or less that is associated with a residential structure shall have a flat fee of \$150.00
 - [3] A newly constructed retaining wall of any size at other than a residential structure shall be based on the cost of the construction at \$40 per \$1,000 of estimated cost of work with a minimum fee of \$150.00
 - (k) Annual construction permits.
 - [1] The annual fee to be charged for an annual construction permit shall be a flat fee based upon the number of maintenance workers employed by a facility, and who are primarily engaged in work that is governed by a sub code. Managers, engineers and clerical personnel shall not be considered maintenance workers for the purpose of establishing the annual construction permit fee. Permits may be issued for building protection, electrical and plumbing sub codes.
 - [2] Prior to the issuance of an annual construction permit, a training registration fee of \$100 per sub code shall be submitted by the applicant to the Department of Community Affairs, Construction Code Element,

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Training Section along with a copy of the construction permit (form F-170). Fees shall be made payable to "Treasurer, State of New Jersey."

[a] One to 25 maintenance workers: \$500 per worker.

[b] For each additional worker over 25: \$200 per worker.

[c] Training registration: \$200 per worker.

(l) Demolition permit fee.

[1] The fee for a permit for demolition of a building, structure or in ground pool shall be \$200 for all use groups.

[2] Demolition of all flammable or combustible storage tanks residential shall be \$100

[3] Demolition of all flammable or combustible storage tanks commercial shall be \$300

(m) The fee for a permit to construct a sign shall be \$4 per square foot of the surface area of the sign, provided that the minimum fee shall be \$90. In the case of double-faced signs, the area of the surface of only one side of the sign shall be used for purposes of the fee computation.

(n) Certificate of occupancy fees.

[1] Certificate of continual occupancy: \$400 (upon request only). The fee for a letter requesting that no certificate of continual occupancy is required: \$40

[2] Certificate of occupancy granted pursuant to change of use: \$200

[3] Certificate of occupancy: \$200

[4] Certificate of occupancy for asbestos abatement: \$200

[5] Temporary certificate of occupancy. There shall be no fee for the first issuance of a temporary certificate of occupancy, provided that a certificate of occupancy fee was paid. Each renewal after the first issuance shall be a fee of \$30.00

The fee for any work requiring a permit that is not listed above will be \$90.00

(2) Plumbing sub code fees.

(a) The fee shall be in the amount of \$40 per fixture, piece of equipment or appliance connected to the gas piping or oil piping system including condensate pumps and lines.

(b) The fee shall be \$100 per special device for the following: grease traps, oil separators, refrigeration units, utility service connections, backflow preventers, steam boilers, hot water boilers, active solar systems, sewer pumps and interceptors and water treatment systems/UV systems. There shall be no inspection fee charged for gas service entrances.

(c) The minimum plumbing sub code fee shall be \$90

The fee for any work requiring a permit that is not listed above will be \$90.00

(3) Electrical sub code fees.

(a) Electrical fixtures and devices:

[1] Receptacles and fixtures:

[a] First 25 fixtures: \$90

[b] Each additional 25 will be \$40

(b) Each motor or electrical device greater than one HP and less than or equal to 10 HP and for transformers and generators greater than 1 KW and less than or equal to 10 KW: fee is \$40 each.

(c) Each motor or electrical device greater than 10 HP and less than or equal to 50 HP for each service panel, service entrance or subpanel less than or equal to 200 amperes and for all transformers and generators greater than 11 KW and less than or equal to 45 KW and for each utility load management devices: the fee is \$90.

(d) Each motor or electrical device greater than 50 HP and less than or equal to 100 HP for each service panel, service entrance or subpanel greater than 200 amperes and less than or equal to 1,000 amperes and for each transformer or generator greater than 45 KW and less than or equal to 112 KW: fee is \$180 each.

(e) Each motor or electrical device greater than 100 HP, for each service panel, service entrance or subpanel greater than 1,000 amperes and for each transformer or generator greater than 112 KW: fee is \$800.

(f) The fee for the annual electrical inspection of swimming pools, spas or hot tubs shall be \$90

(g) Each pool bonding inspection shall be a flat fee of \$90

(h) The minimum electrical sub code fee shall be \$90

The fee for any work requiring a permit that is not listed above will be \$90.00

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- (4) Fire sub code fees.
- (a) Alarm/supervisory/signaling (smoke, heat, pulls, water/flow):
 - [1] One to six: \$90
 - [2] Each additional five: \$40
 - (b) Fire suppression system. For the installation of either a wet or dry suppression system:
 - [1] One to 20 sprinkler heads: \$90
 - [2] Twenty-one to 100 sprinkler heads: \$180
 - [3] One hundred one to 200 sprinkler heads: \$360
 - [4] Two hundred one to 400 sprinkler heads: \$720
 - [5] Four hundred one to 1,000 sprinkler heads: \$1,440
 - [6] One thousand one and over sprinkler heads: \$2,880
 - (c) Standpipe: \$300
 - (d) Pre-engineered systems.
 - [1] Wet chemical: \$200
 - [2] Dry chemical: \$200
 - [3] CO2 suppression: \$200
 - [4] Foam suppression: \$200
 - [5] FM 200 suppression: \$200
 - (e) Commercial hood exhaust system: \$200
 - (f) Smoke control system: \$90
 - (g) Gas and oil-fired appliance which is not connected to a plumbing system: \$100
 - (h) Central air-conditioning unit or ducts: \$90
 - (i) Incinerators: \$700
 - (j) Crematoriums: \$700
 - (k) The fees for the issuance of a permit for a flammable or combustible storage tank installation shall be as follows:
 - [1] One to 1,000 gallons: \$100
 - [2] One thousand one to 3,000 gallons: \$300
 - [3] Three thousand one to 5,000 gallons: \$400
 - [4] Five thousand one and over gallons: \$500
 - (l) The fee for each solid-fuel-burning appliance such as a fireplace, woodstove or pellet stove shall be \$100
 - (m) The fee for a chimney liner shall be \$100 per liner.
 - (n) The fee for the removal/abandonment of all residential flammable/combustible storage tanks shall be \$100 per tank.
 - (o) The fee for commercial tank removal/abandonment under 2,001 gallons shall be \$300 per tank.
 - (p) The minimum fire sub code fee shall be \$90
- The fee for any work requiring a permit that is not listed above will be \$90.
- (5) Mechanical Inspection fees. When the Mechanical Inspector Technical Section is used in lieu of a Plumbing and Fire sub code for one and two family dwellings, the Mechanical inspector fee shall be as follows:
- (a) Water Heaters: \$40 each
 - (b) Hot Water/Steam Boilers: \$100 each
 - (c) Hot Air Furnace: \$100 each
 - (d) LPG Tank installation: \$100 per tank
 - (e) Residential oil tank installation under 2,001 gallons: \$100 per tank
 - (f) Fuel oil piping or Gas piping: \$40 each
 - (g) LP/Gas fired Fireplace or Gas log set: \$100 each
 - (h) Chimney Liner: \$100 each
 - (i) Central Air Conditioning or Mini-Split system: \$90 each
 - (j) Condensate Pumps/Lines: \$40 each
 - (k) Backflow Preventers: \$100 each
 - (l) The minimum Mechanical Inspector fee shall be \$90.
- (6) Change of contractors shall be \$90 per sub code.
- (7) Elevator sub code fees. To be reviewed and processed by DCA.

The fee for any work requiring a permit that is not listed above will be \$90.

- B. Plan review fee. The fee for plan review shall be 20% of the amount to be charged for the construction permit and shall be paid before the plans are reviewed. The amount paid for this fee shall be credited toward the amount of the fee to be charged for the construction permit.
- C. Surcharge fee for new construction.
 - (1) Collection of State of New Jersey training fees. In order to provide for the training and certification and technical support programs required by the act, and enforcing agency, including the Department when acting as the local agency, shall collect a surcharge fee to be based upon the volume of new construction within the Township. Said fee shall be accounted for and forwarded to the Bureau of Housing Inspection in the manner herein provided.

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- (2) Fees. This fee shall be in the amount of \$0.00371 per cubic foot volume of new construction and \$1.90 per \$1,000.00 of estimated cost of work for alterations. Volume shall be computed in accordance with N.J.A.C.5:23-2.28.
 - (3) Remitting and reporting.
 - (a) The Township shall remit such fees to the Bureau on a quarterly basis, in accordance with N.J.A.C. 5:23-4.19, ending March, June, September and December.
 - (b) A monthly report is transmitted to the Department of Community Affairs.
- D. Renewal of building permit fee. Any permit issued shall become invalid if the authorized work is not commenced within 12 months after issuance of the permit, or if the authorized work is suspended or abandoned for a period of six months after the time of commencing the work as per UCC 5:23-2.16(b). Whenever it shall become necessary for the renewal of a building permit, then and in such case. The fee shall be computed as per the fee schedule currently in effect at the time of permit renewal.
- (1) Editor's Note: See §110-6 Fees waived for improvements to promote accessibility, for waiver of certain fees for construction, reconstruction, alteration or improvements designed to promote accessibility by disabled persons.

All other sections of this Chapter shall remain unchanged.

- SECTION 2.** All ordinances of the Township of West Milford, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.
- SECTION 3.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.
- SECTION 4.** This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.
- SECTION 5.** This Ordinance may be renumbered for codification purposes.

Introduced: May 15, 2024
Adopted: June 12, 2024
Effective Date: July 2, 2024

This ordinance was introduced on May 15, 2024 and Notice of public hearing was published in the Herald News on May 21, 2024. The Governing Body will open the meeting to the public to speak on this Ordinance only.

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

Motion to move Ordinance 2024-027.

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

Agenda No. XII

New Business, Introduction of Ordinances, Resolutions

Agenda No. XII 1

~ Ordinance 2024 – 025 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD COUNTY OF PASSAIC STATE OF NEW JERSEY AMENDING CHAPTER 285 PROPERTY MAINTENANCE SECTION 285-13 SHORT TERM RENTALS OF THE CODE OF THE TOWNSHIP OF WEST MILFORD

BE IT ORDAINED, by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey, that Chapter 285 Property Maintenance Section 285-13 Short Term Rentals shall be amended as follows:

SECTION 1. Section 285-13-E Short term rental permit, permit registration fee/application and certificate of occupancy is amended to read as follows:

- E. Short-term rental permit, permit registration fee/application and certificate of occupancy.
 - (1) In addition to any land use requirement(s) set forth by the Township of West Milford Land Use Regulations, the owner/STRP agent of a short-term rental property shall obtain a short-term

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- rental permit from the Township of West Milford Township Clerk's Office, before renting or advertising for rent any short-term rental.
- (2) The failure to obtain a valid short-term rental permit prior to advertising the short-term rental property in any print, digital or internet advertisement or web-based platform, and/or in the MLS or any realtor's property listing shall be a violation of this section. No short-term rental permit issued under this § 285-13 may be transferred or assigned or used by any person or entity, other than the owner to whom it is issued, or at any property location or dwelling unit other than the property for which it is issued. An owner of a property intended to serve as a short-term rental property, as defined herein, or any STR agent acting on behalf of the owner, shall submit to the Township of West Milford Township Clerk's Office a short-term rental permit application provided by the Township, along with an annual application/registration fee of ~~\$500~~ **\$750.00 effective August 1, 2024** plus relevant certification and inspection fees. Said fees shall be nonrefundable in the event that the application is denied.
 - (3) The short-term rental permit, if granted, shall be valid for a period of one year from the date of issuance.
 - (4) A short-term rental permit shall be renewed on an annual basis, based upon the anniversary of the original permit issuance, by submitting to the Township Clerk's Office, a short-term rental permit application and a renewal registration fee of ~~\$500~~ **\$750,00 effective August 1, 2024**.
 - (5) The short-term rental permit shall expire automatically when the short-term rental property changes ownership, and a new initial application and registration fee will be required in the event that the new owner intends to use the property as a short-term rental property. A new application and registration fee shall also be required for any short-term rental that had its short-term rental permit revoked or suspended. Permits are not transferable to other parties.

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 by a court or competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

SECTION 4. This Ordinance may be renumbered for codification purposes.

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

Introduced: June 12, 2024
Adopted:
Effective Date:

Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for July 17, 2024. Notice of this public hearing shall be published in the Herald News on or about June 18, 2024.

Councilman Conlon indicated that the fee for short term rentals was increased to offset oversight costs of maintaining the registry and ensuring the criteria is being satisfied. This isn't the final version of the ordinance but at this time it is more important to set the fee.

Councilman Chazukow indicated that he had spoken to Councilman Conlon about having an amendment for a possible hardship exemption. His concern is the higher fees get, it may have disproportionate impact for people with lesser means.

Motion to move Ordinance 2024-025.

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

Agenda No. XII 2

~ Ordinance 2024 – 028 ~

ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 414 "FEES, LAND DEVELOPMENT" OF THE REVISED GENERAL ORDINANCES

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

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SECTION 1 Chapter 414 “Fees Land Development” fee schedules are amended as follows:

§414-3. Subdivision of land and site plan review fee schedule.

In accordance with Chapter 470, Subdivision of Land and Site Plan Review, the following fee schedule constitutes application fees and escrow fees:

	<u>Application Fee</u>	<u>Escrow Fee</u>
<u>SUBDIVISIONS</u>		
Concept/Sketch Plat	One half (½) the application and escrow fee. If the application for development is filed within six months of the concept plan, full credit for the concept fees will be applied. After six months, the full application and escrow fees apply.	
Minor Subdivision	\$300	\$900 + \$300/lot
Preliminary Subdivision Plat	\$350 + \$100/lot	\$1,200 + \$300/lot
Final Subdivision Plat	\$250 + \$50/lot	\$1,200 + \$150/lot
<u>SITE PLANS</u>		
Concept/Sketch Plat	One half (½) the application and escrow fee. If the application for development is filed within six months of the concept plan, full credit for the concept fees will be applied. After six months, the full application and escrow fees apply.	
Minor Site Plan	\$200	\$800
Preliminary Site Plan	\$300 + \$.10/sq ft of proposed building & prop. impervious coverage	\$800 + \$.30/sq. ft of prop. bldg. & prop. impervious coverage
Final Site Plan	\$200 + \$.10/sq ft of proposed building & prop impervious coverage	\$800 + \$.15/sq. ft of prop. bldg. & prop. impervious coverage
<u>AMENDED PLANS</u>		
	If filed within six months of the originally approved application for development one half (½) of the application and escrow fees apply. After six months, full application and escrow fees apply.	
<u>REVIEW AND INSPECTION OF DEVELOPMENT</u>		
	2.0 times the individuals hourly rate	
<u>APPEALS NJSA 40:55D-70a</u>	\$150	\$500
<u>INTERPRETATION 40:55D-70b</u>	\$200	\$750
	<u>Application Fee</u>	<u>Escrow Fee</u>
<u>VARIANCE NJSA 40:55D-70c</u>		
Private Road	\$55- <u>\$100</u>	\$450
Residential	\$205- <u>\$300</u>	\$950- <u>\$1200.</u>
Fencing on a Property containing a single-family dwelling	\$105- <u>\$150</u>	\$450
<u>USE VARIANCE NJSA 40:55D-70d</u>		
Additions to existing residences not exceeding a footprint of 250 sq. ft.	\$205- <u>\$300</u>	\$950- <u>\$1500</u>
For signs	\$205- <u>\$300</u>	\$950- <u>\$1500</u>
For all others	\$605- <u>\$750</u>	\$1,500- <u>\$1750</u>
<u>ZONE CHANGE REQUEST</u>		
0 – 10 acres	\$ 250	\$1,500
10 – 100 acres	\$ 500	\$4,500
over 100 acres	\$1,000	\$7,500
<u>WIRELESS TELECOMMUNICATIONS FACILITIES</u>	\$1,000	\$4,000

§414-4. Zoning Permits.

In accordance with Chapter 470, Subdivision of Land and Site Plan Review, the fee for a zoning permit shall be as follows:

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- A. The fee for a zoning permit for additions, accessory buildings and garage alterations for existing single-family owner-occupied dwellings: \$-50.00- \$75.00
B. Decks, fences, pools, sheds, walls and signs: \$ 40.00- \$50.00
C. Home Occupation: \$-40.00- \$50.00
D. New Homes: \$ 75.00- \$100.00
E. Commercial: \$ 150.00- \$200.00
F. Commercial Additions: \$ 100.00- \$150.00
G. Change in Tenancy: \$20.00 \$30.00
H. Temporary Structures: \$40.00- \$50.00

§414-6 Temporary Outdoor Activity Permit
A permit shall be required for each Temporary Outdoor Activity as defined in Chapter 420, §420-6 and as regulated in Chapter 500, §500-36.1. The fee for each permit shall be fifty dollars (\$50).

§414-7. Waiver of Application and Permit Fee.
The application and permit fees set forth herein shall be waived providing the applicant can demonstrate the following:

- 1. It is a non-profit organization evidenced by a 501(c)(3) status from the United States Internal Revenue Service; and
2. It receives funding from the Township of West Milford; and
3. The application is for a project that is for the benefit of the residents of West Milford.

Escrow fees may not be waived however the professionals should be encouraged to reduce their rates when such application or permit fees are waived.

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

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

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

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

Introduced: June 12, 2024
Adopted:
Effective Date:

Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for July 17, 2024. Notice of this public hearing shall be published in the Herald News on or about June 18, 2024.

Motion to move Ordinance 2024-028.

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

Agenda No. XII 3

~ Ordinance 2024 – 029 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY, AMENDING CHAPTER 135 "FEES AND COSTS" WITHIN THE CODE OF THE TOWNSHIP OF WEST MILFORD

WHEREAS, the Township Administrator, Engineering Office and Clerk's Office have recommended revisions to the Fees and Costs of Right-of-Way Entry Permits based upon the work required for processing said permits; and

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WHEREAS, the Mayor and Township Council have reviewed said revisions and believe that the changes are in the best public interest noting the time required for a Right-of-Way Entry Permit.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey, that the Chapter 135 Fees and Costs Section 33 Right-of Way Entry of the Township of West Milford shall be amended as follows:

SECTION 1. Chapter 135 “Fees and Costs”, Section 33 “Right-of-Way Entry” is amended to read as follows:

§ 135-33 Right-of-Way Entry

In accordance with Chapter 332, Streets and Sidewalks, Article I, Right-of-Way Entry Permits, the applicant for a Right-of-Way Entry permit shall pay a filing fee of ~~\$25.00~~ **\$50.00**, and the following inspection fee(s) apply:

- A. The applicant shall pay an inspection fee of ~~\$50.00~~ **\$75.00** for the Excavation / Pavement Opening section of the permit. Any excavation over ~~2,500~~ **200** square feet shall include an additional ~~\$0.02~~ **\$0.05** per square foot.
- B. The applicant shall pay an inspection fee of ~~\$50.00~~ **\$75.00** for the Storm Drainage Connection / Alteration section of the permit.
- C. The applicant shall pay an inspection fee of ~~\$75.00~~ **\$100.00** for the New Driveway Construction / Driveway Overlay section of the permit.
- D. If more than one section is applicable, the summation of each section's inspection fee shall apply.

These fees are in addition to the cash maintenance bond required by Chapter 332, Article I.

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 or 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 and upon the posting of appropriate signs.

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

Introduced: June 12, 2024

Adopted:

Effective Date:

Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for July 17, 2024. Notice of this public hearing shall be published in the Herald News on or about June 18, 2024.

Motion to move Ordinance 2024-029.

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

Agenda No. XII 4a

~ Ordinance 2024 – 030 ~

ORDINANCE APPROPRIATING \$1,370,000 FROM RESERVE FOR CAPITAL PURCHASES

WHEREAS, the Township Council of the Township of West Milford did authorize the use of General Funds for Capital Purchases in the 2024 budget processes; and

WHEREAS, an ordinance is required to reserve those funds for their intended purpose; and

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

WHEREAS, this ordinance shall appropriate \$1,370,000 from the Reserve for Capital Purchases.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of West Milford, County of Passaic and State of New Jersey that the sum of \$1,370,000 be appropriated as follows:

Dygos Field, Engineering and Lightning	\$1,150,000
Fire Equipment	\$72,000
First Aid Pave Ridge Road Parking Lot	\$65,000
Camera for Drainage Pipes	\$25,000
Debris Screener	\$40,000
Radar and Speed Box	\$18,000
TOTAL	\$1,370,000

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

Introduced: June 12, 2024
Adopted:
Effective:

Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for July 17, 2024. Notice of this public hearing shall be published in the Herald News on or about June 18, 2024.

Motion to move Ordinance 2024-030.

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

Agenda No. XII 4b

~ Ordinance 2024 – 031 ~

ORDINANCE AMENDING SECTION 15 DEPARTMENT OF PUBLIC SAFETY SECTION 15-46 “DIRECTOR OF PUBLIC SAFETY” AND SECTION 15-49 “DIVISION OF POLICE” OF THE CODE OF THE TOWNSHIP OF WEST MILFORD

WHEREAS the Township of West Milford is seeking police accreditation and Lexipol has recommended that the approval under Section 15-46 Director of Public Safety and 15-49 Division of Police be one point of contact; and

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

SECTION 1. Chapter 15, Administration of Government, Article IX, Department of Public Safety, Section 15-46, “Director of Public Safety,” and Section 15-49 “Division of Police” of the Code of the Township of West Milford is hereby amended as follows:

§ 15-46 Director of Public Safety.

B. Formulate and administer such rules and regulations for all divisions of the Department of Public Safety subject to the approval of the ~~Township Council~~ **Mayor**. The Mayor is hereby designated as the appropriate authority in accordance with N.J.S.A. 40A:14-118.

§ 15-49 Division of Police.

A. Powers and duties of Chief of Police. The Chief of Police shall:
(2) Formulate and administer such rules and regulations for the Division of Police subject to the approval of the ~~Council and~~ **Mayor**. The Mayor is hereby designated as the appropriate authority in accordance with N.J.S.A. 40A:14-118.

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.

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SECTION 3. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

SECTION 4. This Ordinance may be renumbered for purposes of codification.

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

Introduced: June 12, 2024
Adopted:
Effective Date:

Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for July 17, 2024. Notice of this public hearing shall be published in the Herald News on or about June 18, 2024.

Motion to move Ordinance 2024-031.

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

Mayor Dale asked to move Resolutions 2024-222 through 2024-239 and Resolutions 2024-246 through 2024-251.

Agenda No. XII 5

~ Resolution 2024 – 222 ~

RESOLUTION SUPPORTING THE ADOPTION OF S1060 AND A2408 REQUIRING PUBLIC SCHOOLS TO DEVELOP POLICIES FOR EMERGENCY ADMINISTRATION OF MEDICATION TO STUDENTS WITH SEIZURE DISORDERS

WHEREAS, seizer disorder is a very serious concern as it threatens the lives of some of our residents; and

WHEREAS, some of our school-aged residents suffer from seizer disorder; and

WHEREAS, the New Jersey Legislature is considering Bills S1060 and A2408 that would require public schools to develop a policy for the emergency administration of nasal seizure rescue medication and the use of manual vagus nerve stimulator; and

WHEREAS, the adoption of the Bills S1060 and A2408 will lead to policies in public schools that have the potential of saving a student’s life; and

WHEREAS, the adoption of such policies by public schools will reduce the likelihood of a student having a seizer not being able to receive necessary life-saving medical care while in school or participating in school functions and activities.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey that they do hereby support this proposed legislation and that their representatives in the New Jersey Legislature approve the bills.

BE IT FURTHER RESOLVED that a copy of this resolution shall be forwarded to our representatives in the New Jersey Legislature.

Adopted: June 12, 2024

Agenda No. XII 6

~ Resolution 2024 – 223 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD COUNTY OF PASSAIC STATE OF NEW JERSEY AUTHORIZING PURCHASES FROM DELL MARKETING LP FOR COMPUTER EQUIPMENT AS A STATE CONTRACT VENDOR 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.

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

WHEREAS, the Township of West Milford has a need on a timely basis to purchase goods utilizing the State Division of Purchase and Property contract for computers, equipment and supplies awarded to Dell Marketing LP which expense would exceed the Pay-to-Play threshold of \$17,500; and

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

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

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

Adopted: June 12, 2024

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~ Resolution 2024 – 224 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A CONTRACT FOR CURB THROUGH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL CONTRACT #6 ROAD RESURFACING, CATEGORY E GRANITE & CONCRETE VERTICAL CURB (PURCHASE & INSTALLATION) TO CIFELLI & SON GENERAL CONTRACTING, INC.

WHEREAS, the Township of West Milford is a member of the Morris County Cooperative Pricing Council (State Identifier Number 6MOCCP); and

WHEREAS, the Morris County Cooperative Pricing Council has awarded Contract #6: Road Resurfacing, Category E: Granite & Concrete Vertical Curb – (Purchase & Installation) to Cifelli & Son General Contracting, Inc. and said contract was awarded through the open and competitive bidding process in accordance with N.J.S.A. 40a:11 et seq., Local Public Contracts Law; and

WHEREAS, the Township Supervising Engineering Aide has reviewed the Morris County Cooperative Pricing Council's contract and related specifications and has submitted a written recommendation that the Township of West Milford award a contract for Concrete Curb to Cifelli & Son General Contracting, Inc., utilizing the Morris County Cooperative Pricing Council - Contract #6: Road Resurfacing, Category E: Granite & Concrete Vertical Curb – (Purchase & Installation); and

WHEREAS, the Chief Financial Officer has certified the availability of funds pursuant to N.J.A.C. 5:30-5.4 in an amount not to exceed \$65,000.00 from account numbered 04-215-55-833-008.

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

1. The Township Council hereby authorizes the award of a contract through the Morris County Cooperative Pricing Council - Contract #6: Road Resurfacing, Category E: Granite & Concrete Vertical Curb – (Purchase & Installation) to Cifelli & Son General Contracting, Inc., 81 Franklin Avenue, Nutley, NJ 07110 in an amount not to exceed \$65,000.00.
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: June 12, 2024

Agenda No. XII 8

~ Resolution 2024 – 225 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A CONTRACT FOR ROADWAY CRACK SEALING THROUGH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL CONTRACT #6 ROAD RESURFACING, CATEGORY C CRACK SEALANT TO REIVAX CONTRACTING CORPORATION

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WHEREAS, the Township of West Milford is a member of the Morris County Cooperative Pricing Council (State Identifier Number 6MOCCP); and

WHEREAS, the Morris County Cooperative Pricing Council has awarded Contract #6: Road Resurfacing, Category C: Crack Sealant to Reivax Contracting Corporation and said contract was awarded through the open and competitive bidding process in accordance with N.J.S.A. 40a:11 et seq., Local Public Contracts Law; and

WHEREAS, the Township Supervising Engineering Aide has reviewed the Morris County Cooperative Pricing Council's contract and related specifications and has submitted a written recommendation that the Township of West Milford award a contract to Reivax Contracting Corporation through the Morris County Cooperative Pricing Council – Contract #6: Road Resurfacing, Category C: Crack Sealant; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this purpose, said funds are to be encumbered from account number 04-215-55-843-003; and

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

1. The Township Council hereby authorizes the award of a contract through the Morris County Cooperative Pricing Council Contract #6 Road Resurfacing, Category C Crack Sealant to Reivax Contracting Corporation, 165 River Road, Flemington, NJ 08822, in an amount not to exceed \$50,000.00.
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: June 12, 2024

Agenda No. XII 9

~ Resolution 2024 – 226 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A CONTRACT FOR THE 2024 WEST MILFORD TOWNSHIP ROAD RESURFACING PROGRAM (PHASE 1) THROUGH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL - CONTRACT #6: ROAD RESURFACING, CATEGORY A: HOT MIX ASPHALT (HMA), CATEGORY B: MILLING OF HOT MIX ASPHALT (IN PLACE) AND CATEGORY F: RESURFACING PREPARATIONS TO RIVERVIEW PAVING, INC.

WHEREAS, the Township of West Milford is a member of the Morris County Cooperative Pricing Council (State Identifier Number 6MOCCP); and

WHEREAS, the Morris County Cooperative Pricing Council has awarded portions of Contract #6: Road Resurfacing to Riverview Paving, Inc. and said contract was awarded through the open and competitive bidding process in accordance with N.J.S.A. 40a:11 et seq., Local Public Contracts Law; and

WHEREAS, the Township's Supervising Engineering Aide has reviewed the Morris County Cooperative Pricing Council's contract and related specifications and has submitted a written recommendation that the Township of West Milford award a contract for the 2024 West Milford Township Road Resurfacing Program (Phase 1) project utilizing Category A: Hot Mix Asphalt (HMA), Category B: Milling of Hot Mix Asphalt (in place) and Category F: Resurfacing Preparations to Riverview Paving, Inc. through the Morris County Cooperative Pricing Council - Contract #6: Road Resurfacing; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for these purchases, said funds are to be encumbered from account number 04-215-55-843-003.

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

1. The Township Council hereby authorizes the award of a contract through the Morris County Cooperative Pricing Council - Contract #6: Road Resurfacing, Category A: Hot Mix Asphalt (HMA), Category B: Milling of Hot Mix Asphalt (in place) and Category F: Resurfacing Preparations to Riverview Paving, Inc., 859 Willow Grove Street, Hackettstown, NJ 07840 in an amount not to exceed \$665,000.00.
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: June 12, 2024

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Agenda No. XII 10

~ Resolution 2024 – 227 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A CONTRACT FOR GUIDE RAIL THROUGH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL CONTRACT #26 BEAM GUIDE RAIL & SAFETY ENDS (INSTALLED) TO ROAD SAFETY SYSTEMS, LLC

WHEREAS, the Township of West Milford is a member of the Morris County Cooperative Pricing Council (State Identifier Number 6MOCCP); and

WHEREAS, the Morris County Cooperative Pricing Council has awarded Contract #26: Beam Guide Rail & Safety Ends (Installed) to Road Safety Systems, LLC and said contract was awarded through the open and competitive bidding process in accordance with N.J.S.A. 40a:11 et seq., Local Public Contracts Law; and

WHEREAS, the Township Supervising Engineering Aide has reviewed the Morris County Cooperative Pricing Council's contract and related specifications and has submitted a written recommendation that the Township of West Milford award a contract for Guide Rail to Road Safety Systems, LLC, utilizing the Morris County Cooperative Pricing Council - Contract #26: Beam Guide Rail & Safety Ends (Installed); and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this purchase, said funds of \$50,000.00, \$35,723.28, \$3,276.72, \$37,500.00 and \$17,500.00 are to be encumbered from account numbered 04-215-55-843-003, 04-215-55-833-003, 04-215-55-834-001, 04-215-55-843-001 and 04-215-55-840-001, respectively; and

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

1. The Township Council hereby authorizes the award of a contract through the Morris County Cooperative Pricing Council - Contract #26: Beam Guide Rail & Safety Ends (Installed) to Road Safety Systems, LLC, 12 Park Drive, Shamong, NJ 08088 in an amount not to exceed \$144,000.00.
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: June 12, 2024

Agenda No. XII 11

~ Resolution 2024 – 228 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF PAVEMENT MARKINGS FOR TOWNSHIP ROADWAYS THROUGH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL, CONTRACT #36 (TRAFFIC STRIPING ON ROADS) TO DENVILLE LINE PAINTING, INC.

WHEREAS, the Township of West Milford is a member of the Morris County Cooperative Pricing Council (State ID # 6-MCCoOp); and

WHEREAS, the Morris County Cooperative Pricing Council has awarded Contract #36, Traffic Striping on Roadways to Denville Line Painting, Inc.

WHEREAS, said contract was awarded through the open competitive bidding process and in accordance with N.J.S.A. 40A:11 et seq., Local Public Contracts Law; and

WHEREAS, the Township of West Milford anticipates a need for Pavement Markings in 2024; and

WHEREAS, the Director of Public Works has reviewed the Morris County Cooperative Pricing Council's contract and related specifications and has submitted a written recommendation for the Township of West Milford to purchase Pavement Markings through the Morris County Cooperative Pricing Council, Contract #36 in an amount not to exceed \$25,000.00; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these purchases, said funds to be encumbered from account number 01-201-26-290-622;

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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1. The Township Council hereby authorizes the Department of Public Works to purchase Pavement Markings, in an amount not to exceed \$25,000.00, through the Morris County Cooperative Pricing Council, contract #36, to Denville Line Painting, Inc. 2 Green Pond Road, Rockaway, NJ 07866.
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution shall be available for public inspection in the office of the Township Clerk.

Adopted: June 12, 2024

Agenda No. XII 12

~ Resolution 2024 – 229 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF TRAFFIC STRIPING FOR TOWNSHIP ROADWAYS THROUGH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL, CONTRACT #36 (TRAFFIC STRIPING ON ROADS) TO DENVILLE LINE PAINTING, INC.

WHEREAS, the Township of West Milford is a member of the Morris County Cooperative Pricing Council (State ID # 6-MCCoOp); and

WHEREAS, the Morris County Cooperative Pricing Council has awarded Contract #36, Traffic Striping on Roadways to Denville Line Painting, Inc.

WHEREAS, said contract was awarded through the open competitive bidding process and in accordance with N.J.S.A. 40A:11 et seq., Local Public Contracts Law; and

WHEREAS, the Township of West Milford anticipates a need for Traffic Striping in 2024; and

WHEREAS, the Director of Public Works has reviewed the Morris County Cooperative Pricing Council's contract and related specifications and has submitted a written recommendation for the Township of West Milford to purchase Traffic Striping on Roadways through the Morris County Cooperative Pricing Council, Contract #36 in an amount not to exceed \$145,000.00; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these purchases, said funds to be encumbered from account number 01-201-26-290-623;

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

1. The Township Council hereby authorizes the Department of Public Works to purchase Traffic Striping on Roadways, in an amount not to exceed \$145,000.00, through the Morris County Cooperative Pricing Council, contract #36, to Denville Line Painting, Inc. 2 Green Pond Road, Rockaway, NJ 07866.
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution shall be available for public inspection in the office of the Township Clerk.

Adopted: June 12, 2024

Agenda No. XII 13

~ Resolution 2024 – 230 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING CHANGE ORDER NO. 4 TO R.J. MICHAELS & CO., INC. FOR THE RENOVATIONS AND ALTERATIONS TO TOWN HALL ANNEX BUILDING FOR AN INCREASE NOT TO EXCEED \$33,888.40

WHEREAS, the Mayor and Council of the Township of West Milford, County of Passaic and State of New Jersey authorized the award of a competitive bidding construction contract for the Renovations and Alterations to Town Hall Annex Building on February 8, 2023, by Resolution 2023-080; and

WHEREAS, Change Order No. 1 was required as a result of unforeseen conditions resulting in the replacement and installation of a new fire alarm system to include additional units in the basement and whole building system for a not to exceed \$17,907.00 contract increase to \$745,015.00; and

WHEREAS, Change Order No. 2 was required as a result of unforeseen conditions resulting in the replacement and installation of failing subflooring, installation of metal studs along an exterior wall, and installation of retro-type roof pipe flashings, including incidentals of the work for a not to exceed \$30,351.81 contract increase to \$775,366.81; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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WHEREAS, Change Order No. 3 was required as a result of unforeseen conditions resulting in the revised municipal office floorplan layout as a result of varying municipal departments; and for a not to exceed \$19,250.59 contract increase to \$794,614.40; and

WHEREAS, upon construction the front door entrance was determined to be in disrepair and requires replacement and incidental work for the replacement thereof which resulted in unforeseen changes and the Township requesting and receiving a proposal from the contractor, R.J. Michaels & Co., Inc. for Change Order No. 4 for the work, including incidentals; and

WHEREAS, the design architect has reviewed the proposal; and

WHEREAS, due to the unforeseen conditions of the building it is recommended to increase the contract amount to accommodate the Change Order No. 4 which total amount of increase for the project is \$33,888.40 or 4.3%; and

WHEREAS, based upon the aforementioned Change Order No 4 the total amount of the contract is now \$828,502.80; and

WHEREAS, the Chief Financial Officer has certified to the availability of funds for this change order, said funds to be paid from account #01-270-55-000-001.

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

1. The Township Council is hereby authorized to exceed the original contract award with prior approved Change Order Nos. 1, 2 and 3 of \$794,614.40 to R.J. Michaels & Co., Inc., 333 Dodd Street, East Orange, NJ 07017 by an amount not to exceed \$33,888.40.
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution change order and contract shall be available for public inspection in the Office of the Township Clerk.

Adopted: June 12, 2024

Agenda No. XII 14

~ Resolution 2024 – 231 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY REQUESTING APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION (NJDOT) FOR THE MILLING AND RESURFACING OF LINCOLN AVENUE

WHEREAS, the NJDOT is accepting applications for the fiscal year 2025 State Aid Program; and

WHEREAS, the Township's Engineering Division has recommended that the following application be submitted for the milling and resurfacing of Lincoln Avenue (1.0 mile); and

WHEREAS, the Township's Engineering Division submits the following application for consideration to the Township Council:

Project: Lincoln Avenue	
Milling and resurfacing of Lincoln Avenue (1.0 mile)	
Grant Application:	\$370,000
Township Contribution:	\$175,000
Estimated Cost for Entire Project:	\$545,000
Grant Application No.	MA-2025-Lincoln Avenue-00208

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township Council of the Township of West Milford formally approve the grant application for the above stated project; and

BE IT FURTHER RESOLVED that the Township Engineering Division Agency Administrator is hereby authorized to submit the grant application as identified above to the New Jersey Department of Transportation through S.A.G.E. (System for Administering Grants Electronically) on behalf of the Township of West Milford; and

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized to sign the grant agreement on behalf of the Township of West Milford and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Approved: June 12, 2024

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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~ Resolution 2024 – 232 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY REQUESTING APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION (NJDOT) FOR THE MILLING AND RESURFACING OF LONGHOUSE DRIVE

WHEREAS, the NJDOT is accepting applications for the fiscal year 2025 State Aid Program; and

WHEREAS, the Township's Engineering Division has recommended that the following application be submitted for the milling and resurfacing of Longhouse Drive (1.2 miles); and

WHEREAS, the Township's Engineering Division submits the following application for consideration to the Township Council:

Project: Longhouse Drive	
Milling and resurfacing of Longhouse Drive (1.2 miles)	
Grant Application:	\$530,000
Township Contribution:	\$260,000
Estimated Cost for Entire Project:	\$790,000
Grant Application No.	MA-2025-Longhouse Drive-00207

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township Council of the Township of West Milford formally approve the grant application for the above stated project; and

BE IT FURTHER RESOLVED that the Township Engineering Division Agency Administrator is hereby authorized to submit the grant application as identified above to the New Jersey Department of Transportation through S.A.G.E. (System for Administering Grants Electronically) on behalf of the Township of West Milford; and

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized to sign the grant agreement on behalf of the Township of West Milford and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Approved: June 12, 2024

Agenda No. XII 16

~ Resolution 2024 – 233 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY REQUESTING APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION (NJDOT) FOR ROADWAY PRESERVATION IMPROVEMENTS TO WARWICK TURNPIKE BETWEEN LAKE SHORE DRIVE SOUTH AND PASSAIC COUNTY STRUCTURE #1600-448, INCLUDING SHOULDER RESTORATION, RESURFACING AND STORMWATER COMPLIANCE

WHEREAS, the NJDOT is accepting applications for the fiscal year 2024 Local Transportation Project Fund; and

WHEREAS, the Township's Engineering Division has recommended that the following application be submitted for Roadway Preservation Improvements to Warwick Turnpike between Lake Shore Drive South and Passaic County Structure #1600-448, including shoulder restoration, resurfacing and stormwater compliance; and

WHEREAS, the Township's Engineering Division submits the following application for consideration to the Township Council:

Project: Warwick Turnpike– Section 11	
Roadway Preservation Improvements to Warwick Turnpike between Lake Shore Drive South and the Passaic County Structure #1600-448 (0.6 miles), including Shoulder Restoration, Resurfacing and Stormwater Compliance	
Grant Application:	\$360,000
Township Contribution:	\$175,000
Estimated Cost for Entire Project:	\$535,000
Grant Application No.	LTPF—2024-Warwick Turnpike-Section11-00113

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township Council of the Township of West Milford formally approve the grant application for the above stated project; and

BE IT FURTHER RESOLVED that the Township Engineering Division Agency Administrator is hereby authorized to submit the grant application as identified above to the New Jersey Department of Transportation through S.A.G.E. (System for Administering Grants Electronically) on behalf of the Township of West Milford; and

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized to sign the grant agreement on behalf of the Township of West Milford and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Approved: June 12, 2024

Agenda No. XII 17

~ Resolution 2024 – 234 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY TO APPOINT THE MAYOR TO SERVE IN A FULL-TIME CAPACITY

WHEREAS, presently the Township has provided for an efficiently run Administration wherein the Township Administrator also serves as the Township Clerk, and is tenured in the latter position; and

WHEREAS, as a result of the transition of the Township's Chief Financial Officer no longer serving as the Director of the Finance Department resulting in reduced salary, hours and responsibilities, the Administrator must now undertake supervisory responsibilities for certain aspects of the Township Finance Department which include, but are not limited to, overseeing tax assessment, payroll, tax collection, and human resources which serves over 190 permanent employees and 60 seasonal employees and staff; and

WHEREAS, the Township Council has considered the hiring of a Deputy Township Administrator and received resumes with interest whereby such personnel would cost the Township in excess of \$110,000 and up to \$145,000 per year; and

WHEREAS, the transition from the Chief Financial Officer also serving as the Director of the Finance Department resulted in a reduction in salary of \$25,000 annually; and

WHEREAS, the Township Administrator shall oversee the Finance Department without additional compensation; and

WHEREAS, the Township Administrator and Clerk serves in a dual capacity which saves the Township over \$50,000 annually in personnel expenses; and

WHEREAS, as a result of this restructuring of the Administration, the net savings to the taxpayers of West Milford will be approximately \$75,000 per year; and

WHEREAS, the Township Administrator has determined that no applicant for the Deputy Administrator position meets the criteria required to effectively perform the job and satisfy its requirements; and

WHEREAS, the Township Council desires to offer the Mayor full-time status for a total additional salary of \$114,652.08 per year, prorated to the date of hire for the current calendar year; and

WHEREAS, the Mayor will fulfill the outlined job description during regular business hours in addition to meeting the current requirements of the position during and after the business day, which include serving as a member of the Planning and Library Boards, chairing regular/workshop business meetings of the Governing Body, and all other duties outlined in N.J.S.A. 40:69A-149 et seq. (commonly known as the "Mayor-Council-Administrator" form of government under "The Faulkner Act"); and

WHEREAS, said net savings is supported by the Administrator/Clerk serving in a dual capacity, the request of the Chief Financial Officer serving in a reduced capacity and the Township Council's decision not to hire a Deputy Administrator; and

WHEREAS, the Township Council seeks to increase the role and responsibilities of the Mayor to full-time, serving in place of filling the Deputy Administrator position, and establish a salary of \$130,000 per year including the Mayor's current rate of pay, thus adding an additional savings of \$15,000 to a total of \$90,000 by Administration Department restructuring annually, and

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WHEREAS, the Township Council wishes to work with the Administration to continue to strive for a zero percent tax increase as it has adopted for the past 9 years, and work with a fiscally efficient Administration so as to continue to provide exceptional services to the residents of the Township of West Milford;

NOW, THEREFORE, BE IT RESOLVED by the Township Council, that the position of Mayor shall be a full-time position; and

BE IT FURTHER RESOLVED the annual compensation for the full-time position of Mayor shall be \$130,000; and

BE IT FURTHER RESOLVED that the Mayor shall begin working in a full-time capacity on July 8, 2024.

Adopted: June 12, 2024

Agenda No. XII 18

~ Resolution 2024 – 235 ~

RESOLUTION APPOINTING GLENN BERMAN AS THE HEARING OFFICER FOR AN EMPLOYEE DISCIPLINARY MATTER

WHEREAS, the Township of West Milford maintains a disciplinary policy that provides for the right to a hearing for employees charged with major discipline; and

WHEREAS, a disciplinary matter arose whereby an employee has exercised their right to a hearing; and

WHEREAS, Glenn Berman, of the law firm Greenbaum Rowe Smith & Davis LLP, 99 Wood Avenue South, Iselin, NJ was qualified to serve as said Hearing Officer and provide a determination as to the disciplinary charges that were issued; and

WHEREAS, a blanket Purchase Order (PO# 49911) was prepare last year in the amount of \$5,000; and

WHEREAS, the hearing took significantly longer than anticipated, and the final invoice of \$59,682.50 was not received until recently.

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for this purchase; said funds to be encumbered from account number: 01-201-20-155-502.

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

1. The Mayor and Township Clerk are authorized to execute an agreement with Glenn Berman, Greenbaum Rowe Smith & Davis LLP, 99 Wood Avenue South, Iselin, NJ 08830 to serve as the Hearing Officer in an amount of \$59,682.50.
2. This contract is awarded as a professional services contract without competitive bidding in accordance with the provisions of the Local Public Contracts Law.
3. Notice of this action shall be published in the Township's official newspaper as required by law.

This Resolution shall take effect immediately.

Adopted: June 12, 2024

Agenda No. XII 19

~ Resolution 2024 – 236 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE COLLECTIVE BARGAINING MEMORANDUM OF AGREEMENT AND TERMS WITH AFSCME LOCAL 3301

WHEREAS, the Township of West Milford and the AFSCME Local 3301 have negotiated an agreement to the current contract; and

WHEREAS, the Mayor and Township Council desire to approve the terms of a Memorandum of Agreement which shall cover a 3-year period expiring on December 31, 2026; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Council of the Township of West Milford in the County of Passaic hereby ratify the Agreement as described above.

BE IT FURTHER RESOLVED that the Mayor and Township Clerk be and are hereby authorized to execute the Agreement with AFSCME Local 3301 and ratifies the terms contained in the Memorandum of Agreement with AFSCME Local 3301.

Adopted: June 12, 2024

Agenda No. XII 20

~ Resolution 2024 – 237 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE RENEWALS OF PLENARY RETAIL CONSUMPTION LICENSES AND (1) ONE PLENARY RETAIL DISTRIBUTION LICENSE FOR THE 2024- 2025 LICENSE YEAR

WHEREAS, renewal applications for the license year 2024-2025 for each Plenary Retail Consumption License and one Distribution License have been filed with the municipality with the required fees; and

WHEREAS, the municipality has received the required Alcoholic Beverage Retail Licensee Clearance Certificate for renewal from the Division of Taxation for these licenses; and

WHEREAS, the Township Council has conducted a review of the applications as stipulated in the guidelines of the Director of the Division of Alcoholic Beverage Control and as a result have determined the following:

1. The submitted applications are complete in all respects.
2. The applicants are qualified to be licensed according to all statutory, regulatory and local governmental Alcoholic Beverage Control laws and regulations.

WHEREAS, the Police Department has recommended that the licenses listed below and licenses with conditions and inactive licenses be renewed to the current owners. Inactive licenses to be renewed to the current owners as a pocket or inactive license with the conditions as listed below.

2024-2025 ACTIVE LICENSES	
LICENSEE	LICENSEE
AMERICAN LEGION POST #289 t/a American Legion Post #289 177 Lincoln Avenue, West Milford, NJ 07480 1615-31-037-001	NEW VINELAND CORPORATION t/a Uncorked Wines & Spirits 9 Marshall Road, West Milford, NJ 07480 1615-33-003-007
M&M DISCOUNT LIQUORS LLC t/a M&M Discount Liquors 574A Macopin Road, West Milford, NJ 07480 1615-33-009-007	2MOMEMTO2 INC. t/a Momento Restaurant 374 Morsetown Road, West Milford 07480 1615-33-012-005
THREE SHEETS LLC t/a D'Boathaus Restaurant 322 Lakeside Road, Hewitt, NJ 07421 1615-33-011-005	STAMMY LLP t/a Country Cottage Restaurant & Bar 1745 Macopin Road, West Milford, NJ 07480 1615-33-015-010
JAMES ANTHONY DELI & RESTAURANT INC. t/a Greenwood Lake Discount Liquors & Pub 2019 Greenwood Lake Turnpike, Hewitt, NJ 07421 1615-33-021-005	FRANK & SATINA LLC t/a Jimmy Geez North Sports Bar & Grill 3219 Route 23 South, Oak Ridge, NJ 07438 1615-33-034-009
THE 2236 CORPORATION t/a Elks Lodge 1860 Union Valley Road, West Milford, NJ 07480 1615-33-031-001	MEP VENTURES, LLC t/a Vault Liquors 1618 Union Valley Road, West Milford, NJ 07480 1615-33-032-013
JOSEF LANG HOLDINGS INC. t/a The Lake Shore Inn Bar 399 Lakeshore Drive, Hewitt, NJ 07421 1615-33-035-008	

2024-2025 DISTRIBUTION LICENSE
HIGHLAND WINE & LIQUOR LLC t/a Highland Wine & Liquor 1926 Union Valley Road, Unit K, Hewitt, NJ 07421 1615-44-038-001

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2024-2025 ACTIVE LICENSES WITH CONDITIONS LISTED	
LICENSEE	CONDITIONS
<p>OLD SCHOOL PUB LLC t/a Old School Pub 551 Warwick Turnpike, Hewitt, NJ 07421 1615-33-004-008</p>	<ol style="list-style-type: none"> Occupancy loads must be adhered to. Exits are not to be blocked
<p>GRASSHOPPER IRISH PUB & RESTAURANT LLC t/a Grasshopper Irish Pub & Restaurant 2891 Route 23, Newfoundland, NJ 07435 1615-33-005-007</p>	<ol style="list-style-type: none"> Persons are not to leave the property of the licensed premise or the extended premise with alcoholic beverages. A written notice to advise patrons not to leave the extended premise with alcoholic beverages must be posted and the exit gate shall be alarmed. Outdoor deck approved as a smoking area for existing customers not as an additional dining area. A maximum occupancy for the outside deck area with tables and chairs is 42 patrons by NJAC 5:70-3.2(a)5, F-601.6 and the Township Building Construction Officials. If noise becomes an issue additional restriction will be applied.
<p>J&S INVESTMENTS LLC t/a J&S Road House 17 Wooley Road, West Milford, NJ 07480 1615-33-008-005</p>	<ol style="list-style-type: none"> "No Alcohol Beyond This Point" signs at ALL gates. Gates to remain CLOSED with no entry from outside the venue unless there is an employee at each open gate checking ID's. Persons are not to leave the property of the license premises or the extended premises with alcoholic beverages. The outdoor bar under the pavilion is approved as a service bar with no drink preparation.
<p>PARADISE PUB & BAR LLC t/a Paradise Pub & Bar LLC 3055 Route 23, Oak Ridge, NJ 07438 1615-33-016-008</p>	<p>Second floor occupancy load must be strictly adhered to.</p>
<p>HPLAY WEST MILFORD LIQUORS LLC t/a Island of Spirits 3025 Route 23 Oak Ridge, NJ 07438 1615-33-019-002</p>	<ol style="list-style-type: none"> The owner is to consider parking limitations when scheduling advertised special events. Occupant loads must be adhered to.
<p>SPIRITS OF VREELAND LLC t/a The Vreeland Store 1383 Macopin Road, West Milford, NJ 07480 1615-33-022-003</p>	<ol style="list-style-type: none"> The front porch area is not licensed.
<p>4ZIP SQUARE CORP t/a Cibo & Vino Restaurant 216 Cahill Cross Road, West Milford, NJ 07480 1615-33-023-007</p>	<ol style="list-style-type: none"> No food, drinks or alcoholic beverages served on porch area or patio area prior to resolution of Township Zoning and Site Plan requirements. ADA parking to be in compliance with State requirements.
<p>WEST MILFORD BAR & LIQUORS INC. t/a Westbrook Hootch Hut 717 Otterhole Road, West Milford, NJ 07480 1615-33-033-002</p>	<ol style="list-style-type: none"> License Certificate must be properly displayed. Copy of most recent long form license application must be kept on licensed premises.
<p>NTI LLC t/a The New Jessie's Kettle 1555 Greenwood Lake Tpke, Hewitt, NJ 07421 1615-33-024-013</p>	<ol style="list-style-type: none"> Pending property violation for selling items out of a vehicle/trailer to be corrected and adhered to Township Code. This accessory use isn't allowed per Code.

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

Adopted: June 12, 2024

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
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RESOLUTION GRANTING BLANKET 12.39 RELIEF, ESTABLISHING QUARTILES TO INACTIVE MUNICIPALLY ISSUED CLASS C RETAIL LICENSES AND APPROVING THE RENEWALS OF POCKET/INACTIVE PLENARY RETAIL CONSUMPTION LICENSES FOR THE 2024-2025 LICENSE YEAR

WHEREAS, a license that has been inactive (i.e. not actively used for two full license terms) cannot be renewed by a municipal issuing authority unless the licensee submits and receives a special ruling based on good cause shown, commonly referred to as 12.39 Relief; and

WHEREAS, Governor Philip Murphy signed legislation (S-4265/A-5912) that codified P.L. 2023, c.290 amending N.J.S.A. 33:1-12.39 effective on August 1, 2024; and

WHEREAS the Division of ABC issued Administrative Order 2024-03 granting blanket 12.39 Relief to inactive municipally issued Class C Retail Licensees for the 2024-2025 license terms and establishing quartiles under P.L. 2023, c.290 with a deadline of August 1, 2025; and

WHEREAS, this new law provides that an inactive Class C license shall not be renewed if it has not been actively used in connection with the operation of a licensed premises within two consecutive license terms and will expire unless the municipality issuing authority extends the period and renews the license for an additional year; and

WHEREAS the two-year period of inactivity is measured from the effective date of the new law (August 1, 2024); and

WHEREAS, pursuant to the terms of the new law and concurrent with the effective date of sections 3 through 6 of the new law, inactive Class C licensees will no longer be able to petition the Director for good cause to receive 12.39 Relief in order for the municipal issuing authorities to renew inactive licenses; and

WHEREAS, in order to qualify for blanket 12.39 Relief, inactive Class C licensees must otherwise qualify for renewal by doing the following:

1. File a timely renewal application (POSSE online or paper template renewal application) for the 2024-2025 license term not later than June 30, 2024 (30 day grace period until July 30, 2024 pursuant to N.J.S.A. 33:1-12.13); and
2. Pay the State filing fee and municipal renewal filing fee for the 2024-2025 license term not later than June 30, 2024 (30-day grace period until July 30, 2024 pursuant to N.J.S.A. 33:1-12.13).

WHEREAS, a licensee is not eligible for the blanket 12.39 Relief granted in Administrative Order 2024-03 if a licensee has any prior outstanding issues with the license for any prior term, including any pending objections to renewal; and

WHEREAS, municipalities must review each individual inactive license file prior to issuing a resolution renewing the license for the 2024-2025 license term or any prior term and must be mindful that the blanket 12.39 Relief described in Administrative Order 2024-03 does not remedy past outstanding issues with the license; and

WHEREAS, Subsection (d) of the new law requires the Director of ABC to divide inactive plenary retail consumption licenses into quartiles based on the total length of time the licenses have been inactive; and

WHEREAS, inactive plenary retail consumption licenses in each quartile must be placed into active use or transferred with the statutory timeframes set for in the new law; and

WHEREAS, the Division of ABC has divided these licenses in to quartiles by license term as follows: first quartile 1993-1994 through 2000-2001; second quartile 2001-2002 to 2008-2009; third quartile 2009-2010 to 2016-2017 and fourth quartile 2017-2018 to 2023-2024; and

WHEREAS Subsection (c) of the new law requires that inactive Class C licenses must either be actively used by the license holder or transferred in a private transaction for fair market value to another person who intends to use the license or transferred from a sending municipality to a receiving municipality in accordance with the new law governing inter municipal transfer before the statutory quartile deadlines; and

WHEREAS, inactive Class C license holders are encouraged to take steps to comply with Subsection (c) because, under the new law, some licenses will expire in accordance with the quartiles established under Subsection (d) and will no longer be allowed indefinite periods of inactivity; and

WHEREAS, renewal applications and required fees for the license year 2024-2025 for Plenary Retail Consumption License have been filed with the municipality; and

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WHEREAS, the Township Council and Police Department have reviewed the inactive licenses that are qualified and as a result recommend that these licenses be renewed for the 2024-2025 license term to the current owners.

2024-2025 POCKET/INACTIVE LICENSES	
LICENSEE	LICENSEE
FAMILY ASSETS INACTIVE 1615-33-002-003 QUARTILE 4 2017-2018 – 2023-2024 (6/30/2024)	CHICO LLC POCKET 1615-33-010-006 QUARTILE 4 2017-2018 – 2023-2024 (6/30/2024)
HAVANA NIGHTS TAPAS & BAR LLC INACTIVE 1615-33-028-008 QUARTILE 4 2017-2018 – 2023-2024 (6/30/2024)	LAKE FRONT LIQUORS LLC POCKET 1615-33-013-010 QUARTILE 3 2009-2010 – 2016-2017 (6/30/2017)
PFA REALTY POCKET 1615-33-020-009 QUARTILE 2 2001-2002 to 2008-2009 (6/30/2009)	JAY Bhole LIQUORS POCKET 1615-33-027-013 QUARTILE 3 2009-2010 – 2016-2017 (6/30/2017)

Instructions for activation, siting, re-opening or transferring:

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

NOW, THEREFORE, BE IT RESOLVED that the Township Clerk is directed to issue and hold these inactive /pocket license certificates until these licenses are either activated, sited or re-opened at a location or transferred.

Adopted: June 12, 2024

Agenda No. XII 22

~ Resolution 2024 – 239 ~

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,

WHEREAS, the Township of West Milford wishes to amend its 2024 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 2024 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:
 Clean Communities Grant FY 2024; \$92,229.98

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
 Clean Communities Grant FY 2024: \$92,229.98

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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

Adopted: June 12, 2024

Agenda No. XII 23

~ Resolution 2024 – 246 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE ACCEPTANCE OF A GRANT AWARD FROM THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS FY4 LOCAL RECREATIONAL IMPROVEMENT GRANT (LRIG) PROGRAM FOR LIGHTING INSTALLATION AT BOE-OWNED DYGOS FIELD

WHEREAS, the Township of West Milford desires to accept a grant from the New Jersey Department of Community Affairs “Local Recreation Improvement Grant Program” for \$60,000 to install lighting as a part of a phased project for lighting and field improvements at the West Milford Board of Education owned Dygos Field.

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

- 1) That the Township Council does hereby authorize the acceptance for such a grant; and
- 2) That the Township Council does hereby authorize grant funding to be allocated to the aforementioned project for improvements at Dygos Field; and
- 3) The Township Council recognizes and accepts the award amount of \$60,000 and, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Township of West Milford, the West Milford Board of Education and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that the Mayor and Township Council authorize Township of West Milford officials and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith.

Adopted: June 12, 2024

Agenda No. XII 24

~ Resolution 2024 – 247 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF TWO (2) 2024 POLICE INTERCEPTOR UTILITY VEHICLES FROM CHAPMAN AUTO GROUP

WHEREAS, the Township wishes to purchase two (2) 2024 Police Interceptor Utility vehicles; and

WHEREAS, three (3) quotes were obtained from Gentilini Motors, Bonner Chevrolet and Chapman Auto Group; and

WHEREAS, Bonner Chevrolet provided the lowest quote and informed the Police Department they do not have inventory; and

WHEREAS, The Chief of Police recommends purchasing the vehicles from the vendor that provided the second lowest quote; Chapman Auto Group; and

WHEREAS, the total amount shall not exceed \$107,984.00; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for this purchase, said funds to be encumbered from account number: 04-215-55-843-002.

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

1. The Township Council hereby authorizes the Township Chief of Police to purchase two (2) 2024 Police Interceptor Utility vehicles in an amount not to exceed

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- \$107,984.00, through Chapman Auto Group, 6925 Essington Ave, Philadelphia, PA 19153-3410.
2. The Township Chief Financial Officer has certified the availability of funds for same.
 3. The equipment and changeovers for two (2) 2024 Police Interceptor Utility Vehicles be submitted by future resolution.

Adopted: June 12, 2024

Agenda No. XII 25

~ Resolution 2024 – 248 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE THROUGH THE MORRIS COUNTY CO-OP CONTRACT #15-A ITEM #2 FOR THREE (3) 2024 POLICE INTERCEPTOR UTILITY VEHICLES FROM NIELSEN FORD

WHEREAS, the Township wishes to purchase three (3) 2024 Police Interceptor Utility vehicles; and

WHEREAS, The Township Chief of Police has provided a recommendation to award this contract through the Morris County Co-op #15-A; Item #2 to Nielsen Ford; and

WHEREAS, the total amount of the contract shall not exceed \$135,882.00; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for this purchase, said funds to be encumbered from account number: 04-215-55-843-002.

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

1. The Township Council hereby authorizes the Township Chief of Police to purchase three (3) 2024 Police Interceptor Utility vehicles, in an amount not to exceed \$135,882.00, through Morris County Co-op #15-A; Item #2 from Nielsen Ford, 170 Ridgedale Avenue, Morristown, NJ 07960.
2. The Township Chief Financial Officer has certified the availability of funds for same.
3. The equipment and changeovers for three (3) 2024 Police Interceptor Utility Vehicles be submitted by future resolution.

Adopted: June 12, 2024

Agenda No. XII 26

~ Resolution 2024 – 249 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC STATE OF NEW JERSEY AUTHORIZING THE SUBMISSION AND ACCEPTANCE OF A STRATEGIC PLAN FOR THE WEST MILFORD MUNICIPAL ALLIANCE GRANT BY THE MUNICIPAL ALLIANCE COMMITTEE

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse 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, The 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 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 Township Council has applied for funding to 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 Township Council does hereby authorize submission and acceptance of a strategic plan for the West Milford Municipal Alliance for the period of July 1, 2024 – June 30, 2025 in the amount of:
GCADA Grant \$8,277.00

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- | | | |
|--|------------|------------|
| | Cash Match | \$2,069.25 |
| | In-Kind | \$6,207.75 |
2. The Township Council acknowledges the terms and conditions for administering the Municipal Alliance Grant, including the administrative compliance and audit requirements.

Adopted: June 12, 2024

Agenda No. XII 27

~ Resolution 2024 – 250 ~

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,

WHEREAS, the Township of West Milford wishes to amend its 2024 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 2024 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: Municipal Alliance Grant:	\$8,277.00
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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 Municipal Alliance Grant: Local match:	\$8,277.00 \$2,069.25
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BE IT FURTHER RESOLVED that the Township Finance Department will electronically file with the State of NJ in the FAST system.

Adopted: June 12, 2024

Agenda No. XII 28

~ Resolution 2024 – 251 ~

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,

WHEREAS, the Township of West Milford wishes to amend its 2024 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 2024 which is now available as a revenue from:

Special Items of General Revenue Anticipated with Prior Written

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consent of the Director of Local Government Services:
Public and Private Revenues Off-Set with Appropriations:
Atlantic Health System Grant Sidekick Program; \$3,000.00

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
Atlantic Health System Grant Sidekick Program; \$3,000.00

BE IT FURTHER RESOLVED that the Township Finance Department will electronically file with the State of NJ in the FAST system.

Adopted: June 12, 2024

Councilman Conlon read Resolution 2024-234 into the record in its entirety for those viewing the meeting who may not have a copy of the Resolution. Councilman Conlon indicated that the job of CFO was posted twice, each time for 45 days and one legitimate candidate applied but requested modifications of the job expectations, such as working remotely, which is what was already in place. It was determined that the Township would be underserved if this applicant were to be hired. We didn't eliminate the Deputy Administrator position back in February in order to do due diligence. Qualifications by the applicant pool for the Deputy Administrator that was advertised were not met. We have a fiduciary responsibility to ensure the Township is run effectively and efficiently and the best way to do that is to support Resolution 2024-234. Mayor Dale has 15 months of experience as the Administrator and has continued to work the equivalent of a full-time capacity. Her newly expanded role is immensely beneficial to our community. Councilman Conlon is a resounding yes vote on this resolution.

Motion to move Resolutions 2024-222 through 2024-239 and Resolutions 2024-246 and 2024-251.

Moved: Erik Seconded: Lichtenberg
Voted Aye: Erik, Chazukow, Lichtenberg, Goodsir, Conlon, Marsden
Abstain: Conlon on Resolution 2024-247 and 2024-248
Voted Nay:
Motion carried:

Agenda No. XIII

Consent Agenda

~ Resolution 2024 – 240 ~

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) **2024-241** – Refund Recreation Fees
b) **2024-242** – Reinstatement of Taxes
c) **2024-243** – Refund of Overpayment
d) **2024-244** – Refund of Site & Plan Review Bond Fee

Adopted: June 12, 2024

Agenda No. XIII a

~ Resolution 2024 – 241 ~

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:

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ACTIVE AGERS			
\$40.00	48 Bearfort Road West Milford, NJ 07480		
YOGALATES			
\$35.00	17 Waterbury Road Warwick, NJ 10990		
ADVANCED OFF SEASON SKILLS CLINIC			
\$160.00	45 Skyview Road West Milford, NJ 07480	\$160.00	615 Morsetown Road West Milford, NJ 07480
YOUTH PICKLEBALL CLINIC			
\$60.00	20 Quince Tree Lane West Milford, NJ 07480		
BOB ROSS SENIOR PAINTING			
\$80.00	16 East Sunset Hill Road Blairstown, NJ 07825		
COED VOLLEYBALL			
\$32.00	138 Kitchell Lake Drive West Milford, NJ 07480		
FISHING DERBY			
\$20.00	23 Alpine Lane West Milford, NJ 07480		
LIFEGUARD RECERTIFICATION			
\$210.00	127 Cupsaw Drive Ringwood, NJ 07456	\$210.00	16 Meadow Brook Way Vernon, NJ 07462
FAMILY FROG NIGHT			
\$25.00	32 Yancy Terrace Hewitt, NJ 07421		
COOKING-ADULT BREAD MAKING, KIDS COOKING COBB SALAD			
\$50.00	38 Northwood Drive West Milford, NJ 07480	\$50.00	38 Castle Rock Road Hewitt, NJ 07421
SENIOR HIGH POINT TRIP			
\$120.00	238 Terrace Lake Drive Butler, NJ 07405		

Adopted: June 12, 2024

Agenda No. XIII b

~ Resolution 2024 – 242 ~

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

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

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

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

- REASON:**
- 1) INSUFFICIENT FUNDS
 - 2) NO ACCOUNT/CANNOT LOCATE
 - 3) ACCOUNT CLOSED
 - 4) STOP PAYMENT
 - 5) UN-AUTHORIZED PAYMENT
 - 6) FROZEN/BLOCKED ACCOUNT

BLOCK/LOT	AMOUNT	INT	YEAR	REASON
01406-001	\$2,409.00		2024	2
05317-001.11	\$1,157.00		2024	2
07402-007.02	\$5,493.00		2024	1
05311-003.06	\$1,231.00		2024	2
12001-029	\$1,469.00		2024	3
09402-012	\$3,464.00		2024	1
12201-010	\$1,295.00		2024	4
06002-010	\$2,647.00		2024	2
01813-004	\$590.00		2024	6
08601-001	\$3,842.00		2024	1
05002-004	\$804.00		2024	2

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12307-026	\$1,937.00		2024	4
00705-002	\$1,842.00	\$9.58	2024	2
11302-021	\$79.00	.33	2024	2
11302-022	\$2,285.00	\$13.79	2024	2
11302-023.01	\$39.00	.16	2024	2
03607-001	\$1,120.00	\$16.68	2024	2
06002-002 CELL	\$13,469.79	\$80.21	2024	4
	\$45,172.79	\$120.75		

Adopted: June 12, 2024

Agenda No. XIII c

~ Resolution 2024 – 243 ~

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) Bank/Mortgage Co. |

Block/Lot	Name	Amount	Year	Reason
02414-017	Emerald Title Group LLC 18 Railroad Ave Rochelle Park, NJ 07662	\$1,387.00	2024	2
05317-002.14	Sunnyside Title Agency LLC 1 Kinderkamack Road Hackensack, NJ 07601	\$1,297.00	2024	2
06603-002	Bridgeview Abstract, Inc. Title Insurance Agents 1 Bridge Plaza North, Suite 730 Fort Lee, NJ 07024	\$1,375.00	2024	2
TOTAL		\$4,059.00		

Adopted: June 12, 2024

Agenda No. XIII d

~ Resolution 2024 – 244 ~

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

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

Block/Lot Street Address	Refund Amount	Refund to	Site Plan Permit No.
10002/6 61 Virginia Lane	\$750.00	32 Grand Street Wayne, NJ 07470	# SP06-051
10002/7 67 Virginia Lane	\$1,850.00	1994 Macopin Road West Milford, NJ 07480	# SP20-002

Adopted: June 12, 2024

Motion to move Resolutions 2024-240 through 2024-244.

Moved: Erik Seconded: Conlon

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: June 12, 2024
Time of Meeting: 6:30 p.m.
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Voted Aye: Erik, Chazukow, Lichtenberg, Goodsir, Conlon, Marsden
Voted Nay: None
Motion carried:

Agenda No. XIV

Approval of Expenditures

~ Resolution 2024 – 245 ~

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	\$653,142.18
3	Reserve Account	14,722.33
2	Grants	35,762.74
6	Refunds	7,886.00
1	General Ledger	0.00
26	Refuse	201,122.70
4	Capital	9,902.50
19	Animal Control	543.10
19	Heritage Trust	0.00
19	Open Space Trust	5,000.00
19	Trust	10,295.04
16	Development Escrow	20,642.55
19	Tax Sale Trust	0.00
21	Assessment Trust	0.00
	Special Reserve	149.00
Total		\$959,168.14
Less Refund Resolution		-7,886.00
Actual Bills List		\$951,282.14
Other Payments:		
Payroll		1,155,185.76
State of NJ, Dog report		94.80
Total Expenditures		\$2,106,562.70

Adopted: June 12, 2024

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

Agenda No. XVI

Appointments and Resignations

Mayor Advisory Committee for Dygos Field Project – Mayor Dale appointed Raymond Simmons. Council gave consensus.

Environmental Commission – Mayor Dale appointed Tonya Cubby. Council gave consensus.

Agenda No. XV

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: June 12, 2024
Time of Meeting: 6:30 p.m.
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Reports of Mayor, Council Members, Administrator, and Attorney

Mayor Dale – Wanted to thank Senator Bucco, Assemblywoman Dunn and Assemblyman Barranco for resources provided from the State level during a recent severe storm. The State DOT provided two crews for three days assisting our DPW. The Farmer’s Market is open on Wednesdays from 3 p.m. to 7 p.m.

Councilman Conlon – Autumn Lights Festival will be held September 27, 28, 29 at the Jungle Habitat Property, 109 Airport Road. Vendor and sponsor positions are still available. For information contact www.autumnlightsfestival.com The Memorial Day Ceremony went well and he thanked those involved. He thanked all those who helped the residents who faced hardships during the storm. Happy Father’s Day.

Councilman Marsden – Made his first 911 call recently and wanted to thank the responders for the job that they do.

Councilwoman Erik – Indicated that it was the Mayor who said people should bring their storm damaged trees and damaged limbs out to the road for the DPW to pick up, when they were thanking her. The damage from the storm was extensive. Councilwoman Erik was surprised to see the NJDOT working to clear debris. They even cut rounds for people who wished to keep the wood for fire. She recently had someone complain about jake breaks. They are often on large trucks and are very noisy and we should see what should be done about that. The Beautification Committee needs volunteers. They will be having the House Beautiful Contest. People can submit pictures of their house and gardens or their neighbor’s garden, but entries must not be done by a professional landscaper and must be viewable from the road. Submissions may be made to the Clerk’s Office. Anyone having an event who would like to use the Wallisch property can do so through the Recreation Department. In regard to the swim team that was mentioned earlier, it was not a Township Swim Team. It was a group of parents, who raised money and did not give any to the Township. The kids were left unattended at Bubbling Springs and the Township ended up having to provide life guards to watch them. The Mayor found another place for them to swim but the stipulation was that they would have to have parental supervision. There is more to the story.

Councilman Chazukow – Heard residents complain about the lack of response from Optimum after the storm. Apparently some places reported that it was weeks to get internet back. He recommended that if people have trouble with Optimum they should reach out to the Administrator or the Mayor. The Heritage Committee is still looking for contractors to get quotes so that they can get started with repairs at the West Milford Museum. They have two quotes from painters but still need a third. They are still looking for a stone mason to help with the foundation. June 15th Hans Niederstrasser will give a historic talk about his research and translation of Hasenclever’s biography at 2 p.m. at the West Milford Museum. On August 10th Contraband will play at the Museum. They are a Civil War Era Band.

Councilwoman Lichtenberg – Thanked the Community Parks and Recreation crew for all the work they did in Veterans Park. The West Milford Heros and Cool Kids Program is sponsored by the Municipal Alliance. West Milford placed first out of more than 16 High Schools, with a public service announcement video titled “Mr. Fantastic” at the Spring Teen Summit. The Health Advisory Board is planning many upcoming programs including injury prevention, healthy heart and healthy plates, pediatric health for your veins. They meet the fourth Monday night of each month at 7 p.m. here at Town Hall. Passaic County Hike for Hope will take place Saturday June 22 with opening ceremonies beginning at 10 a.m. It is sponsored by the American Foundation for Suicide Prevention.

Councilman Goodsir – Started the CERT Team a few years ago and is proud of it. He and his son directed traffic for about 13 hours after the storm. The Memorial Day Ceremony was well done and changes were made on the fly and it worked out well. The Elks will take in old flags for proper disposal. People can drop them off in the mailbox near the entrance. The Mayor has procured 4.7 million in grant money and taxes haven’t gone up in nine years and people are upset about \$100,000. Councilman Goodsir indicated that he does not argue with people who are activists because they are a select few people saying that their view is the view of the people. Most people he talks to understand what Mayor Dale does and what this is going to be. The Elks will be having French dip sandwiches with fries on Friday. Registration is open for Bubbling Springs Lake Memberships, sign up online or by contacting the Recreation Department. Youth Soccer Camp lead by West Milford High School coaches and players is now open for registration. Kids in grades 3-8 on July 15-18. Registration is open for the TV, Video and Film Production Program. Ages 12 and up. Introduction to Archery for Kids and Adults is now open for registration. Paddleboard Yoga at Bubbling Springs is now open for registration. The Bubbling Springs Summer Concert Series will take place on Thursday nights from 7 – 9 p.m. at the Rotary Gazebo and it’s free. The Brew Crew Food Truck will provide food for purchase.

Administrator Senande – No report.

Attorney Semrau – No report.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Adjournment

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

The meeting adjourned at 8:49 p.m.

Approved: July 17, 2024

Respectfully submitted:

Deidre Ellis, Keyboarding Clerk II

MICHELE DALE, MAYOR

WILLIAM SENANDE, TOWNSHIP CLERK