
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: September 7, 2022
Time of Meeting: 6:30 p.m.
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The Workshop 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 Workshop Meeting was advertised in the Herald News and the Record in its issue of January 11, 2022 posted on the bulletin board in the main corridor of Town Hall and on file in the Office of the Township Clerk.

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

Agenda No. I

Pledge of Allegiance

Mayor Dale led all in attendance in the pledge of allegiance to the flag.

Agenda No. II

Roll Call

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

Absent:

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

Agenda No. III

Reading of or Approval of Unapproved Minutes

August 15, 2022 Workshop/Regular Meeting Minutes
August 31, 2022 Special Meeting Minutes

Councilwoman Lichtenberg voted aye for the August 15, 2022 minutes but recused herself from the August 31, 2022 because she was not in attendance for that meeting.

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

Agenda No. IV

Meetings

September 21, 2022 Regular Meeting
October 5, 2022 Workshop Meeting
October 19, 2022 Regular Meeting

Agenda No. V

Proclamations

None

Agenda No. VI

Presentations & Recognitions

EDC Award – Jo Ann Blom from the Economic Development Commission presented Frank's Pizza with a Certificate of Recognition. Operating hours are from 10 a.m. to 10 p.m. and they serve seafood, chicken, veal and pasta dishes as well as pizza. Son Angel works at the register. The business has been operating for 20 years. Many thanks were given to the community for all the support that has been given through the good times and the harder times.

Agenda No. VII

Executive Session

Agenda No. VII 1

~ Resolution 2022 – 322 ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 7th day of September 2022 that:

1. Prior to the conclusion of this **Workshop Meeting**, the Governing Body shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
() b. (1) Confidential or excluded matters, by express provision of Federal law or

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- State statute or rule of court.
 - () b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
 - () b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
 - () b. (4) A collective bargaining agreement including negotiations
 - (X) b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
 - Possible Acquisition of Real Property
 - () b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
 - () b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege
 - () b. (8) Personnel matters
 - () b. (9) Deliberations after a public hearing that may result in penalties.
2. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Adopted: September 7, 2022

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

Executive Session began at 6:36 p.m. and concluded at 7:19 p.m. Mayor Dale informed the public that no action was taken during Executive Session.

Agenda No. VIII

Discussion Items / Official Communications

1.	Ordinance – Police Chaplin Program – Administrator Senande indicated that the volunteer program would not only help assist families in need but also be able to assist officers dealing with the public. The consensus was to move forward.
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Agenda No. IX

Unfinished Business, Final Passage of Ordinances

Agenda No. IX 1

~ Ordinance 2022 – 040 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC STATE OF NEW JERSEY REGARDING A BY-LAW AMENDMENT TO THE WANAUQUE VALLEY REGIONAL SEWERAGE AUTHORITY BY-LAWS

WHEREAS, the Township of West Milford is a member of the Wanaque Valley Regional Sewerage Authority (“WVRSA”); and

WHEREAS, the WVRSA recently amended its By-Laws to reflect changes and the laws and update same, inasmuch as the last amendment was in 1982; and

WHEREAS, while the By-Laws may be amended by a majority vote of the members of the WVRSA, Article II, Paragraph 7 of the By-Laws entitled, “Expenses; Compensation” requires parallel Ordinances be duly adopted by the Governing Bodies of the Member Municipalities authorizing the payment of expenses/compensation to the respective Commissioners; and

WHEREAS, the WVRSA wishes to provide expense reimbursement/compensation to the Commissioners to account for travel expenses, time dedicated to serving the WVRSA and to attract those willing to serve on the Authority given the history of vacancies and difficulty filling positions and to maintain quorums for its meetings. The WVRSA wishes to reimburse/compensate its Commissioners in an amount not to exceed \$250.00 per meeting provided the meeting was actually attended virtually or otherwise by the Commissioner.

NOW THEREFORE BE IT ORDAINED by the Township of West Milford, it hereby authorizes reimbursement of expenses/compensation to the Commissioners of the Wanaque Valley Regional Sewerage Authority in an amount not to exceed \$250.00 per meeting actually attended by the respective

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Commissioners, as set forth in Article II, Paragraph 7 of the By-Laws of the Wanaque Valley Regional Sewerage Authority.

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

Introduced: August 15, 2022
Adopted: September 7, 2022
Effective Date: September 27, 2022

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

Motion to move Ordinance 2022-040

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

Agenda No. IX 2

~ Ordinance 2022 – 041 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING ARTICLE VII "OFFICE OF ADMINISTRATION" SECTION 15-38 "BUDGET" OF THE CODE OF THE TOWNSHIP OF WEST MILFORD

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

SECTION 1. Article VII Office of Administration Section §15-38 Budget of the aforesaid Revised General Ordinances is hereby amended to read as follows:

§ 15-38 Budget.

The Township budget shall be prepared by the Municipal Administrator and the Treasurer and the following shall apply:

- A. Budget requests. Each year the Administrator shall require all department heads to submit requests for appropriations for the ensuing budget year, and to appear before him at public hearings which shall be held on the various requests.
- B. Budget document. Upon the basis of the department requests, the budget hearings, his/hers analysis of the needs and resources of the Township and such policy guides as may be prescribed by resolution of the Council, the Administrator shall prepare his recommended budget in the form required by general law for Township budgets. On or before February 10 in each year, unless extended by the Division of Local Government Services, the Administrator and Mayor shall present to the Council his/her budget document consisting of:
 - (1) The recommended budget.
 - (2) A budget message.
- C. Budget message. The budget message shall consist of such explanatory comments, exhibits and schedules concerning the budget as the Administrator may deem desirable, together with:
 - (1) An outline of the proposed financial policies for the ensuing budget year, including explanations of the important features of the budget and of any major changes in policy.
 - (2) An analysis of revenue and costs, and of work performance contemplated by the budget as far as appropriate units of measurement may have been developed and installed.
 - (3) A statement of pending capital projects and proposed new capital projects relating the amounts required for capital purposes to the down payments and other expenditures financed from current appropriations and to the amounts of bonds to be issued during the budget year.

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

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

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

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

Motion to move Ordinance 2022-041

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

Agenda No. IX 3

~ Ordinance 2022 – 042 ~

**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC,
STATE OF NEW JERSEY TO CREATE A NEW SECTION WITHIN CHAPTER 500 “ZONING” AND
PROHIBITING THE GIFTING OF CANNABIS**

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c.16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act,” N.J.S.A. 24:6I-31 et seq. (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes the following six marketplace classes of business licenses to be issued by the State of New Jersey Cannabis Regulatory Commission for the legal operation of cannabis establishments and other types of cannabis marketplace activity in the State, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from one licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the licensed cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, section 31a of the Act, N.J.S.A. 24:6I-45a, authorizes municipalities to adopt ordinances and regulations prohibiting outright and/or limiting the number of any class of license “cannabis establishments” (defined in section 33 of the Act, N.J.S.A. 24:6I-33, as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors and cannabis delivery services allowed to operate within its municipal boundaries; and the location, manner and times of operation of such cannabis establishments, cannabis distributors and cannabis delivery services, except that the time of operations for cannabis delivery services, shall only be subject to the regulation by the Cannabis Regulatory Commission (the “Commission”); and

WHEREAS, section 31a of the Act, N.J.S.A. 24:6I-45a, also authorizes municipalities to establish certain civil penalties for violations of any ordinance or regulations governing cannabis establishments, distributors or delivery services that may operate in a municipality, as well as to their location, manner and times of operation; and

WHEREAS, section 31b of the Act, N.J.S.A. 24:6I-45b, authorizes municipalities to prohibit, by ordinance, the operation of any one or more classes of cannabis establishments, cannabis distributors, and the principal premises of a cannabis delivery service from anywhere in the municipality, but not the actual delivery of cannabis items and related supplies by a licensed cannabis delivery service operating outside the boundaries of the municipality; and

WHEREAS, section 31c of the Act, N.J.S.A. 24:6I-45c, authorizes municipalities to impose a separate local licensing or endorsement requirement as part of its restrictions on the number of cannabis establishments, distributors or delivery services; and

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WHEREAS, section 40 of the Act, N.J.S.A. 40:48I-1, authorizes municipalities to adopt ordinances imposing a transfer tax on the sale of cannabis or cannabis items by a cannabis establishment located in the municipality on receipts from the sale of cannabis to other cultivators, sales between cannabis establishments, and any combination thereof, and sets forth the limits for same; and

WHEREAS, the Township of West Milford has specifically allowed cultivation (Cannabis Cultivator License Class 1), manufacturing (Cannabis Manufacturer License Class 2), wholesaler (Cannabis Wholesaler License Class 3), distribution (Cannabis Cultivator License Class 4), retailer (Cannabis Retailer License Class 5) and delivery (Cannabis Deliver License Class 6) under the Act, subject to municipal regulation where appropriate in the Township; and

WHEREAS, a number of individuals, cannabis businesses and/or license holders have been engaged, as part of their business activities, in “gifting” or otherwise providing free samples of marijuana or cannabis items in violation of New Jersey consumer protection laws; and

WHEREAS, such “gifting” is not authorized by the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, and such practice in certain carefully defined circumstances violates N.J.S.A. 2C:35-10a, a criminal statute.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Township Council of the Township of West Milford, County of Passaic, and the State of New Jersey that the Township of West Milford Code shall be amended and updated, as follows:

SECTION 1.

Within MEDICAL AND RECREATIONAL CANNABIS ACTIVITY” of the Code of the Township of West Milford, Section 500-195 Definitions shall be amended to include the definition of “Gifting” as noted below:

“Gifting” Shall mean any individual, cannabis business or license holder providing free samples of marijuana or cannabis items, either independent of, or in connection with the sale of other goods and or services.

SECTION 2.

Section 500 of the Medical and Recreational Cannabis Activity Code shall be further amended to include the following provision, to be included as new Section 500-205, and as noted below:

Section § 500-205 Gifting Prohibited.

Under no circumstance shall any individual, cannabis business or cannabis license holder, under any class of license, engage in gifting cannabis or marijuana as defined herein. Any individual, cannabis business or cannabis license holder found in violation of this provision shall be subject to the provisions as set forth within this Chapter, including but not limited to Section 500-204 Civil Fines and Penalties, and depending upon other carefully defined circumstances, possible criminal prosecution.

SECTION 3. All ordinances or parts of ordinances of the Township of West Milford inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 4. 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 5. This Ordinance may be renumbered for purposes of codification

SECTION 6. This Ordinance shall take effect upon final passage, approval, and publication as required by law.

Introduced: August 15, 2022
Adopted: September 7, 2022
Effective Date: September 27, 2022

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

Councilwoman Lichtenberg thanked the Township Attorney, the Administrator and the Prosecutor for their work on this ordinance.

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Motion to move Ordinance 2022-042

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

Mayor Dale opened the meeting up to the public.

Agenda No. X

Public Comments

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

Agenda No. XI

Council Comments

None

Agenda No. XII

New Business, Introduction of Ordinances, Resolutions

Agenda No. XII 1

~ Ordinance 2022 – 043 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 500 “ZONING” OF THE REVISED GENERAL ORDINANCES TO UPDATE SECTION 500-192 “CANNABIS CULTIVATOR, MANUFACTURER, WHOLESALE AND DISTRIBUTOR”

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

WHEREAS the Governing Body wishes to update the ordinance to minimize confusion and better define cannabis on lots of 10 acres or more.

NOW THEREFORE BE IT ORDAINED by the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey as follows that the following “Cannabis cultivator, manufacturer, wholesales and distributor” section be amended to add the following”

SECTION 1. § 500-192 Cannabis cultivator, manufacturer, wholesaler and distributor.

- B. Cannabis cultivators, manufacturers, wholesalers, and distributors shall be permitted uses on lots of 10 acres or more in any zone district and shall adhere to the following special design standards:
- (1) Eligible locations: Parcels which are 10 acres or more in all zone districts.
 - (2) Greenhouse cultivation: Greenhouse cannabis cultivation may occur in a greenhouse with rigid walls, a partial greenhouse or a hoop house or other non-rigid structure. The following requirements must be met:
 - i. The operator of the greenhouse cultivation must be a licensed Class 1 Cultivator or Class 2 Manufacturer.
 - ii. In no case shall a cannabis facility operate or be located on land that is valued, assessed, or taxed as an agricultural or horticultural use pursuant to the Farmland Assessment Act of 1964, P.L. 1964, c. 48 (N.J.S.A. 54:423.1 et seq.). Properties that are farmland assessed prior to use for cannabis facilities shall have the farmland assessment removed prior to commencement of operations.
 - iii. The outdoor growing area shall be situated to maintain the greatest achievable level of privacy and security.
 - iv. The outdoor growing area of the property must be securely surrounded by fencing and locked gates on the entire perimeter, constructed in accordance with the Uniform Construction Code and the Township Zoning Code, to prevent access to the grow area by unauthorized persons.
 - v. Locks on gates shall be commercial-grade, non-residential door locks.
 - vi. The outdoor growing area shall be protected by a security system and 24-hour video surveillance system that is continuously monitored and capable of detecting power loss, pursuant to N.J.A.C. 17:30-9.10, to ensure surveillance of the entire perimeter of the growing area and overall portions of the security fences and all gates.
 - (3) Setbacks: All principal structures and any associated cannabis facilities, including greenhouses as described in §500-192B(2), must be set back at least 100 feet from any property line.

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- (4) Odor control: The facility shall provide an air treatment system with sufficient odor absorbing ventilation and exhaust systems, such that any odor generated by the cannabis cultivation is not detectable by a person of reasonable sensitivity at the property line of the subject property. Greenhouses may use a combination of setbacks and ventilation to mitigate odor. Odor from the facility maybe monitored on an annual basis at the discretion of the Township by a licensed, qualified contractor chosen by the Township, and at the expense of the cannabis licensee.

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

SECTION 3. All ordinances of the Township of West Milford which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

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

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

Introduced: September 7, 2022

Adopted:

Effective Date:

Second reading and public hearing for this Ordinance is set for the Workshop Meeting of the Township Council scheduled for October 5, 2022. Notice of this public hearing shall be published in the Herald News on or about September 13, 2022.

Motion to move Ordinance 2022-043.

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

Agenda No. XII 2

~ Ordinance 2022 – 044 ~

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 REVISED GENERAL ORDINANCES OF THE TOWNSHIP

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

SECTION 1. Section 285-13 Short-term rentals shall be amended as follows:

F. Application process for short-term rental permit and inspections.

(h) A certification from the Township Fire Prevention Office that the premises have the required smoke and CO (Carbon Monoxide) alarms and fire extinguishers and that all are in working order.

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

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

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

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

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

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WHEREAS, the Chief Financial Officer has certified as to the availability of funds and said funds to be encumbered from account 01-201-27-335-480; and

WHEREAS, that a notice of this action shall be published in accordance with law and said notice to provide that the originally awarded Professional Services Contract and this resolution serving as the Addendum to the contract are available for public inspection in the office of the Township Clerk and that the professional services offered by John Theese are extended in an amount not to exceed **\$15,456.00**.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey that they do hereby authorize the Township Administer to approve an amendment of **\$15,456.00** to John Theese for REHS services which amount is in excess of the approved contract amount of \$24,266.00 bringing the contract total to an amount not to exceed **\$39,722.00** and the contract be revised to allot three (3) days per week, (7) hours per day through the end of 2022.

Adopted: September 7, 2022

Agenda No. XII 6

~ Resolution 2022 – 325 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A COMPETITIVE BIDDING CONTRACT TO ATLANTIC SALT, INC. FOR ROCK SALT

WHEREAS, the Township of West Milford advertised for the receipt of sealed competitive bids to be received on August 26, 2022 for the purchase of rock salt as per bid specifications; and

WHEREAS, in response to the “Notice to Bidders” the Township received two (2) bids; and

WHEREAS, said bids have been duly reviewed and analyzed by the Township Attorney and the Director of Public Works; and

WHEREAS, the bid received from the lowest bidder, Atlantic Salt, Inc. in the amount of \$975,000.00, does comply with and meet all minimum bid requirements as outlined in the bid specifications and thus Atlantic Salt, Inc., is deemed to be the lowest responsible bidder in accordance with N.J.S.A. 40A:11-2(27); and

WHEREAS, the Director of Public Works has submitted a written recommendation for the award of this contract to Atlantic Salt, Inc., 134 Middle Street, Suite 210, Lowell, MA 08152; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for this purchase, said funds to be encumbered from account numbers: (2022) 01-201-26-294-363 (\$120,000.00), 19-295-56-120-506 (\$55,000.00) and (2023) 01-201-26-294-363 (\$800,000.00); and

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 Township Council hereby awards a contract to Atlantic Salt, Inc. for rock salt in an amount not to exceed \$975,000.00.
2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with Atlantic Salt, Inc., 134 Middle Street, Suite 210, Lowell, MA 08152 in accordance with its bid for rock salt.
3. The Township’s Chief Financial Officer has certified the availability of funds for same.
4. This Resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: September 7, 2022

Agenda No. XII 7

~ Resolution 2022 – 326 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING PURCHASES FROM DELL MARKETING LP AS A STATE CONTRACT VENDOR PURSUANT TO N.J.S.A. 40A:11-12 (A) IN ACCORDANCE WITH THE TOWNSHIP’S PURCHASING POLICIES AND PAY TO PLAY LAW N.J.S.A. 19:44A-20.5 ET SEQ.

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

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

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

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

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

Adopted: September 7, 2022

Agenda No. XII 8

~ Resolution 2022 – 327 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF A HOLMATRO CORE RESCUE SYSTEM WITH ACCESSORIES THROUGH NJ STATE CONTRACT VENDOR ESI EQUIPMENT INC. 119 KEYSTONE DRIVE MONTGOMERYVILLE PA 18936 - NJ STATE CONTRACT # 17-FLEET-00820

WHEREAS, the Township of West Milford Fire Commissioner has determined the need to replace Fire Company #2 vehicle extrication equipment; and

WHEREAS, ESI Equipment Inc. is an authorized Holmatro dealer under NJ State Contract # 17-FLEET-00820; and

WHEREAS, public bidding is not required when a purchase is made under a state contract in accordance with N.J.S.A. 40A:11-12;

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for this purchase, said funds to be encumbered from account 01-201-44-900-639

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 Fire Commissioner to purchase a Holmatro Core Rescue System with accessories in an amount not to exceed \$39,247.04 through ESI Equipment Inc, under NJ State Contract # 17-FLEET-00820
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: September 7, 2022

Agenda No. XII 9

~ Resolution 2022 – 328 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING LEASING OF CERTAIN VEHICLES THROUGH SOURCEWELL NATIONAL COOPERATIVE #030122-EFM THROUGH ENTERPRISE FLEET MANAGEMENT SERVICES INC.

WHEREAS, the Council of the Township of West Milford ("Township"), Passaic County, State of New Jersey on July 8, 2020 approved Enterprise Fleet Management to oversee the Township's fleet management program and the leasing of vehicles; and

WHEREAS, the Township's fleet management program aims to exchange most municipally-owned fleet vehicles for leased vehicles by 2023; and

WHEREAS, the Township is in need of procuring certain vehicles through the lease program in accordance with the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq.; and

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

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

WHEREAS, the equipment and corresponding Sourcewell National Cooperative contract is #030122-EFM for Enterprise Fleet Management Services Inc.; and

WHEREAS, the cost savings determination as required under LFN 2012-10 is the cost of contract as there is currently no cooperative lease program in effect under the New Jersey Division of Purchase and Property; and

WHEREAS, the vehicles listed below represent the current needs of the Township Police Department and are available under the Sourcewell National Cooperative Contract #030122-EFM:

1. Four (4) mid-size Interceptor SUV 4x4 marked vehicles for the Police Department at a monthly cost of \$1,072.22 for each vehicle.

WHEREAS, the vehicles are anticipated to be delivered in October 2022, therefore the Township is required to begin making payments this year and to include the payments in next year's budget; and

WHEREAS the Chief Financial Officer has certified as to the availability of funds for these vehicles said funds to be encumbered from the Account # 01-201-25-240-230.

NOW, THEREFORE BE, IT RESOLVED, that the Township Council authorizes the Township Administrator to lease the four (4) vehicles described above through Sourcewell National Cooperative Contract #030122-EFM through Enterprise Fleet Management Inc., 1550 Route 23 North, Suite 101, Wayne, NJ 07470.

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

Adopted: September 7, 2022

Agenda No. XII 10

~ Resolution 2022 – 329 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY RESCINDING RESOLUTIONS 2022-097 AND 2022-304

WHEREAS, the Township Council adopted Resolution 2022-097 on February 16, 2022 and Resolution 2022-304 on August 15, 2022 supporting cannabis retail dispensary businesses at 1612 Union Valley Road (Block 7006, Lot 1) for 1612 Union Valley Land Trust and ACTF NJ LLC respectfully; and

WHEREAS, Resolution 2022-097 is hereby rescinded as the Township has received an application for a cannabis retail dispensary license within 2,500 feet of the location; and

WHEREAS, Resolution 2022-304 is hereby rescinded as it erroneously categorized the business as a cannabis retail dispensary; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of West Milford that Resolution 2022-097 and Resolution 2022-304 are hereby rescinded.

Adopted: September 7, 2022

Agenda No. XII 11

~ Resolution 2022 – 330 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY IN SUPPORT OF THE ACTF NJ LLC'S CANNABIS BUSINESS

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

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

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

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

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

WHEREAS, the Township of West Milford supports the safe and appropriate siting of a cannabis cultivator within the Township's Community Commercial Zone, where such facilities are permitted use pursuant to Chapter 500-191 thru 192, to the extent consistent with applicable state and local statutes, rules, regulations, and ordinances; and

WHEREAS, ACTF NJ, LLC has expressed interest in siting a cannabis cultivator license at 1612 Union Valley Road (Block 7006, Lot 1); and

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

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

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

Adopted: September 7, 2022

Agenda No. XII 12

~ Resolution 2022 – 331 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY IN SUPPORT OF THE ACTF NJ LLC'S CANNABIS BUSINESS

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

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

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

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

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

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

WHEREAS, ACTF NJ, LLC has expressed interest in siting such a cannabis manufacturer at 1612 Union Valley Road (Block 7006, Lot 1); and

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

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

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Agenda No. XII 13

~ Resolution 2022 – 332 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE REFUND OF THE REMAINING MONEY IN THE NO NET LOSS REFORESTATION GRANT FS14-019 TO THE STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, on September 18, 2013 the Governing Body adopted resolution 2013-79 to accept the No Net Loss Reforestation Grant agreement with the State of New Jersey Department of Environmental Protection in the amount of \$620,197; and

WHEREAS, the timeframe for the project ran from 8/27/2013 to 02/28/2018 and required a 95% survivability of the total trees planted; and

WHEREAS, due to unexpected delays the total amount received under the grant was \$338,325.00, of which \$306,135.22 was paid to the vendors that worked on the project and \$32,189.78 was retained by the Township; and

WHEREAS, on August 14, 2019 the State of New Jersey Department of Environmental Protection conducted an inspection of the trees that were planted under this grant and found that the survivability was 84%, thereby not meeting the required 95% survivability, and

WHEREAS, in order to meet the 95% survivability an additional 133 trees would need to be planted. The Township has attempted to engage with the contractor but has been unable to secure their cooperation. The Township is seeking to terminate its relationship with the contractor and refund the retainage in the amount of \$32,189.78 to the State of New Jersey Department of Environmental Protection, thereby allowing the State of New Jersey to close out the grant.

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 they hereby approve the refund of \$32,189.78 to the State of New Jersey Department of Environmental Protection.

Adopted: September 7, 2022

Agenda No. XII 14

~ Resolution 2022 – 333 ~

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

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

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

WHEREAS, the Township of West Milford wishes to amend its 2022 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 2022 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:
Drive Sober or Get Pulled Over campaign; \$7,000.00

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
Drive Sober or Get Pulled Over campaign; \$7,000.00

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

Adopted: September 7, 2022

Motion to move resolutions 2022-323 through 2022-333

Councilwoman Erik had concerns about a sharp turn by a bridge. Mayor Dale indicated that it was a separate issue but we can ask what can be done there to help straighten the curve, the bridge being widened should help.

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

Agenda No. XIII

Consent Agenda

~ Resolution 2022 – 334 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING PASSAGE OF CONSENT AGENDA

WHEREAS, the Mayor and Township Council of the Township of West Milford has reviewed the Consent Agenda consisting of various proposed Resolutions.

NOW, THEREFORE, BE IT RESOLVED, that the following Resolutions on the Consent Agenda are hereby approved:

Resolutions:

- a) **2022-335** – Recreation Refund
- b) **2022-336** – Cancel Outstanding Checks

Adopted: September 7, 2022

Agenda No. XIII a

~ Resolution 2022 – 335 ~

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:

DAY CAMP			
\$150.00	Sandra DiCarlo 46 Starlight Road West Milford, NJ 07480		
FALL SOCCER			
\$75.00	Stephanie DePiano 64 Yorkshire Ave. West Milford, NJ 07480	\$80.00	Jamie Lamb 116 Marshall Hill Road West Milford, NJ 07480
BEGINNER LINE DANCE LEVEL 2			
\$30.00	Maryann Leppert 17 Waterbury Road Warwick, NY 10990		

Adopted: September 7, 2022

Agenda No. XIII b

~ Resolution 2022 – 336 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY 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.

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

Agenda No. XV

Reports of Administrator, Mayor and Council Members

Mayor Dale – Mayor Dale reminded everyone that there would be a 9-11 Remembrance Ceremony at 8:45 a.m. on Sunday September 11th at the 9-11 Monument located right outside of Town Hall. The Mayor indicated that there had been a lot of social media chatter in regard to the Township wasting tax payer money on Lake Shore Drive. The Mayor would like to encourage residents to just ask if they have questions because it gets ugly on social media and there are a lot of misconceptions perpetuated. The Governing body would never waste tax payer dollars. Mayor Dale mentioned that we can't always make public announcements. If we were to do so, it could lead to litigation in some cases and that would cost everyone money, tax payer dollars. The public gets informed as soon as it is ok to do so. The Town wide garage sale will be held on September 16th, 17th and 18th and is free to all residents who wish to participate.

Councilwoman Lichtenberg –The Chuck Ening Health, Wellness and Community Fair sponsored by the Lion's Club and Passaic County will take place September 10th from 11:30-2:30 p.m. at the West Milford Recreation Center. Also Saturday, there will be a music festival at the Friends of Wallisch Homestead complete with various bands, food and craft vendors and a classic car show. September 24th there will be a free Wellness Family Festival with kids' activities, an obstacle course, yoga and other activities sponsored by the Highlands Family Success Center. The West Milford Health Advisory Board will be hosting an event at the Macopin Middle School on September 24th. Food vendors will be there and they have a hiking trail challenge for the event complete with a prize drawing. Show pictures of yourself on the trails to enter the contest. September 24th is the Autumn Pride roadside litter cleanup from 8:30 a.m. to 12:30 p.m. you can get bags and gloves from the Recycling Center. The phone number is 973-728-2724.

Councilman Goodsir – The Soup Kitchen will be at the Rec Center giving out pizza and hot dogs. The Elks Club will be one of the food vendors at the Wallisch homestead. The Recreation Center will be hosting a Bike Rodeo on Saturday, September 17th, from 10 a.m. to noon. Ages 5-12. Adult co-ed volleyball is starting up and thank you to all the soccer coaches for stepping up. Registration is now open for an Imagine with Music pajama party music program, for ages newborn to 5 with a care giver. Registration is now open for soccer squirts for children ages 2 to 6.

Councilman Gross – Indicated he had been approached by commercial businesses complaining that other commercial businesses have oozing garbage bins. He wanted to bring it up at a meeting because all businesses should be in compliance. What applies to one should apply to all.

Councilman Marsden – Reminded the public that Council members pay taxes too, and are watching every dollar spent. He will be joining Councilman Goodsir to serve food at the Wallisch Holmstead Music Festival.

Councilwoman Erik – Reminded everyone of the Book Sale at the Wallisch Holmstead on September 16th, 17th and 18th. Please donate books.

Councilman Chazukow – Commented that people can leave very rude comments on social media. Councilman Chazukow urged residents to come to the meetings and interact face to face. He shared that he had some misperceptions in the past and it helps to talk about things. He gave the Mayor credit for even engaging on social media. Brown's Point is open again and the disc golf course is set up and we can all get out there and enjoy it.

Administrator Senande – Failed to mention at the last meeting the Council accepted the 2021 Audit and the reason there was no presentation at that meeting was because there were no audit findings. It was the first time in over 20 years that there were no audit findings and he wanted to thank CFO Ellen Mageean for all her hard work over the last 2 years taking corrective measures to remove those repeat audit findings. Mayor Dale thanked Ms. Mageean as well.

Attorney Pasternak – No report.

Agenda No. XVI

Appointments and Resignations

None

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Agenda No. XVII

Adjournment

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

The meeting adjourned at 7:46 p.m.

Approved: September 21, 2022

Respectfully submitted:

Deidre Ellis, Keyboarding Clerk II

MICHELE DALE, MAYOR

WILLIAM SENANDE, TOWNSHIP CLERK