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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

Minutes of: Governing Body Regular Meeting  
Date of Meeting: July 17, 2024  
Time of Meeting: 6:30 p.m.  
Minute Page No: Page 1 of 31

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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, David Marsden  
Absent: Matthew Conlon  
Also Present: Mayor Michele Dale, Township Administrator William Senande,  
Township Attorney Ed Pasternak

Agenda No. III

**Reading of or Approval of Unapproved Minutes**

June 12, 2024 Regular Meeting

Motion to approve the minutes.

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

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Agenda No. IV

**Meetings**

August 14, 2024 Regular Meeting  
September 18, 2024 Regular Meeting  
October 2, 2024 Regular Meeting

Agenda No. V

**Proclamations**

34<sup>th</sup> Anniversary of the Americans with Disabilities Act – Mayor Dale read the proclamation and Janice Sangle accepted it and said a few words on behalf of the West Milford ADA Committee. She serves as the medical representative for the committee and is also the ADA Chairwoman for Passaic County Advisory Council on Disability and is also a woman with a disability. The ADA was the World's first comprehensive declaration of equality for people with disabilities. According to the 2020 census one out of every five Americans has a disability. More information can be found on [www.ada.gov](http://www.ada.gov) and [www.accessibilityonline.org](http://www.accessibilityonline.org) or by calling the North East ADA Center 1-800-949-4232.

Agenda No. VI

**Presentations and Recognitions**

None

Agenda No. VII

**Public Hearing**

Agenda No. VII 1

~ Resolution 2024 – 252 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING PLACE TO PLACE TRANSFER OF A NEW PLENARY RETAIL**

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
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DISTRIBUTION LICENSE 1615-44-NEW TO NEW VINELAND CORPORATION T/A UNCORKED WINES & SPIRITS LOCATED AT 9 MARSHALL HILL ROAD, UNITS 5 & 6, WEST MILFORD, NJ

WHEREAS, an application has been filed for a Place-to-Place Transfer of a new Plenary Retail Distribution License 1615-44-NEW issued to New Vineland Corporation for premises heretofore located at 9 Marshall Hill Road, Units 5 & 6, West Milford, New Jersey; and

WHEREAS, the new Plenary Retail Distribution license number 1615-44-NEW will be issued by the New Jersey Division of Alcoholic Beverage Control; and

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

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

- 1. The submitted application form is complete in all respects, the transfer fees have been paid.
2. The applicant is qualified to be licensed according to all statutory, regulatory and local governmental ABC laws and regulations.
3. The approval is in compliance and does not waive any municipality, county, or state laws with respect to the establishment.

WHEREAS, a further result of the public investigation and upon the recommendation of the Police Department the Mayor and Township Council authorizes the license be transferred to 9 Marshall Hill Road Units 5 & 6 with the conditions listed below.

NOW, THEREFORE, BE IT RESOLVED that the Township of West Milford Governing Body does hereby approved effective July 19, 2024 the Place-to-Place Transfer of the aforesaid Plenary Retail Distribution license to the premises located at 9 Marshall Hill Road Units 5 & 6 and does hereby direct the Township Clerk to endorse the license certificate as follows:

Table with 2 columns: LICENSE and CONDITIONS. License details include NEW VINELAND CORPORATION, t/a Uncorked Wines & Spirits, 9 Marshall Hill Road Units 5&6, West Milford, NJ 07480, 1615-44-NEW. Conditions include transfer to premises at 9 Marshall Hill Road, Unit 5 & 6, West Milford, NJ and submission of ABC application pages 1,2,3 and 11 to pocket (de-activate) Plenary Retail Consumption License 1615-33-003-007.

Adopted: July 17, 2024

The Governing Body will open the meeting to the public to speak on this Resolution only.

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

Motion to move Resolution 2024-252.

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

Agenda No. VIII

Executive Session

None

Agenda No. IX

Discussion Items / Official Communications

None

Mayor Dale opened the meeting to the public comment portion.

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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Agenda No. X

**Public Comments**

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

Agenda No. XI

**Council Comments**

None

Agenda No. XII

**Unfinished Business, Final Passage of Ordinances**

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 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 \$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 \$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.

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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Introduced: June 12, 2024  
Adopted: July 17, 2024  
Effective Date: August 1, 2024

This ordinance was introduced on June 12, 2024 and Notice of public hearing was published in the Herald News on June 18, 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 2024-025.

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

**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>	<u>Application Fee</u>	<u>Escrow Fee</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	

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<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	\$ 100	\$ 450
Residential	\$ 300	\$1,200
Fencing on a Property containing a single-family dwelling	\$ 150	\$ 450
<u>USE VARIANCE NJSA 40:55D-70d</u>		
Additions to existing residences not exceeding a footprint of 250 sq. ft.	\$ 300	\$1,500
For signs	\$ 300	\$1,500
For all others	\$ 750	\$1,750
<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:

- |    |  |       |
|----|--|-------|
| A. | The fee for a zoning permit for additions, accessory buildings and garage alterations for existing single-family owner-occupied dwellings: | \$ 75 |
| B. | Decks, fences, pools, sheds, walls and signs:  | \$ 50 |
| C. | Home Occupation:   | \$ 50 |
| D. | New Homes:   | \$100 |
| E. | Commercial:  | \$200 |
| F. | Commercial Additions:  | \$150 |
| G. | Change in Tenancy:   | \$ 30 |
| H. | Temporary Structures:  | \$ 50 |

**§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: July 17, 2024  
 Effective Date: August 6, 2024

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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This ordinance was introduced on June 12, 2024 and Notice of public hearing was published in the Herald News on June 18, 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 2024-028.

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

**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 \$50.00, and the following inspection fee(s) apply:

- A. The applicant shall pay an inspection fee of \$75.00 for the Excavation / Pavement Opening section of the permit. Any excavation over 200 square feet shall include an additional \$0.05 per square foot.
- B. The applicant shall pay an inspection fee of \$75.00 for the Storm Drainage Connection / Alteration section of the permit.
- C. The applicant shall pay an inspection fee of \$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.

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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Introduced: June 12, 2024  
Adopted: July 17, 2024  
Effective Date: August 6, 2024

This ordinance was introduced on June 12, 2024 and Notice of public hearing was published in the Herald News on June 18, 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 2024-029.

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Moved: Erik Seconded: Lichtenberg  
Voted Aye: Erik, Chazukow, Lichtenberg, Goodsir, Marsden  
Abstain:  
Voted Nay:  
Motion carried:  
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Agenda No. XII 4

~ 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

**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
<b>TOTAL</b>	<b>\$1,370,000</b>

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

Introduced: June 12, 2024  
Adopted: July 17, 2024  
Effective: August 6, 2024

This ordinance was introduced on June 12, 2024 and Notice of public hearing was published in the Herald News on June 18, 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.

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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Motion to move Ordinance 2024-030.

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

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Agenda No. XII 5

~ 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 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 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.

**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: July 17, 2024  
Effective Date: August 6, 2024

This ordinance was introduced on June 12, 2024 and Notice of public hearing was published in the Herald News on June 18, 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 2024-031.

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

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Agenda No. XIII

**New Business, Introduction of Ordinances, Resolutions**

Agenda No. XIII 1

**~ Ordinance 2024 – 032 ~**

**ORDINANCE AMENDING §297 “SECONDHAND PRECIOUS METALS, DEALERS IN” 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.** §297 “Secondhand Precious Metals, Dealers In” shall add a new section entitled “License Late Fee” as amended below; and

§ 297-8 License late fee.  
If the license is not timely renewed by the expiration date of the current license, a late fee of \$5.00 will be charged on the 15<sup>th</sup> day of each month.

**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: July 17, 2024  
Adopted:  
Effective Date:

Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for August 14, 2024. Notice of this public hearing shall be published in the Herald News on or about July 23, 2024.

Motion to move Ordinance 2024-032.

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Moved: Erik Seconded: Lichtenberg  
Voted Aye: Erik, Chazukow, Lichtenberg, Goodsir, Marsden  
Abstain:  
Voted Nay:  
Motion carried:  
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Agenda No. XIII 2

**~ Ordinance 2024 – 033 ~**

**ORDINANCE ESTABLISHING A “DONATED LEAVE PROGRAM”**

**WHEREAS**, the Mayor and Township Administrator have recommended that a Donated Leave Program be established for employees; and

**WHEREAS**, Township Council has determined that establishing a Donated Leave Program would be in the best interest of the Township; and

**WHEREAS**, the Township Council wishes to establish the perimeters of the Program to ensure it is administered fairly and consistently.

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of West Milford that the following shall be the perimeters of the Donated Leave Program.

**ELIGIBILITY**

An employee shall be eligible to receive donated sick or vacation leave if the employee:

- A. Has completed at least one year of continuous service to the Township;
- B. Has exhausted all accrued sick, vacation and administrative leave, all sick leave injury benefits, if any, and all compensatory time off;
- C. Has not, in the two-year period immediately preceding the employee's need for donated leave, been disciplined for chronic or excessive absenteeism, chronic or excessive lateness or abuse of leave; and
  - 1) Suffers from a catastrophic health condition or injury; or
  - 2) Is needed to provide care to a member of the employee's immediate family who is suffering from a catastrophic health condition or injury; or
  - 3) Requires absence from work due to the donation of an organ.

**Catastrophic health condition or injury:**

- A. A catastrophic health condition or injury for an employee shall be defined as follows:
  - 1) A life-threatening condition or combination of conditions; or
  - 2) A period of disability required by his or her mental or physical health or the health of the employee's fetus which requires the care of a physician who shall provide a medical verification of the need for the employee's absence from work for 60 or more workdays.
- B. With respect to an employee's immediate family member a catastrophic health condition or injury shall be defined as follows:
  - 1) A life-threatening condition or combination of conditions; or
  - 2) A period of disability required by his or her mental or physical health which requires the care of a physician who shall provide a medical verification of the need for the family member's care by the employee for 60 or more workdays.

**APPROVAL**

- A. An employee may request that the Township approve his or her participation in the program, as a leave recipient or leave donor. The employee's supervisor may make such a request on behalf of the employee for his or her participation in the program as a leave recipient.
- B. The employee or supervisor requesting the employee's acceptance as a leave recipient shall submit to the appointing authority medical verification from a physician or other licensed health care provider concerning the nature and anticipated duration of the disability.
- C. When the Township has approved an employee as a leave recipient, the appointing authority shall, with the employee's consent, post or circulate the employee's name along with those of other eligible employees in a conspicuous manner to encourage the donation of leave time and shall provide notice to all representatives in that appointing authority. If the employee is unable to consent to this posting or circulation, the employee's family may consent on his or her behalf.

**PROGRAM PARAMETERS**

- A. A leave recipient must receive at least five sick days or vacation days or a combination thereof from one or more leave donors to participate in the donated leave program. A leave donor shall donate only whole sick days or whole vacation days and may not donate more than 30 such days to any one recipient.
- B. A leave recipient shall receive no more than 260 sick days or vacation days and shall not receive any such days on a retroactive basis.
- C. A leave donor shall have remaining at least 20 days of accrued sick leave if donating sick leave and at least 12 days of accrued vacation leave if donating vacation leave.
- D. A leave donor may not revoke the leave donation.
- E. While using donated leave time, the leave recipient shall accrue sick leave and vacation leave and be entitled to retain such leave upon his or her return to work.
- F. Any unused, donated leave shall be returned to the leave donors on a prorated basis upon the leave recipient's return to work, except that if the proration of leave days results in less than one day per donor to be returned, that leave time shall not be returned.
- G. Upon retirement, the leave recipient shall not be granted supplemental compensation on retirement for the unused sick days which he or she had received through the leave donation program.
- H. The use of contributed time shall run concurrently with the approved FMLA and NJFLA benefits, if applicable.

**BE IT FURTHER RESOLVED** that 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.

**BE IT FURTHER RESOLVED** that this Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

Minutes of: Governing Body Regular Meeting  
Date of Meeting: July 17, 2024  
Time of Meeting: 6:30 p.m.  
Minute Page No: Page 11 of 31  
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Introduced: July 17, 2024  
Adopted:  
Effective Date:

Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for August 14, 2024. Notice of this public hearing shall be published in the Herald News on or about July 23, 2024.

Motion to move Ordinance 2024-033.

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Moved: Erik Seconded: Lichtenberg  
Voted Aye: Erik, Chazukow, Lichtenberg, Goodsir, Marsden  
Abstain:  
Voted Nay:  
Motion carried:  
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Agenda No. XIII 3

~ Ordinance 2024 – 034 ~

**ORDINANCE CONCERNING SALARIES AND COMPENSATION FOR ADMINISTRATIVE,  
CONFIDENTIAL AND UNAFFILIATED EMPLOYEES**

**BE IT ORDAINED**, by the Township Council of the Township of West Milford, in the County of Passaic, New Jersey that pursuant to Chapter 33 entitled Personnel of the Revised General Ordinances of the Township of West Milford, New Jersey, 1976, the following Officer(s) and Employee(s) here below stated shall be classified by job title with the corresponding pay ranges:

*DEPARTMENT AND OFFICE HEADS*

<b>JOB TITLE</b>	<b>MINIMUM</b>	<b>MAXIMUM</b>
Chief Financial Officer	\$45,000.00	\$130,000.00

1. The aforelisted Officer(s) and Employee(s) shall be compensated in accordance with the preceding Salary Range.
2. **BENEFITS:** Benefits relating to vacation, sick days, personal days, longevity, holidays, bereavement leave and medical insurance shall be those as contained in the contract between the West Milford Municipal Employees Guild (AFSCME 3301) and the Township of West Milford or any employment agreement consistent with applicable law.
3. **OVERTIME:** If not otherwise eligible for overtime compensation by contract or law, each full-time department and division head in lieu of overtime compensation as provided in the Guild contract, shall receive three (3) vacation days and up to 35 compensatory hours annually, the latter earned hour for hour for hours worked above forty per week. All other full-time employees listed in this ordinance if not otherwise eligible for overtime compensation by contract or law, shall receive 21 compensatory hours annually, plus one half hour for each hour worked above thirty-five or forty hours per week depending on the applicable contract for the employee's department. Vacation and compensatory time may be used or accumulated as follows: vacation days may be carried for up to one year from January 1 following the year earned, and compensatory hours may be taken no later than April 1 of the year following the year earned.
4. Stipend Positions will not be subject to increases unless specifically authorized by Resolution of the Governing Body.
5. Any ordinance or parts thereof in conflict or inconsistent with the provisions of this ordinance are hereby repealed to such extent as they are in conflict or inconsistent. This ordinance shall take effect 20 days after its final passage by the Township Council.

Introduced: July 17, 2024  
Adopted:  
Effective Date:

Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for August 14, 2024. Notice of this public hearing shall be published in the Herald News on or about July 23, 2024.

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

Minutes of: Governing Body Regular Meeting  
Date of Meeting: July 17, 2024  
Time of Meeting: 6:30 p.m.  
Minute Page No: Page 12 of 31  
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Motion to move Ordinance 2024-034.

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Moved: Erik Seconded: Lichtenberg  
Voted Aye: Erik, Chazukow, Lichtenberg, Goodsir, Marsden  
Abstain:  
Voted Nay:  
Motion carried:  
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Mayor Dale asked to move Resolutions 2024-253 through 2024-269 (Resolution 2024-270 was not used or included) and Resolutions 2024-271 through 2024-277 and 2024-286 and 2024-287.

Agenda No. XIII 4

~ Resolution 2024 – 253 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING PURCHASES FOR AQUATIC VEGETATION CONTROL THROUGH BERGEN COUNTY CO-OP CONTRACT BC-BID-21-14 FROM LAKE MANAGEMENT SCIENCES INC.**

**WHEREAS**, the Township of West Milford is a member of the Bergen County Co-Op; and

**WHEREAS**, said contracts were 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 has a need on a timely basis to purchase goods and services utilizing the above contract awarded to Lake Management Sciences, PO Box 2395, Branchville, NJ 07826, which expenses would exceed the threshold of \$17,500.00; and

**WHEREAS**, Lake Management Sciences, has complied with state pay-to-play regulation by completing and submitting a Business Entity Disclosure Certification; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey that the appropriate Township officials be and are hereby authorized to execute purchases to the above referenced vendor within the budget appropriation established for this purpose.

Adopted: July 17, 2024

Agenda No. XIII 5

~ Resolution 2024 – 254 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF TOOLS/EQUIPMENT/REPAIRS THROUGH BERGEN COUNTY CO-OP CONTRACTS FROM MONTAGUE TOOL & SUPPLY CO. INC.**

**WHEREAS**, the Township of West Milford is a member of the Bergen County Co-Op; and

**WHEREAS**, Bergen County Co-Op has awarded multiple contracts for Stihl Power tools, landscaping supplies, equipment repairs and commercial grounds equipment to Montague Tool & Supply Co. Inc.; and

**WHEREAS**, said contracts were 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 has a need on a timely basis to purchase goods and services utilizing the above contracts awarded to Montague Tool & Supply Co. Inc., which expenses would exceed the threshold of \$17,500.00; and

**WHEREAS**, Montague Tool & Supply Co. Inc. has complied with state pay-to-play regulation by completing and submitting a Business Entity Disclosure Certification; and

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

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

Minutes of: Governing Body Regular Meeting  
Date of Meeting: July 17, 2024  
Time of Meeting: 6:30 p.m.  
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**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey that the appropriate Township officials be and are hereby authorized to execute purchases to the above referenced vendor within the budget appropriation established for this purpose.

Adopted: July 17, 2024

Agenda No. XIII 6

~ Resolution 2024 – 255 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF SIGN MATERIALS FROM NATIONAL HIGHWAY PRODUCTS AS A VENDOR THAT HOLDS A CO-OP CONTRACT PURSUANT TO N.J.S.A. 40A:11-12**

**WHEREAS**, Somerset County Co-Op has awarded Contract # CC-0099-22, Group 10 to National Highway Products; and

**WHEREAS**, Morris County Co-Op has awarded Contract # 28 to National Highway Products; and

**WHEREAS**, the Township of West Milford has a need on a timely basis to purchase sign materials utilizing Co-Op contracts awarded to National Highway Products, which expenses would exceed the threshold of \$17,500.00; and

**WHEREAS**, National Highway Products Inc. has complied with state pay-to-play regulation by completing and submitting a Business Entity Disclosure Certification; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey that the appropriate Township officials be and are hereby authorized to execute purchases to the above referenced vendor within the budget appropriation established for this purpose.

Adopted: July 17, 2024

Agenda No. XIII 7

~ Resolution 2024 – 256 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE AND INSTALLATION OF ONE (1) FUEL MANAGEMENT SYSTEM FROM INDEPENDENCE CONSTRUCTORS THROUGH STATE CONTRACT NO. 42270**

**WHEREAS**, the Township wishes to purchase and have installed at the fueling station located at Town Hall and utilized by the West Milford Police Department, one (1) FuelForce 894 Fuel Management System from Independence Constructors, 1200 Route 22 East, Bridgewater, NJ 08807 through State Contract No. 42270; and

**WHEREAS**, the Township's Director of Public Works has provided a recommendation for this purchase from Independence Constructors; and

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds for this purchase, said funds to be encumbered from Account # 01-201-26-291-628 in an amount not to exceed \$18,995.00.

**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's Director of Public Works to purchase and have installed one (1) FuelForce 894 Fuel Management System, in an amount not to exceed \$18,995.00, through State Contract No. 42270 from Independence Constructors.
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: July 17, 2024

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

Minutes of: Governing Body Regular Meeting  
Date of Meeting: July 17, 2024  
Time of Meeting: 6:30 p.m.  
Minute Page No: Page 14 of 31  
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Agenda No. XIII 8

~ Resolution 2024 – 257 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY  
AUTHORIZING THE INTENT TO PURCHASE DRAINAGE MATERIALS FROM CHEMUNG SUPPLY  
CORPORATION IN ACCORDANCE WITH THE PAY-TO-PLAY LAW N.J.S.A. 19:44A-20.5 ET SEQ.**

**WHEREAS**, the Township of West Milford has a need for drainage materials at various locations throughout the Township which expenses would exceed the Pay-to-Play threshold of \$17,500; and

**WHEREAS**, Chemung Supply Corporation has complied with state pay-to-play regulation by completing and submitting a Business Entity Disclosure Certification; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey that purchases from Chemung Supply Corp. is hereby authorized and approved purchases are made through a cooperative pricing contract, State contract or a minimum of three quotations and the total purchases are not to exceed the budgeted appropriation established for this purpose for the 2024 calendar year.

Adopted: July 17, 2024

Agenda No. XIII 9

~ Resolution 2024 – 258 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW  
JERSEY AUTHORIZING THE INTENT TO PURCHASE DRAINAGE MATERIALS FROM NORTHEAST  
CONCRETE IN ACCORDANCE WITH THE PAY-TO-PLAY LAW N.J.S.A. 19:44A-20.5 ET SEQ.**

**WHEREAS**, the Township of West Milford has a need for drainage materials at various locations throughout the Township which expenses would exceed the Pay-to-Play threshold of \$17,500; and

**WHEREAS**, Northeast Concrete has complied with state pay-to-play regulation by completing and submitting a Business Entity Disclosure Certification; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey that purchases from Northeast Concrete is hereby authorized and approved purchases are made through a cooperative pricing contract, State contract or a minimum of three quotations and the total purchases are not to exceed the budgeted appropriation established for this purpose for the 2024 calendar year.

Adopted: July 17, 2024

Agenda No. XIII 10

~ Resolution 2024 – 259 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF  
NEW JERSEY AUTHORIZING THE EXPENDITURE OF FUNDS FOR DISPOSAL/RECYCLING OF  
MUNICIPAL ROAD WASTES (STREET SWEEPINGS) TO DEER CARCASS REMOVAL  
SERVICES LLC THROUGH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL  
CONTRACT #49 (DISPOSAL/RECYCLING OF MUNICIPAL ROAD WASTES) IN AN AMOUNT  
NOT TO EXCEED \$50,000.00**

**WHEREAS**, the Township of West Milford is a member of the Morris County Cooperative Pricing Council; and

**WHEREAS**, the Morris County Cooperative Pricing Council has awarded Contract #49, Disposal/ Recycling of Municipal Road Wastes to Deer Carcass Removal Services, LLC; and

**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

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

Minutes of: Governing Body Regular Meeting  
Date of Meeting: July 17, 2024  
Time of Meeting: 6:30 p.m.  
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**WHEREAS**, the Township has the need to dispose/recycle approximately 2,000 tons of Municipal Road Clean-up Materials (Street Sweepings); and

**WHEREAS**, the Director of Public Works has submitted a written recommendation that the Township of West Milford utilize the services of Deer Carcass Removal Services LLC for the removal of Municipal Road Clean-up Materials (Street Sweepings) of approximately 950 tons of material through the use of Morris County Cooperative Pricing Council, Contract #49 in an amount not to exceed \$50,000.00; 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 01-201-26-290-303;

**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 an expenditure of funds through the Morris County Cooperative Pricing Council, Contract #49, to Deer Carcass Removal Services, LLC, PO Box 328, Cream Ridge, NJ 08514 for the Disposal/Recycling of Municipal Road Wastes (approximately 950 tons) in an amount not to exceed \$50,000.00 for this service.
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: July 17, 2024

Agenda No. XIII 11

~ Resolution 2024 – 260 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE EXPENDITURE OF FUNDS FOR TREE REMOVAL TO TREE KING INC. THROUGH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL, CONTRACT #18 (TREE REMOVAL, TRIMMING AND STUMP GRINDING SERVICES) IN AN AMOUNT NOT TO EXCEED \$20,000.00**

**WHEREAS**, the Township of West Milford is a member of the Morris County Cooperative Pricing Council; and

**WHEREAS**, the Morris County Cooperative Pricing Council has awarded Contract #18, Tree Removal, Trimming and Stump Grinding Services to Tree King Inc.; and

**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 has the need to have large dead/diseased/dying trees removed; and

**WHEREAS**, the Director of Public Works has submitted a written recommendation that the Township of West Milford utilize the services of Tree King Inc. for the removal of large dead/diseased/dying trees through the use of Morris County Cooperative Pricing Council, Contract #18 in an amount not to exceed \$20,000.00; 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 01-201-26-290-624;

**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 an expenditure of funds through the Morris County Cooperative Pricing Council, Contract #18, to Tree King Inc, 12 Lenel Road, Landing, NJ 07850 for the removal of large dead/diseased/dying trees in an amount not to exceed \$20,000.00.
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: July 17, 2024

Agenda No. XIII 12

~ Resolution 2024 – 261 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE PURCHASE OF CRUSHED**

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

Minutes of: Governing Body Regular Meeting  
Date of Meeting: July 17, 2024  
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**STONE FROM TILCON NEW YORK, INC. THROUGH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL, CONTRACT #9 (CRUSHED STONE AND SAND) IN AN ADDITIONAL AMOUNT NOT TO EXCEED \$20,000.00**

**WHEREAS**, the Township of West Milford by virtue of Resolution 2024-076 awarded a contract to Tilcon New York, Inc. for the purchase of crushed stone and sand; and

**WHEREAS**, the Township of West Milford by virtue of Resolution 2024-099, increased the not to exceed amount for the purchase of crushed stone and sand to \$40,000.00; and

**WHEREAS**, the Township of West Milford by virtue of Resolution 2024-179, increased the not to exceed amount for the purchase of crushed stone and sand to \$60,000.00; and

**WHEREAS**, the Director of Public Works has submitted a written recommendation for the purchase of additional crushed stone and sand; 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: 01-201-26-290-360.

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

1. The Mayor and Township Council hereby authorizes an expenditure of funds through the Morris County Cooperative Pricing Council, Contract #9 (Crushed Stone and Sand) to Tilcon New York, Inc., 9 Entin Road, Parsippany, NJ 07054 for the purchase of additional crushed stone and sand thereby increasing the not to exceed amount from \$60,000.00 to \$80,000.00.
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: July 17, 2024

Agenda No. XIII 13

~ Resolution 2024 – 262 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF TWO (2) 2024 FORD F-600 DRW (F6L) XL 4WD REGULAR CAB TRUCKS THROUGH NJ STATE CONTRACT #23-FLEET-34923 FROM NIELSEN FORD AND TWO (2) DUMP BODIES/SNOWPLOWS THROUGH ESCNJ CONTRACT 23/24-04 NJ STATE APPROVED CO-OP #65MCESCCPS FROM CLIFFSIDE BODY CORP.**

**WHEREAS**, the Township of West Milford became a member of Educational Services Commission of New Jersey (ESCNJ) (formerly Middlesex Regional Educational Services Commission) by virtue of Resolution 2015-311 adopted October 7, 2015; and

**WHEREAS**, the Township wishes to purchase Two (2) 2024 Ford F-600 DRW (F6L) XI 4WD Regular Cab Trucks through NJ State Contract #23-FLEET-34923 from Nielsen Ford, 170 Ridgedale Avenue, Morristown, NJ 07960 and Two (2) Dump Bodies/Snowplows Through ESCNJ Contract 23/24-04 NJ State Approved Co-Op #65MCESCCPS from Cliffside Body Corp., 130 Broad Avenue, Fairview, NJ 07022; and

**WHEREAS**, the Township's Director of Public Works and Assistant Director/Head Mechanic have provided a memo of recommendation for this purchase; and

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds for this purchase in the amount of \$210,248.60, said funds to be encumbered from Account Numbers 04-215-55-843-005 and 01-201-26-315-341; and

**WHEREAS**, the total amount of the contracts shall not exceed \$210,248.60.

**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's Director of Public Works and Assistant Director/Head Mechanic to purchase Two (2) 2024 Ford F-600 DRW (F6L) XI 4WD Regular Cab Trucks through NJ State Contract #23-FLEET-34923 from Nielsen Ford, 170 Ridgedale Avenue, Morristown, NJ 07960 and Two (2) Dump Bodies/Snowplows Through ESCNJ Contract 23/24-04 NJ State Approved Co-Op #65MCESCCPS from Cliffside Body Corp., 130 Broad Avenue, Fairview, NJ 07022.
2. The Township's Chief Financial Officer has certified the availability of funds for same.



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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

Minutes of: Governing Body Regular Meeting  
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3. This resolution shall be available for public inspection in the office of the Township Clerk.

Adopted: July 17, 2024

Agenda No. XIII 14

**~ Resolution 2024 – 263 ~**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF ONE (1) 2024 ELGIN EAGLE MECHANICAL STREET SWEEPER THROUGH SOURCEWELL CO-OP CONTRACT #093021-ELG FROM W.E. TIMMERMAN.**

**WHEREAS**, the Township of West Milford is a member of the Sourcewell Co-Op; and

**WHEREAS**, the Township wishes to purchase one (1) 2024 Elgin Eagle Sweeper from W.E. Timmerman, PO Box 71, Whitehouse, NJ 08888 through Sourcewell Co-Op contract #093021-ELG; and

**WHEREAS**, the Township's Director of Public Works and Assistant Director/Head Mechanic have provided a memo of recommendation for this purchase; and

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds for this purchase in the amount of \$425,825.50, said funds to be encumbered from Account Number 02-213-41-876-000 in the amount of \$250,000.00 and Account Number 04-215-55-843-004 in the amount of \$175,825.50; and

**WHEREAS**, the total amount of the contract shall not exceed \$425,825.50.

**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's Director of Public Works and Assistant Director/Head Mechanic to purchase one (1) 2024 Elgin Eagle Sweeper from W.E. Timmerman, PO Box 71, Whitehouse, NJ 08888 through Sourcewell Co-Op contract #093021-ELG.
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: July 17, 2024

Agenda No. III 15

**~ Resolution 2024 – 264 ~**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD COUNTY OF PASSAIC STATE OF NEW JERSEY AUTHORIZING PUBLIC SALE OF MUNICIPALITY OWNED PERSONAL PROPERTY AT A PUBLIC AUCTION TO BE HELD ONLINE AT MUNICIBID.COM PURSUANT TO N.J.S.A 12A:2-328 SALE BY AUCTION AND N.J.S.A. 19:9-2.6 SALE OF SURPLUS PROPERTY**

**WHEREAS**, pursuant to the provisions of N.J.S.A. 12A:2-328 and N.J.S.A. 19:9-2.6, the Township of West Milford may sell any municipality-owned personal property at a public auction; and

**WHEREAS**, the sales are being conducted pursuant to the Division of Local Government Services' Local Finance Notice 2008-21: and

**WHEREAS**, N.J.S.A. 19:9-2.6 and the Division of Local Government Services' Notice 2008-9 outline specific advertising requirements to provide for transparency and public participation in such sales; and

**WHEREAS**, The Township has secured the services of municibid.com to organize and conduct all aspects of the Surplus Vehicle and Equipment Auction; and

**WHEREAS**, prior to commencement of such sale, municibid.com shall confirm that the Township Administrator and Department of Public Works is apprised of all necessary information to provide such public notice and the date of sale shall be such that there is sufficient time within the law to advertise in the Township's official newspaper.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey, that the Township is hereby authorized to sell the municipality-owned property as indicated in Attachment "A" Property Auction Manifest shown below on an online auction website entitled [www.municibid.com](http://www.municibid.com).

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Regular Meeting
Date of Meeting: July 17, 2024
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BE IT FURTHER RESOLVED, that the terms and conditions entered into between municibid.com and the Township of West Milford are available at www.municibid.com; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded by the Township Clerk to the Division of Local Government Services, Department of Community Affairs, and that a notice will be published in the official newspaper in accordance with the requirements for same.

Attachment "A" - Property Auction Manifest

Table with 4 columns: EQUIPMENT, YEAR, MAKE & MODEL, DESCRIPTION. Row 1: Concrete Mixer, 2022, Toro CM-1258Y-SD model #68011, Brand new, never used- 12 cf batch capacity, Belt drive, Yanmar L100V diesel engine, Steel Drum Side Dump, 95"L x 56"W x 70"H, 897 lbs.

Adopted: July 17, 2024

Agenda No. XIII 16

~ Resolution 2024 – 265 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE EQUIPMENT AND CHANGEOVERS FOR FOUR (4) 2024 POLICE INTERCEPTOR UTILITY VEHICLES

WHEREAS, the Township wishes to equip and changeover equipment for four (4) 2024 Police Interceptor Utility vehicles; and

WHEREAS, the Township Chief of Police has provided a recommendation to award this contract through the State Contract 17-FLEET-00749, 83927 and 17-FLEET-00762 to Atlantic Communications; and

WHEREAS, the total amount of the contract shall not exceed \$60,621.20; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these services, said funds to be encumbered from account number 01-201-25-240-202.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic and State of New Jersey that they do hereby authorize the Chief of Police to engage the services of Atlantic Communications, 664 Route 15 South, Lake Hopatcong, NJ 07849 to equip and changeover equipment in four (4) 2024 Police Interceptor Utility vehicles, in an amount not to exceed \$60,621.20, through State Contract 17-FLEET-00749, 83927 and 17-FLEET-00762 and to execute a purchase order for same.

Adopted: July 17, 2024

Agenda No. XIII 17

~ Resolution 2024 – 266 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF ONE (1) 2024 PLC19 TYPE I AMBULANCE BODY REMOUNT TO A FORD F-SERIES CHASSIS THROUGH SOURCEWELL (NJPA) COOPERATIVE PURCHASING SYSTEM TO PL CUSTOM BODY EQUIPMENT

WHEREAS, the Township of West Milford became a member of the Sourcewell (NJPA) Cooperative Purchasing System by virtue of Resolution 2018-264 adopted on October 3, 2018; and

WHEREAS, Sourcewell (NJPA) awarded contract RFP#122123 to P.L. Custom Body & Equipment Co., Inc. for Ambulances, EMS and Other Special Service Vehicles; and

WHEREAS, the Township of West Milford seeks to purchase one (1) 2024 PLC19 Type I Remount to a Ford F-Series Chassis from P.L. Custom Body Equipment Co., Inc. located at 2201 Atlantic Avenue, Manasquan, NJ 08736 for the West Milford First Aid Squad in an amount not to exceed \$248,045.00 and in accordance with the bid specifications generated by and the subsequent contract approved by the Sourcewell (NJPA) Cooperative Purchasing system contract RFP#122123; 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 04-215-55-843-006; and

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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**WHEREAS**, it is the recommendation of the Township's West Milford First Aid Squad to execute a purchase order to P.L. Custom Body & Equipment Co., Inc. in an amount not to exceed of \$248,045.00.

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

1. The Township Council hereby authorizes the proper Township Officials to execute a purchase order to P.L. Custom Body & Equipment Co., Inc. in accordance with the Sourcewell (NJPA) Contract RFP#122123 for one (1) 2024 PLC19 Type I Remount to a Ford F-Series Chassis in an amount not to exceed \$248,045.00.
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: July 17, 2024

Agenda No. XIII 18

~ Resolution 2024 – 267 ~

**RESOLUTION AUTHORIZING PAYMENT TO COUNTRY CLASSIC AUTO BODY LLC FOR REPAIRS TO APSHAWA FIRE COMPANY ENGINE 1**

**WHEREAS**, on July 29, 2022, Apshawa Fire Company Engine 1 sustained body damage but continued to be utilized without repairing the damage; and

**WHEREAS**, on February 19, 2024, Apshawa Fire Company Engine1 sustained additional damage; and

**WHEREAS**, the Township filed claims with the Morris County Municipal Joint Insurance Fund for both incidents and received insurance payments in the amount \$13,893.34 on January 31, 2023 and \$37,104.52 on June 28, 2024; and

**WHEREAS**, public bidding is not required as N.J.S.A. 40A:11-5(1)(i) exempts equipment repair service if in the nature of an extraordinary unspecifiable service and necessary parts furnished in connection with such service, which exception shall be in accordance with the requirements for extraordinary unspecifiable services; and

**WHEREAS**, Country Classic Auto Body LLC located at 27 County Road 628, Wantage, NJ 07461 has the ability and equipment to repair Engine 1; and

**WHEREAS**, Apshawa Fire Company Engine 1 is an emergency vehicle that needs to be repaired and back to working condition; and

**WHEREAS**, two estimates were received from Country Classic Auto Body LLC that matched the appraisals provided by the Morris County Joint Insurance Fund Adjusters; and

**WHEREAS**, the total damage to Apshawa Fire Company Engine 1 is \$53,497.86 which funds were provided by the Morris County Joint Insurance Fund minus he deductibles for each of the two accidents totaling \$2,500.00; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available for this purpose said funds to be encumbered from account 01-203-25-266-338 for \$13,893.34 and 01-201-25-266-338 for \$37,104.52.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Council of the Township of West Milford, County of Passaic and State of New Jersey that the Township Administrator and Chief Financial Officer be and are hereby authorized to submit payment to Country Classic Auto Body LLC for the repairs of Apshawa Engine 1 in the amount of \$53,497.86.

Adopted: July 17, 2024

Agenda No. XIII 19

~ Resolution 2024 – 268 ~

**MAYOR'S DESIGNATION OF HERSELF, MICHELE DALE, AS COMMISSIONER AND CATHERINE SHANAHAN AS ALTERNATE COMMISSIONER TO THE NEW JERSEY HEALTH INSURANCE FUND**

**BE IT RESOLVED**, by the Township Council of the Township of West Milford that they do hereby provide advice and consent to the Mayor's designation of herself, Michele Dale, as Commissioner and

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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Catherine Shanahan as Alternate Commissioner to represent the Township of West Milford's interests as a member of the New Jersey Health Insurance Fund (HIF).

Adopted: July 17, 2024

Agenda No. XIII 20

~ Resolution 2024 – 269 ~

**MAYOR'S DESIGNATION OF HERSELF, MICHELE DALE, AS COMMISSIONER,  
WILLIAM SENANDE AS ALTERNATE COMMISSIONER AND DENYSE TODD AS SAFETY  
DELEGATE TO THE MORRIS COUNTY MUNICIPAL JOINT INSURANCE FUND**

**BE IT RESOLVED**, by the Township Council of the Township of West Milford that they do hereby provide advice and consent to the Mayor's designation of herself, Michele Dale, as Commissioner, William Senande as Alternate Commissioner and Denyse Todd as Safety Delegate to represent the Township of West Milford's interests as a member of the Morris County Municipal Joint Insurance Fund (MJIF).

Adopted: July 17, 2024

Agenda No. XIII 21

~ Resolution 2024 – 270 ~

**NUMBER NOT USED**

Agenda No. XIII 22

~ Resolution 2024 – 271 ~

**RESOLUTION AUTHORIZING THE DEMOLITION OF THE BATHHOUSE AND THE PAVILION  
LOCATED AT 66 CAHILL CROSS ROAD (BLOCK 5307/LOT 11.02)**

**WHEREAS**, the cost to repair the bathhouse and pavilion located at 66 Cahill Cross Road would be financially excessive; and

**WHEREAS**, there is currently no use for the two structures since they are both in disrepair and considered unusable; and

**WHEREAS**, the cost to demolish and dispose of the structures was quoted at \$13,500 from Royce Development, LLC, PO Box 88, Lincoln Park, NJ; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available within the Public Properties Improvement account 01-201-26-291-628 for this work.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey that the Township Administrator is hereby authorized to proceed with the demolition of the bathhouse and the pavilion located on 66 Cahill Cross Road for a total amount not to exceed \$13,500 as long as the appropriate permits are filed in the Zoning Office to preserve the footprint for future use.

Adopted: July 17, 2024

Agenda No. XIII 23

~ Resolution 2024 – 272 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF  
NEW JERSEY AUTHORIZING A SPECIAL EVENT PERMIT APPLICATION TO  
UPPER GREENWOOD LAKE PROPERTY OWNER'S ASSOCIATION TO HOLD A  
FIREWORKS DISPLAY AT THE UPPER GREENWOOD LAKE LAUNCH AREA**

**WHEREAS**, the Upper Greenwood Lake Property Owner's Association wishes to hold a display of fireworks on August 24, 2024 (rain date August 31, 2024) at the Upper Greenwood Lake launch area; and

**WHEREAS**, Township Officials have reviewed the application submitted by the Township Fire Marshall and Chief of Police; and

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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**WHEREAS**, the Upper Greenwood Lake Property Owner's Association has submitted an application to the Township of West Milford, along with a Certificate of Insurance and the required \$2,500.00 Bond in the form of a check.

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

1. Based upon the review of the application by the Township Fire Marshal and Chief of Police, it does hereby approve the application submitted by the Upper Greenwood Lake Property Owner's Association and Garden State Fireworks to conduct a fireworks display on August 24, 2024 (rain date August 31, 2024) at the Upper Greenwood Lake launch area, between the hours of 8:30 p.m. and 9:30 p.m.
2. The Upper Greenwood Lake Property Owner's Association will follow same security plan as years past and will arrange for police traffic and crowd control in advance with the Township's Police Department and said policing shall be determined by the Police Department.
3. Police Officers must be hired for security by the Upper Greenwood Lake Property Owner's Association and the cost for Police Officers shall be paid by the Upper Greenwood Lake Property Owner's Association in advance.

Adopted: July 17, 2024

Agenda No. XIII 24

~ Resolution 2024 – 273 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC STATE OF NEW JERSEY REVOCATION OF SHORT TERM RENTAL PERMIT 2024-013 ISSUED TO 100 TINTLE AVENUE BLOCK 3604 LOT 11**

**WHEREAS**, Short Term Rental Permit 2024-013 was issued on April 25, 2024 for 100 Tintle Avenue pursuant to Town Code Section §285-13, Short Term Rentals; and

**WHEREAS**, the Township Clerk's Office, Zoning Officer and Township Police Department have received substantiated complaints regarding transient parking of occupants at 100 Tintle Avenue; and

**WHEREAS**, pursuant to Section §285-13.H, Short Term Rental Operational Requirements if any complaints are received by the West Milford Police Department and/or other departments regarding the Short Term Rental property, the responsible party shall take action to properly resolve such complaints; and

**WHEREAS**, a review of the complaints and history indicates that on May 4, May 9, June 15, June 18 and June 28, 2024 have been identified as substantiated complaints; and

**WHEREAS**, in the event substantiated complaints in a one (1) year period concerning excessive vehicles belonging to the transient occupants of a Short Term Rental property, the Short Term Rental Permit for the property is subject to revocation; and

**WHEREAS**, this type of activity is inconsistent with the Township Code and provisions of the licensing permit issued by the Township of West Milford.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Township Council of the Township of West Milford, County of Passaic and State of New Jersey that pursuant to Section §285-13 of the Township Code, the Short Term Rental Permit 2024-013 issued to 100 Tintle Avenue is hereby subject to revocation.

**BE IT FURTHER RESOLVED** that as pursuant to Township Code it shall be grounds for immediate revocation of said Short Term Rental Permit 2024-013 by the Township Clerk's Office and may not be the subject of a new Short Term Rental property permit application for one (1) year following the date of revocation of the permit.

**BE IT FURTHER RESOLVED** that a copy of this Resolution shall be provided to the Township Zoning Officer and the Chief of Police.

Adopted: July 17, 2024

Agenda No. XIII 25

~ Resolution 2024 – 274 ~

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SUBMISSION OF A 2024 DRIVE SOBER OR GET PULLED OVER STATEWIDE LABOR DAY CRACKDOWN GRANT**

**WHEREAS**, statistics show that there are increased incidences of impaired driving during the Labor Day Holiday season; and

**WHEREAS**, to aid municipalities in addressing this increased volume and to help offset the increased cost of police enforcement during these periods, the State of New Jersey offers grant funds to certain municipalities; and

**WHEREAS**, the Division of Highway Traffic Safety has grant monies available that may be used to assist the Township in offsetting the costs associated with the need for increased DWI enforcement and monitoring thereby providing for overall public safety during the Labor Day Holiday season; and

**WHEREAS**, the West Milford Police Department has an obligation to keep our roadways safe.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of West Milford Hereby authorizes the submission of a 2024 Drive Sober or Get Pulled Over Statewide Labor Day Crackdown Grant from August 16, 2024 through September 2, 2024 in the amount of \$7,000.00.

Adopted: July 17, 2024

Agenda No. XIII 26

~ Resolution 2024 – 275 ~

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

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

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

**WHEREAS**, the Township of West Milford wishes to amend its 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:  
NJDCA Local Recreational Improvement Grant: \$60,000.00

**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  
NJDCA Local Recreational Improvement Grant: \$60,000.00  
Local Match \$ 0.00

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

Adopted: July 17, 2024

Agenda No. XIII 27

~ Resolution 2024 – 276 ~

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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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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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**  
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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.

<b>2024-2025 POCKET/INACTIVE LICENSES</b>	
<b>LICENSEE</b>	<b>LICENSEE</b>
BALDO BISTRO LLC INACTIVE 1615-33-017-010 QUARTILE Closed 3/11/2024	LUCS GARAGE LLC INACTIVE 1615-33-030-011 QUARTILE Closed 11/27/2023

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: July 17, 2024

Agenda No. XIII 28

~ Resolution 2024 – 277 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE ISSUANCE OF A NEW PLENARY RETAIL DISTRIBUTION LICENSE TO NEW VINELAND CORPORATION TIA UNCORKED WINES & SPIRITS**

**WHEREAS**, an application has been filed for the issuance of a New Plenary Retail Distribution License to New Vineland Corporation trading as Uncorked Wines & Spirits, 9 Marshall Hill Road, Units 5 & 6, West Milford, NJ 07480; and

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

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

1. The submitted application is complete in all respects and fee paid.
2. The applicant is qualified to be licensed according to all statutory, regulatory and local governmental ABC laws and regulations.
3. The applicant has disclosed to the issuing authority the source of all financing obtained in purchasing this license.
4. The approval is in compliance and does not waive any municipality, county, or state laws with respect to the establishment.

**WHEREAS**, as a further result of the public investigation and upon the recommendation of the Police Department the Township Council authorizes the license be issued for a New Plenary Retail Distribution License premises with the conditions listed below.

1. The operation of a facility shall be a condition of licensure.
2. If any renovations or prior to activating the license all necessary permits and approvals must be obtained, inspections of premises must be made and satisfactory recommendations from the Fire, Health, Building, Zoning and Police Departments must be received in the Township Clerk’s Office prior to opening this license.
3. Licensee must submit pages 1, 2, and 11 of the 12-page application with an updated detailed floor sketch plan of the facility to the Township Clerk’s Office prior to opening.

**NOW, THEREFORE, BE IT RESOLVED** that the West Milford Governing Body does hereby approve the issuance of a New Plenary Retail Distribution License to New Vineland Corporation and does hereby direct the Township Clerk to endorse the license certificate to the new ownership as follows: “This license subject to all its terms and conditions is hereby transferred to New Vineland Corporation effective





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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**  
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Motion to move Resolutions 2024-253 through 2024-269 (Resolution 2024-270 was not used or included) and Resolutions 2024-271 through 2024-277 and 2024-286 and 2024-287.

Moved: Erik Seconded: Lichtenberg  
 Voted Aye: Erik, Chazukow, Lichtenberg, Goodsir, Marsden  
 Abstain:  
 Voted Nay:  
 Motion carried:  
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Agenda No. XIV

**Consent Agenda**

~ Resolution 2024 – 278 ~

**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) **2024-279** – Refund Recreation Fees
- b) **2024-280** – Cancel Outstanding Checks
- c) **2024-281** – Change Fund Increase Bubbling Springs Gate
- d) **2024-282** – Other Liens
- e) **2024-283** – Reinstatement of Taxes
- f) **2024-284** – Refund Health Fees

Adopted: July 17, 2024

Agenda No. XIV a

~ Resolution 2024 – 279 ~

**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:

<b>HIGH POINT SENIOR TRIP</b>			
\$120.00	1812 Clinton Road Hewitt, NJ 07421		
<b>LEGO CAMP</b>			
\$135.00	40 Riverside Road Hewitt, NJ 07421		
<b>LIFEGUARD RECERTIFICATION</b>			
\$190.00	19 Newfield Road Hewitt, NJ 07421		

Adopted: July 17, 2024

Agenda No. XIV b

~ Resolution 2024 – 280 ~

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

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

**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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DATE	CHECK #	AMOUNT
10/5/2023	33623	\$1,200.00
10/5/2023	33660	200.00
11/9/2023	33884	179.99
12/31/2023	34364	50.75
12/31/2023	34396	45.00
12/31/2023	34412	50.00
12/31/2023	34447	75.00
	<b>TOTAL</b>	<b>\$1,800.74</b>

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

Adopted: July 17, 2024

Agenda No. XIV c

~ Resolution 2024 – 281 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE INCREASE OF THE AMOUNT OF THE BUBBLING SPRINGS GATE CHANGE FUND**

**WHEREAS**, there exists a change fund for the Bubbling Springs Lake, and;

**WHEREAS**, there is a need to increase the gate change fund from one hundred dollars (\$100.00) to two hundred and fifty dollars (\$250.00) and;

**NOW, THEREFORE, BE IT RESOLVED** that the Council of Township of West Milford, County of Passaic, state of New Jersey, hereby authorizes the increase to the Bubbling Springs gate change fund from one hundred dollars (\$100.00) to two hundred and fifty dollars (\$250.00).

Adopted: July 17, 2024

Agenda No. XIV d

~ Resolution 2024 – 282 ~

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

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

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

Certificate No.	Certificate Date	Block/Lot/Qual	Reimbursement Amount	Premium	Pay to Lien Holder
23-0015	10/10/2023	03401-021.02	\$15,551.03	\$3,800.00	WSFS CUST TOWER DBX111 P.O. BOX 7154 PHILADELPHIA, PA 19176
23-0016	10/10/2023	03401-021.03	\$16,689.30	\$3,800.00	WSFS CUST TOWER DBX111 P.O. BOX 7154 PHILADELPHIA, PA 19176
23-0009	10/10/2023	02406-008	\$9,491.14	\$100.00	PRO CAP 8, LLC P.O. BOX 774 FORT WASHINGTON, PA 19034
23-0036	10/10/2023	07601-005	\$32,529.97	\$20,700.00	CHRISTIANA TRUST AS CUSTODIAN GSRAN-Z LLC DEPOSIT ACCOUNT P.O. BOX 71276 PHILADELPHIA, PA 19176
<b>TOTAL</b>			<b>\$74,261.44</b>	<b>\$28,400.00</b>	



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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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**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	\$1,110,704.42
3	Reserve Account	14,302.97
2	Grants	118,481.79
6	Refunds	103,156.44
1	General Ledger	27,522.46
26	Refuse	372,009.94
4	Capital	493,343.28
19	Animal Control	0.00
19	Heritage Trust	500.00
19	Open Space Trust	3,500.00
19	Trust	19,306.46
16	Development Escrow	2,915.00
19	Tax Sale Trust	0.00
21	Assessment Trust	0.00
	Special Reserve	149.00
Total		\$2,265,891.76
Less Refund Resolution		-103,156.44
<b>Actual Bills List</b>		<b>\$2,162,735.32</b>
Other Payments:		
Payroll		1,202,692.16
State of NJ, Dog report		47.40
BOE		5,394,105.00
Petty Cash		150.00
Decotiis, Fitzpatrick, Cole & Giblin		50,593.29
Enterprise Leasing		21,778.81
Harrison Music		600.00
Whiskey Crossing		800.00
Jack’s Petting Zoo		1,025.00
<b>Total Expenditures</b>		<b>\$8,834,526.98</b>

Adopted: July 17, 2024

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

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Agenda No. XV

**Reports of Mayor, Council Members, Administrator, and Attorney**

Mayor Dale – National Night Out will be August 6, 2024 from 6:00 p.m. to 8:30 p.m. at the West Milford High School at 67 Highlander Drive. There will be First Responder demonstrations, DJ entertainment, a scavenger hunt, raffles and more. The Empanada Lady, Kona Ice, the Brownie Bar and the Brew Crew will be there as well. We have been putting parcels and properties back on the tax rolls for land sales and \$100,450 is what has been yielded since it was started. 39 Properties have been sold and \$63,284 dollars has been collected in taxes since 2021. The Echo Lake Road resurfacing project has been completed and looks great. Mayor read a list of roads that were to be paved according to the Township paving schedule. Roads included Apple Tree Lane, Cleveland Drive, Deborah Lane, Grant Avenue, a portion of Green Terrace Way, Hiawatha Pass, Hunter Boulevard, Inez Court, Lake Shore Drive South, Lancaster Lane, Lozier Court, McKinley Place, Mohawk Trail, Moore Road, Ponderosa Place, Pontiac Court and Walker Avenue. There are also the NJDOT grant projects which will include the entire length of Maple Road, and Clinton Road from the Passaic County Bridge to Stephen’s Road. Through the Township Road Assessment Project, Alpine Court, Beverly Court, Hanover Road, Lyons Road, and

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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sections of Princeton Road. Passaic County will be resurfacing portions of Echo Lake Road. Mayor Dale added that the Greenway Project is moving forward and is ready to move to the engineering phase. The feasibility study for Hillcrest has been reviewed. The issue of park maintenance at Brown's Point is being addressed and the overall long term plan for public use. Mayor Dale is putting together a monthly featured spotlight on small businesses in the Township. It will be advertised on the Mayor's social media page and on Channel 77 and the digital newsletter, The Buzz. There will be two new businesses opening in September and a third business is on the way.

Councilman Marsden – No report.

Councilwoman Erik – Indicated that a letter had been received from Passaic County Water Commission that there were to be closures soon on Route 80 and Route 19 as they do work. People may wish to contact 973-340-5599 or [executivedirector@pwc.com](mailto:executivedirector@pwc.com) for more information especially if it will affect their commute. People can call the DPW to see if they are still taking tree debris from the last bad storm. The Beautification Committee 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 until August 10<sup>th</sup>.

Councilman Chazukow – Autumn Lights Festival is still looking for volunteers from Town. Any civic or non-profit groups, or honor societies looking to get community service hours can do so as ALF is a non-profit. They are also still looking for sponsors. Vendor spaces are almost full, there has been a great response. Once the map is up in two weeks there will be a complete list of all the vendors, artists and activities. There are presale tickets for general and premium parking areas available on [www.autumnlightsfestival.com](http://www.autumnlightsfestival.com). The event is free but the State charges for the cars to park there so we have to charge a parking fee. There's a discount for early purchase. On August 10<sup>th</sup> Contraband will play at 2 p.m. at the Museum. They are a Civil War Era Band and the event is free. Refreshments will be served and donations are appreciated.

Councilwoman Lichtenberg – No report.

Councilman Goodsir – Gave Recreation Department updates. New Family Fun Event: Outdoor Summer Movie Series at Bubbling Springs Park. Bring your chairs, sleeping bags, blankets for a movie under the stars. Celebrate love parks week: July 26<sup>th</sup> with Jurassic Park. There will be a dinosaur egg hunt for the kids prior to the start of the movie at 7:15 p.m. \$10 per car load. The Youth Fishing Club which is a new program at Bubbling Springs is now open for registration. Learn the best strategies for catching fish from professional anglers, explore equipment basics, and create lasting memories with friends. All fishing equipment, bait and lures are provided. Registration is now open for the TV, Video and Film Production program. Ages 12 and up. Learn the fundamental skills of TV, video and film production. There are only a few spots remaining for Paddleboard yoga at Bubbling Springs. Come enjoy a relaxing yoga practice. No previous paddle boarding experience required. Come join the Bubbling Springs Summer Concert Series, Free concert series on Thursday nights from 7- 9 pm at the Bubbling Springs Rotary Gazebo. Tomorrow, July 18<sup>th</sup> will feature Country Comfort. The Kootz on July 25<sup>th</sup> and OCD Band on August 1<sup>st</sup>.

Administrator Senande – No report.

Attorney Semrau – No report.

Agenda No. XVI

**Appointments and Resignations**

Mayor Advisory Committee for Dygos Field Project – Mayor Dale appointed Joe Romano. All were in favor and Council gave consensus.

Health Advisory Board - Councilwoman Lichtenberg nominated Dr. Achal Bhatt. Seconded by Councilman Goodsir. Councilwoman Erik made a moved to close and confirm. Seconded by Councilman Goodsir. All were in favor and Council gave consensus.

Agenda No. XVII

**Adjournment**

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

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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The meeting adjourned at 7:02 p.m.

Approved: August 14, 2024

Respectfully submitted:

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Deidre Ellis, Keyboarding Clerk III

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MICHELE DALE, MAYOR

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WILLIAM SENANDE, TOWNSHIP CLERK