

## **TOWNSHIP OF WEST MILFORD**

THE FOLLOWING COMPRISES THOSE DOCUMENTS  
SUBMITTED TO THE TOWNSHIP COUNCIL FOR  
CONSIDERATION AND ACTION AT THE  
OCTOBER 21, 2020  
REGULARLY SCHEDULED REGULAR GOVERNING BODY  
MEETING.

THESE ACTION ITEMS ARE SUBJECT TO CHANGE AND  
ARE PROVIDED HERETO AS A COURTESY.

ORDINANCES AND RESOLUTIONS THAT HAVE BEEN  
ADOPTED BY THE TOWNSHIP COUNCIL ARE POSTED ON  
THE TOWNSHIP WEBSITE UNDER "LOCAL LAW" AS SOON  
AS PRACTICABLE AFTER THE MEETING AT WHICH  
ACTION WAS TAKEN.

IT IS STRONGLY RECOMMENDED THAT ONE SEEKING A  
COPY OF THAT WHICH WAS ADOPTED BY THE  
TOWNSHIP COUNCIL OBTAIN THAT COPY UNDER THE  
LINK TO "LOCAL LAW".

EACH OF THE FOLLOWING RECORDS IS SUBJECT TO  
CHANGE AND/OR AMENDMENT BY THE TOWNSHIP  
COUNCIL PRIOR TO ADOPTION.

# Township of West Milford

Passaic County, New Jersey

## ~ Ordinance 2020 – 018 ~

### ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 226 "NOISE" TO CORRECT OMISSIONS FROM THE STATE'S MODEL NOISE ORDINANCE

**WHEREAS**, the Township Council adopted the Model Noise Ordinance on September 16, 2020; and

**WHEREAS**, the Ordinance was submitted to the DEP for approval and certain changes were requested by the DEP in order for the Ordinance to be in compliance with the Model Noise Ordinance; and

**WHEREAS**, the Mayor and Township Council have reviewed and approved the requested changes.

**NOW THEREFORE, 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 226 "Noise" is hereby amended to read as follows:

#### **§226-1. Definitions.**

The following words and terms, when used in this ordinance, shall have the following meanings, unless the context clearly indicates otherwise. Terms not defined in this ordinance have the same meaning as those defined in N.J.A.C. 7:29.

"Construction" means any site preparation, assembly, erection, repair, alteration or similar action of buildings or structures.

"dBC" means the sound level as measured using the "C" weighting network with a sound level meter meeting the standards set forth in ANSI S1.4-1983 or its successors. The unit of reporting is dB(C). The "C" weighting network is more sensitive to low frequencies than is the "A" weighting network.

"Demolition" means any dismantling, destruction or removal of buildings, structures, or roadways.

"Department" means the New Jersey Department of Environmental Protection.

"Emergency work" means any work or action necessary at the site of an emergency to restore or deliver essential services including, but not limited to, repairing water, gas, electricity, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, dredging navigational waterways, or abating life-threatening conditions or a state of emergency declared by a governing agency.

"Impulsive sound" means either a single pressure peak or a single burst (multiple pressure peaks) that has a duration of less than one second.

"Minor Violation" means a violation that is not the result of the purposeful, reckless or criminally negligent conduct of the alleged violator; and/or the activity or condition constituting the violation has not been the subject of an enforcement action by any authorized local, county or state enforcement agency against the violator within the immediately preceding 12 months for the same or substantially similar violation.

"Motor vehicle" means any vehicle that is propelled other than by human or animal power on land.

"Muffler" means a properly functioning sound dissipative device or system for abating the sound on engines or equipment where such device is part of the normal configuration of the equipment.

"Multi-dwelling unit building" means any building comprising two or more dwelling units, including, but not limited to, apartments, condominiums, co-ops, multiple family houses, townhouses, and attached residences.

"Multi-use property" means any distinct parcel of land that is used for more than one category of activity. Examples include, but are not limited to:

1. A commercial, residential, industrial or public service property having boilers, incinerators, elevators, automatic garage doors, air conditioners, laundry rooms, utility provisions, or health and recreational facilities, or other similar devices or areas, either in the interior or on the exterior of the building, which may be a source of elevated sound levels at another category on the same distinct parcel of land; or
2. A building, which is both commercial (usually on the ground floor) and residential property, located above, below or otherwise adjacent to.

"Noise Control Officer" (NCO) means an employee of a local, county or regional health agency which is certified pursuant to the County Environmental Health Act (N.J.S.A. 26:3A2-21 *et seq.*) to perform noise enforcement activities or an employee of a municipality with a Department-approved model noise control ordinance. All NCOs must receive noise enforcement training as specified by the Department in N.J.A.C. 7:29 and is currently certified in noise enforcement. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons.

"Noise Control Investigator" (NCI) means an employee of a municipality, county or regional health commission that has a Department-approved model noise control ordinance and the employee has not received noise enforcement training as specified by the Department in N.J.A.C. 7:29. However, they are knowledgeable about their model noise ordinance and enforcement procedures. A Noise Control Investigator may only enforce sections of the ordinance that do not require the use of a sound level meter. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons.

"Plainly audible" means any sound that can be detected by a NCO or an NCI using his or her unaided hearing faculties of normal acuity. As an example, if the sound source under investigation is a portable or vehicular sound amplification or reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The NCO or NCI need not determine the title, specific words, or the artist performing the song.

"Private right-of-way" means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a non-governmental entity.

"Public right-of-way" means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a governmental entity.

"Public space" means any real property or structures thereon that are owned, leased, or controlled by a governmental entity.

"Real property line" means either (a) the vertical boundary that separates one parcel of property (i.e., lot and block) from another residential or commercial property; (b) the vertical and horizontal boundaries of a dwelling unit that is part of a multi-dwelling unit building; or (c) on a multi-use property as defined herein, the vertical or horizontal boundaries between the two portions of the property on which different categories of activity are being performed (e.g., if the multi-use property is a building which is residential upstairs and commercial downstairs, then the real property line would be the interface between the residential area and the commercial area, or if there is an outdoor sound source such as an HVAC unit on the same parcel of property, the boundary line is the exterior wall of the receiving unit). Note- this definition shall not apply to a

commercial source and a commercial receptor which are both located on the same parcel of property (e.g., a strip mall).

"Sound production device" means any device whose primary function is the production of sound, including, but not limited to any, musical instrument, loudspeaker, radio, television, digital or analog music player, public address system or sound-amplifying equipment.

"Sound reduction device" means any device, such as a muffler, baffle, shroud, jacket, enclosure, isolator, or dampener provided by the manufacturer with the equipment, or that is otherwise required, that mitigates the sound emissions of the equipment.

"Weekday" means any day that is not a federal holiday, and beginning on Monday at 7:00 a.m. and ending on the following Friday at 6:00 p.m.

"Weekends" means beginning on Friday at 6:00 p.m. and ending on the following Monday at 7:00 a.m.

**§226-2. Applicability.**

(A) This noise ordinance applies to sound from the following property categories:

1. Industrial facilities;
2. Commercial facilities;
3. Community service facilities;
4. Residential properties;
5. Multi-use properties;
6. Public and private right-of-ways;
7. Public spaces; and
8. Multi-dwelling unit buildings.

(B) This noise ordinance applies to sound received at the following property categories:

1. Commercial facilities;
2. Public service facilities;
3. Community service facilities (i.e. non-profits and/or religious facilities)
4. Residential properties;
5. Multi-use properties;
6. Multi-dwelling unit buildings.

(C) Sound from stationary emergency signaling devices shall be regulated in accordance with N.J.A.C. 7:29-1.4, except that the testing of the electromechanical functioning of a stationary emergency signaling device shall not meet or exceed 10 seconds.

**§226-3. Declaration of findings and Policy.**

**WHEREAS** excessive sound is a serious hazard to the public health, welfare, safety, and the quality of life; and,

**WHEREAS** a substantial body of science and technology exists by which excessive sound may be substantially abated; and,

**WHEREAS** the people have a right to, and should be ensured of, an environment free from excessive sound,

**NOW THEREFORE**, it is the policy of the Township of West Milford to prevent excessive sound that may jeopardize the health, welfare, or safety of the citizens or degrade the quality of life.

This Chapter shall apply to the control of sound originating from sources within the Township of West Milford.

**§226-4. Exemptions**

(A) Except as provided in Section 226-8. below, the provisions of this ordinance shall not apply to the exceptions listed at N.J.A.C. 7:29-1.5.

(B) Sound production devices required or sanctioned under the Americans with Disabilities Act (ADA), FEMA or other government agencies to the extent that they comply with the noise requirement of the enabling legislation or regulation. Devices which are exempted under N.J.A.C. 7:29-1.5 shall continue to be exempted.

(C) Construction and demolition activities are exempt from the sound level limits set forth in tables I and II and III except as provided for in Section 226-8. below.

**§226.5 Noise control officers.**

(A) Noise Control Officers shall have the authority within their designated jurisdiction to investigate suspected violations of any section of this ordinance and pursue enforcement activities.

(B) Noise Control Investigators shall have the authority within their designated jurisdiction to investigate suspected violations of any section of this ordinance that do not require the use of a sound level meter (i.e., plainly audible, times of day and/or distance determinations) and pursue enforcement activities.

(C) Noise Control Officers and Investigators may cooperate with NCOs and NCIs of an adjacent municipality in enforcing one another's municipal noise ordinances.

(D) Sound measurements made by a Noise Control Officer shall conform to the procedures set forth at N.J.A.C. 7:29-2, except that interior sound level measurements shall also conform with the procedures set forth in §226-5(E) of this Chapter and to the definition of "real property line" as contained herein.

(E) When conducting indoor sound level measurements across a real property line the measurements shall be taken at least three feet from any wall, floor or ceiling and all exterior doors and windows may, at the discretion of the investigator, be closed. The neighborhood residual sound level shall be measured in accordance with N.J.A.C. 7:29-2.9(b)2. When measuring total sound level, the configuration of the windows and doors shall be the same and all sound sources within the dwelling unit must be shut off (e.g., television, stereo). Measurements shall not be taken in areas which receive only casual use such as hallways, closets and bathrooms.

**§226-6. Maximum Permissible Sound Levels**

(A) No person shall cause, suffer, allow, or permit the operation of any source of sound on any source property listed in §226-2(A) above in such a manner as to create a sound level that equals or exceeds the sound level limits set forth in Tables I, II or III when measured at or within the real property line of any of the receiving properties listed in Tables I, II or III except as specified in §226-5(E).

(B) Impulsive Sound

Between 7:00 a.m. and 10:00 p.m., impulsive sound shall not equal or exceed 80 decibels. Between 10:00 p.m. and 7:00 a.m., impulsive sound which occurs less than four times in any hour shall not equal or exceed 80 decibels. Impulsive sound which repeats four or more times in any hour shall be measured as continuous sound and shall meet the requirements as shown in Tables I and II.

**§226-7. Sound Production Devices**

No person shall cause, suffer, allow, or permit the operation of any sound production device in such a manner that the sound crosses a property line and raises the total sound levels above the neighborhood residual sound level by more than the permissible sound level limits set forth in Table IV when measured within the residence of a complainant according to the measurement protocol in §226-5(E) of this ordinance. These sound level measurements shall be conducted with the sound level meter set for "C" weighting, "fast" response.

**§226-8. Restricted uses and activities.**

The following standards shall apply to the activities or sources of sound set forth below:

(A) Excluding emergency work, power tools, home maintenance tools, landscaping and/or yard maintenance equipment used by a residential property owner or tenant shall not be operated between the hours of 8:00 p.m. and 8:00 a.m., unless such activities can meet the applicable limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in these activities shall be operated with a muffler and/or sound reduction device.

(B) Excluding emergency work, power tools, landscaping and/or yard maintenance equipment used by nonresidential operators (e.g. commercial operators, public employees) shall not be operated on a residential, commercial, industrial or public (e.g. golf course, parks, athletic fields) property between the hours of 6:00 p.m. and 8:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends or federal holidays, unless such activities can meet the limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in these activities shall be operated with a muffler and/or sound reduction device.

(C) All construction and demolition activity, excluding emergency work, shall not be performed between the hours of 6:00 p.m. and 8:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends and federal holidays, unless such activities can meet the limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in construction and demolition activity shall be operated with a muffler and/or sound reduction device.

(D) Motorized snow removal equipment shall be operated with a muffler and/or a sound reduction device when being used for snow removal. At all other times the limits set forth in Tables I, II or III do not apply.

(E) All interior and exterior burglar alarms of a building or motor vehicle must be activated in such a manner that the burglar alarm terminates its operation within five (5) minutes for continuous airborne sound and fifteen (15) minutes for intermittent sound after it has been activated. At all other times the limits set forth in Tables I, II or III do not apply.

(F) Self-contained, portable, non-vehicular music or sound production devices shall not be operated on a public space or public right-of-way in such a manner as to be plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m. Between the hours of 10:00 p.m. and 8:00 a.m., sound, operated on a public space or public right-of-way, from such equipment shall not be plainly audible at a distance of 25 feet in any direction from the operator;

(G) It shall be unlawful for any property owner or tenant to allow any domesticated or caged animal to create a sound across a real property line which unreasonably disturbs or interferes with the peace, comfort, and repose of any resident, or to refuse or intentionally fail to cease the unreasonable noise when ordered to do so by a Noise Control Officer or Noise Control Investigator. Prima facie evidence of a violation of this section shall include but not be limited to:

1. Vocalizing (howling, yelping, barking, squawking etc.) for five (5) minutes without interruption, defined as an average of four or more vocalizations per minute in that period; or,
2. Vocalizing for twenty (20) minutes intermittently, defined as an average of two vocalizations or more per minute in that period.

It is an affirmative defense under this subsection that the dog or other animal was intentionally provoked to bark or make any other noise.

(H) Violations of each paragraph of this section shall be considered purposeful and therefore non-minor violations.

1. No person shall remove or render inoperative, or cause to be removed or rendered inoperative or less effective than originally equipped, other than for the purposes of maintenance, repair, or replacement, of any device or element of design incorporated in any motor vehicle for the purpose of noise control. No person shall operate a motor vehicle or motorcycle which has been so modified. A vehicle not meeting these requirements shall be deemed in violation of this provision if it is operated stationary or in motion in any public space or public right-of-way.
2. No motorcycle shall be operated stationary or in motion unless it has a muffler that complies with and is labeled in accordance with the Federal Noise Regulations under 40 CFR Part 205.
3. Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that it is plainly audible at distance of 25 feet in any direction from the operator between the hours of 10:00 p.m. and 8:00 a.m.
4. Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that is plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m.

**§226-9. Enforcement; violations and penalties.**

(A) Violation of any provision of this Chapter shall be cause for a Notice of Violation (NOV) or a Notice of Penalty Assessment (NOPA) document to be issued to the violator by the Noise Control Officer or Noise Control Investigator.

(B) Any person who violates any provision of this Chapter shall be subject to a civil penalty for each offense of not more than the maximum penalty pursuant to N.J.S.A. 40:49-5, which is \$2,000 as of December 2014. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate, and distinct offense.

(C) Upon identification of a violation of this Chapter the Noise Control Officer or Noise Control Investigator shall issue an enforcement document to the violator. The enforcement document shall identify the condition or activity that constitutes the violation and the specific provision of this Chapter that has been violated. It shall also indicate whether the violator has a period of time to correct the violation before a penalty is sought.

(D) If the violation is deemed by the Noise Control Officer or Noise Control Investigator to be a minor violation (as defined in Section 226-1 of this Chapter) a NOV shall be issued to the violator.

1. The document shall indicate that the purpose of the NOV is intended to serve as a notice to warn the responsible party/violator of the violation conditions in order to provide

them with an opportunity to voluntarily investigate the matter and voluntarily take corrective action to address the identified violation.

2. The NOV shall identify the time period (up to 90 days), pursuant to the Grace Period Law, N.J.S.A. 13:1D-125 *et seq.* where the responsible party's/violator's voluntary action can prevent a formal enforcement action with penalties issued by the Health Department. It shall be noted that the NOV does not constitute a formal enforcement action, a final agency action or a final legal determination that a violation has occurred. Therefore, the NOV may not be appealed or contested.

(E) If the violation is deemed by the Noise Control Officer or Noise Control Investigator to be a non-minor violation, the violator shall be notified that if the violation is not immediately corrected, a NOPA with a civil penalty of not more than the maximum penalty allowed pursuant to N.J.S.A. 40:49-5, which is \$2,000 as of December 2014, will be issued. If a non-minor violation is immediately corrected, a NOV without a civil penalty shall still be issued to document the violation. If the violation occurs again (within 12 months of the initial violation) a NOPA shall be issued regardless of whether the violation is immediately corrected or not.

(F) The violator may request from the Noise Control Officer or Noise Control Investigator an extension of the compliance deadline in the enforcement action. The Noise Control Officer or Noise Control Investigator shall have the option to approve any reasonable request for an extension (not to exceed 180 days) if the violator can demonstrate that a good faith effort has been made to achieve compliance. If an extension is not granted and the violation continues to exist after the grace period ends, a NOPA shall be issued.

(G) The recipient of a NOPA shall be entitled to a hearing in a municipal court having jurisdiction to contest such action.

(H) The Noise Control Officer or Noise Control Investigator may seek injunctive relief if the responsible party does not remediate the violation within the period of time specified in the NOPA issued.

(I) Any claim for a civil penalty may be compromised and settled based on the following factors:

1. Mitigating or any other extenuating circumstances;
2. The timely implementation by the violator of measures which lead to compliance;
3. The conduct of the violator; and
4. The compliance history of the violator.

All tables annexed to the original Ordinance remain unchanged.

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

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

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



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

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

Introduced: October 7, 2020  
Adopted:  
Effective Date:

TOWNSHIP OF WEST MILFORD  
COUNTY OF PASSAIC  
STATE OF NEW JERSEY

ATTEST

\_\_\_\_\_  
William Senande,  
Township Administrator

By: \_\_\_\_\_  
Michele Dale, Mayor

# Township of West Milford

Passaic County, New Jersey

## ~ Ordinance 2020 – 019 ~

### ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING THE TOWNSHIP CODE BY AMENDING CHAPTER 500 "ZONING" TO ADD A NEW ARTICLE XVIII "OUTDOOR DINING"

**WHEREAS**, the Township Council permitted retail food service establishments to temporarily provide outdoor dining in response to the public health emergency created by the Coronavirus pandemic; and

**WHEREAS**, the Mayor and Township Council have received numerous requests from local business owners to permit seasonal outdoor dining throughout the township; and

**WHEREAS**, the Mayor and Township Council have considered the topic and determined that permitting seasonal outdoor dining would be beneficial to the business owners and residents of the Township; and

**WHEREAS**, the Mayor and Township Council have reviewed the proposed outdoor dining ordinance and are in agreement with same.

**NOW, THEREFORE, 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 500 "Zoning" is amended to add a new Article XVIII "Outdoor Dining" to read as follows:

#### **ARTICLE XVI: Outdoor Dining**

##### **§ 500-177 Definitions.**

As used in this article, the following terms shall have meaning indicated:

- A. Principal Building – The building whose principal facade fronts on the sidewalk or adjacent to where the outdoor dining is proposed to be located. The "principal facade" shall be the face of the principal building facing the street right-of-way.
- B. Permitted Zone – Outdoor Dining shall be a permitted accessory use to a permitted restaurant in the Community Commercial, Village Commercial, Neighborhood Commercial, and Lake Commercial Zones as defined in § 500 "Zoning" and as shown on the Zoning Map of the Township of West Milford.
- C. Person – Any individual, partnership, corporation, limited liability company, association, or other entity.
- D. Restaurant – An establishment located within the principal building, the primary activity of which is the preparation of food for consumption by the public on its premises.
- E. Sidewalk – The paved surface provided for the exclusive use of pedestrians and situated between and extending from any building line to the curb of any street (excluding therefrom any unpaved area).
- F. Outdoor Dining – An accessory use to a restaurant as defined herein which also is characterized by the following:

1. The consumption of food by the public at tables located outside of the restaurant on a patio, deck or within that more or less rectangular portion of the sidewalk which lies within the area bounded by the public street or parking area, the principal facade, and the imaginary perpendicular lines running from the outer edge of such principal facade to the public street; and

2. Containing readily removable tables, chairs, umbrellas, temporary railings, barriers and/or planters; and

3. May be enclosed by fixed walls or ceilings, fences, landscaping walls, retractable awnings, removable barriers, tents or other semi-permanent or permanent enclosures.

G. Minor Outdoor Dining – An accessory use to a restaurant as defined in § 500-177.F.1-3 in addition to the following characteristics:

1. The portion of outdoor seating does not exceed 25% of the overall seating capacity of the restaurant; and/or

2. The outdoor seating represents a relocation of indoor seating such that there will be no increase in the overall seating capacity of the restaurant.

H. Major Outdoor Dining – An accessory use to a restaurant as defined in § 500-177.F.1-3 in addition to the following characteristics:

1. The portion of outdoor seating exceeds 25% of the indoor seating capacity; or

2. Any pre-existing or approved parking spaces are removed as a result of the placement of outdoor seating.

I. Obstruction – Any tree, trash receptacle, street curb, parking meter, newspaper box, street sign or basement entry hatch lying within the area of the outdoor dining.

J. Service Items – All dishes, utensils, containers, tablecloths, napkins, cutlery and other items used in the operation or decoration of the outdoor dining area.

#### **§ 500-178 Permit required.**

No person shall operate a Major Outdoor Dining area as defined in § 500-177.H within the Township of West Milford without an application for site plan approval from the appropriate reviewing Board. A Minor Outdoor Dining area as defined in § 500-177.G requires an application to the Zoning Officer showing all the requirements of this Article are satisfied. If an application is denied, the Applicant may file an appeal with the Zoning Board of Adjustment. The permit shall be issued by the Zoning Officer and may contain conditions. Minor Outdoor Dining permits must be renewed annually.

#### **§ 500-179 Minor Outdoor Dining Application**

A. Each applicant for a Minor Outdoor Dining permit shall submit and file an application with the Township Zoning Officer with five (5) copies of the proposed design, and the appropriate fee. The Township Zoning Officer may seek review and comments from the Building Official, Fire Sub code Official, Health Department or other appropriate officials. The application shall set forth:

1. The name and address of the Applicant,

2. The name and address of the owner of the principal building (if other than the applicant)

3. A description of the proposed design and location of the outdoor dining, its dimensions and all temporary structures, equipment, and apparatus to be used in connection with its operation, including tables, temporary fences and barriers, planters, service carts, chairs, awning, umbrellas (including any name to be displayed thereon), lighting and electrical outlets (if any), heating fixtures; and

4. A statement of the seating capacity of the proposed outdoor dining and of the existing restaurant actually operated by the applicant in the principal building; and

5. Written authorization and approval of the owner of the principal building (if other than the applicant).

B. In the application to be submitted, the Applicant may request that the Township Committee grant the Applicant a waiver from compliance with any aspects of the requirements of § 500-185 of this Article.

**§ 500-181 Insurance required for use of public sidewalks or rights-of-way.**

No outdoor dining permit shall be issued for use of a public sidewalk or right-of-way unless the permit shall have been first filed with the Zoning Officer and a copy of an insurance policy or certificate of insurance, issued by a company duly authorized to transact business under the laws of this State, providing for the payment of not less than \$1,000,000 to satisfy all claims for damage by reason of bodily injuries to, or the death of, any person as a direct result of the operation of the outdoor dining area or for injury to any person occurring on the premises occupied by such outdoor dining area, and further providing for the payment of not less than \$10,000 to satisfy all claims for property damage occurring as a direct or indirect result of the operation of such outdoor dining and naming the Township of West Milford as an additional insured.

**§ 500-182 Indemnification agreement required for use of public sidewalks or rights-of-way.**

No outdoor dining permit shall be issued for use of a public sidewalk or right-of-way unless the permit holder shall have first executed with the Zoning Officer an indemnification agreement pursuant to which the permit holder, in further consideration of the issuance of the permit, shall agree to forever defend, protect, indemnify and save harmless the Township of West Milford, its officers, agents and employees, from, and against, any and all claims, causes of action, injuries, losses, damages, expenses, fees and cost arising out of, or which may arise out of, the permit holders operation of such an outdoor dining area.

**§ 500-183 Maintenance agreement required for use of public sidewalks or rights-of-way.**

No outdoor dining permit shall be issued for use of a public sidewalk or right-of-way unless the permit holder shall have first executed and filed with the Zoning Officer a maintenance agreement pursuant to which the permit holder, in further consideration of the issuance of a permit, shall agree, at the option of the Township, to either repair at its sole cost and expense, any damage caused to the sidewalk by the operation of the cafe, or to reimburse the Township in full for all costs and expenses incurred by it making any such repairs.

The Zoning Officer may require a bond to be filed by the permit holder in an amount to be fixed by the Township.

**§ 500-184 Permit fee.**

The fees for an outdoor dining permit shall be as follows:

Type	Fee
1-10 seats, no more than 2 tables	\$100
11-25 seats	\$250
26-50 seats	\$350
Over 50 seats	\$450

**§ 500-185 Term of permit: renewals.**

All outdoor dining permits shall be issued for the period commencing March 1 and ending November 30 (inclusive) of a particular year. Permits may be renewed by filing of an application in accordance with the provisions of § 500-179. If a permit renewal is denied by the Zoning Officer, the Applicant may file an appeal with the Zoning Board of Adjustment.

**§ 500-186 Rules, regulations and specifications.**

An outdoor dining area authorized and operating pursuant to this Article shall comply with all of the following regulations and specifications and such others as may be adopted from time to time by the Township Council of the Township of West Milford.

- A. The outdoor dining area shall be operated and maintained in conformance with the layout plan as finally approved.
- B. No furniture, apparatus decoration or appurtenance used in connection with the operation of the outdoor dining shall be placed within 50 feet of any fire hydrant, plug or standpipe without the specific written authorization of the chief of the Fire Department; and
- C. No furniture, apparatus, decoration, appurtenance used in connection with the operation of the outdoor dining area shall be located in such a way as to impede the safe and efficient ingress and egress to or from any building or structure. At least four (4) feet of unobstructed walkway shall be provided for access from any door or opening on the business facade to the street.
- D. No furniture, apparatus, decoration or appurtenance used in connection with the operation of the outdoor dining area shall be located in such a way that less than four (4) feet of paved sidewalk unobstructed remains open for the exclusive use of pedestrians (the "required pedestrian passageway"), nor shall any such furniture, apparatus, decoration or appurtenance project or protrude into, on or above, the required pedestrian passageway. All outdoor dining areas shall have portable barriers or planters not less than three feet nor more than four feet in height which shall be placed around the outdoor dining area on the sidewalk to define the outdoor dining areas and the unobstructed pedestrian passageway. If the outdoor dining area is not on a sidewalk a fence or barrier that conforms to the Township's ordinances shall be permitted.
- E. Service items shall be made of non-disposable and reusable materials; provided, however that upon a showing of need by the Applicant and of adequate provision of outdoor waste receptacles for the disposal of disposable and non-reusable materials, an outdoor dining permit may provide for the use of disposable and non-reusable items. The furniture to be used in the operation of the outdoor dining area shall be made of durable materials and tables shall be of adequate size to serve the patrons of the outdoor dining area.
- F. The outdoor area utilized for the outdoor dining shall be kept clean and free of litter. Sidewalks/patios shall be washed daily, if needed, and trash receptacles shall be provided as required and approved from time to time by the Township.
- G. Outdoor lighting shall be in accordance with the requirements of § 500-69 of the Township Code and shall adhere to the following standards:
  1. No colored lighting is permitted.
  2. All lighting must be directed towards the outdoor dining area and away from adjoining properties.
  3. All lighting exclusively lighting the outdoor dining area must be turned off when the outdoor dining area is closed.
- H. Noise shall be kept at such a level as to comply with all aspects of the provisions of the NJ State Noise Control Act (N.J.A.C. 7:29-1 et seq.).

I. Outdoor dining areas shall be permitted to operate only with a permit granted pursuant to this Article and only from 7:00 a.m. until 10:00 p.m. Monday through Thursday and 7:00 a.m. to 11:00 p.m. Friday and Saturday from March 1 through November 30 (inclusive) of a particular year.

J. All sturdy furniture, apparatus, decorations, barriers, planters, and appurtenances may remain outdoors overnight. Outdoor enclosed patios may maintain sturdy furniture overnight, however other movable items such as umbrellas, bus areas, etc. shall be stored in a safe and secure interior location.

K. One (1) outdoor menu display is permitted, not to exceed three (3) square feet.

L. The outdoor dining area shall be operated and maintained by the same person who operates and maintains the related restaurant to which the outdoor dining is an accessory use.

M. The operator shall comply with all ordinances of the Township of West Milford, however outdoor dining shall be exempt from site plan review and parking requirements.

N. Notwithstanding anything to the contrary in this Article or any other laws and ordinances of the Township but subject to review and approval of the Township Zoning Officer, a person may be permitted to display the name of the establishment operating the outdoor dining area on umbrellas to be used at the outdoor dining area.

O. Temporary outdoor heating sources, such as heating lamps, electric or gas space heaters, patio heaters, gas fireplaces, chimineas, or other like equipment may be permitted within outdoor dining areas subject to compliance with all applicable construction and fire codes, unless it would create a safety hazard as determined by the Zoning Officer in his or her discretion. Fire pits and LP-gas fire pits are not permitted along any sidewalk area or public right-of-way. For approved heaters, the minimum safety instructions are, but not limited to, the following:

1. The unit shall not be left unattended when in use.
2. The unit shall be placed on a hard and level surface.
3. The unit's gas tank shall be turned off when the heater is not in use.
4. The unit shall not be used if wind velocity is greater than 10 mph to prevent flame-out.
5. LP-gas maximum inlet pressure shall meet the manufacturer's recommendations.
6. The area of use for the heater unit shall meet the manufacturer's recommendations.
7. The unit shall only be used outdoors in a well-ventilated area.
8. The unit shall not be handled while in use.
9. The units shall be placed at least five (5) feet from any flammable materials, such as carpet, drapes, decorations, chemicals, paper goods, furniture, etc.
10. Units shall be sufficiently anchored so as to prevent accidental tip-over.
11. Units shall be sufficiently cordoned-off as to prevent casual contact by the public.
12. Tanks shall be stored five (5) feet from any doorway or building opening.
13. Fire extinguisher must be located within 25' of heater.

**§ 500-187 Outdoor dining outside permitted zone; other ad hoc variations.**

Notwithstanding anything to contrary contained in this Article or any other laws and ordinances of the Township of West Milford, the Zoning Officer may issue permits to operate outdoor dining which may otherwise vary from certain of the other requirements of this Article. The issuance of such permits shall be on terms and conditions as the Zoning Officer may deem fit and may include, but shall not be limited to, the following situations: (a) the issuance of permits to establishments that are not situated in the permitted zone; (b) the issuance of permits to establishments which may not be deemed to be restaurants under this article; (c) the inclusion of certain private property as part of a particular outdoor dining area; and (d) the establishment of hours of operation which may differ from the requirements otherwise set forth in this article.

**§ 500-188 Temporary Suspension of Township permit.**

Notwithstanding anything to the contrary contained in this Article or any other laws and ordinances of the Township of West Milford, the Township may temporarily suspend an outdoor dining permit in the event of emergency or for other reasons or purposes including, but not limited to, the facilitation of Township-sponsored events.

**§ 500-189 Alcoholic beverages.**

The outdoor dining area of an establishment that holds a Class C Plenary Retail Consumption permit (permit holder) upon which a restaurant has been authorized to operate pursuant to this Article may constitute premises for the sale and consumption of alcoholic beverages provided that the permit holder of the restaurant of which the outdoor dining is a part obtains a place to place transfer of its existing liquor permit to include the outdoor dining area pursuant to the applicable provisions of Chapter 63 of the Code of the Township of West Milford and N.J.S.A. 33:1-1 et seq. Such approval shall be separate from, and must be obtained in addition to, the permit to operate an outdoor dining area pursuant to this Article.

An establishment that does not hold a Class C Plenary Retail Consumption permit may permit patrons, as provided by N.J.S.A. 2C:33-27, to consume wine and beer in the outdoor dining area upon which the restaurant has been authorized to operate. All restrictions placed on establishments pursuant to N.J.S.A. 2C:33-27 will be strictly enforced.

**§ 500-190 Enforcement officer; notice of violation; failure to comply.**

The Zoning Officer of the Township of West Milford (or his or her designee) shall be charged with the responsibility for enforcing the provisions of this Article. Upon a determination by the Zoning Officer (or his or her designee) that a permit holder has violated one or more of such provisions, the Zoning Officer shall give written notice to the permit holder to correct such violation within a time specified by the Zoning Officer. In the event that the permit holder fails or refuses to correct such violation within such time period, the outdoor dining permit shall thereupon, and automatically, be revoked. Upon the revocation of such permit, the permit holder, upon written request, shall be entitled to a hearing before the Zoning Board of Adjustment.

**§ 500-191 Penalties.**

Any person convicted of violation of this Article shall be subject to a fine not to exceed \$500. Each violation of a section or subsection of this Article, and each day that a violation continues shall constitute a separate offense.

**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:

Adopted:

Effective Date:

TOWNSHIP OF WEST MILFORD  
COUNTY OF PASSAIC  
STATE OF NEW JERSEY

ATTEST

\_\_\_\_\_  
William Senande,  
Township Administrator

By: \_\_\_\_\_  
Michele Dale, Mayor



# Township of West Milford

Passaic County, New Jersey

## ~ Resolution 2020 – 316 ~

### RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE SALE OF CERTAIN LANDS AND PROPERTIES WHICH ARE NO LONGER NEEDED FOR PUBLIC USE BY THE TOWNSHIP

**WHEREAS**, the Township of West Milford is the owner of certain lands and premises within the Township of West Milford; and

**WHEREAS**, the Mayor and Township Council of the Township of West Milford does hereby determine that the lands and properties set forth in Schedule A are no longer needed for public use; and

**WHEREAS**, the Township of West Milford desires to make available for public sale said lands, with the right of prior refusal to be afforded to adjacent property owners pursuant to N.J.S.A. 40A:12-13.2.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of West Milford as follows:

1. The Township of West Milford hereby declares that the lands and premises set forth in Schedule A are no longer needed for public use and should be sold in accordance with appropriate statutes of the State of New Jersey.
2. The Township Council of the Township of West Milford hereby authorizes the Township Clerk to offer for sale to the highest bidder by open public sale at auction the property set forth in Schedule A attached hereto and made a part hereof.
3. The public sale shall take place at the West Milford Township Municipal Building, 1480 Union Valley Road, West Milford, New Jersey, on **December 2, 2020 at 5:00 pm** or as soon thereafter as the matter can be heard and publicly announced, provided the sale is not cancelled.
4. The public sale, if not cancelled, shall take place by open public sale at auction to the highest bidder.
5. The successful bidder at the time of the sale must present cash or a check or money order, payable to the Township of West Milford, in an amount that equals 10% of the assessor's suggested minimum. This deposit shall be non-refundable. The balance of the purchase price shall be paid to the Township no later than sixty (60) days following the acceptance by the Township and the tender of marketable title to the purchaser and submitted to the Township. The purchaser shall be entitled to possession immediately following closing of title.
6. The Township makes no representation as to the title or any other aspects of the land to be sold.
7. At closing of title, purchaser shall also pay to the Township a buyer's premium in the amount of ten (10%) percent of the bid amount.
8. The Township reserves the right to accept or reject any and all bids at the public sale and not to award to the highest bidder. Such decision will be made by the Township Council at a Public Meeting within 30 days from the date of such sale.

9. In the event the Township of West Milford is unable to convey clear and marketable title, insurable at regular rates by a title insurance company authorized to do business in the State of New Jersey, the Township shall forthwith return to the purchaser the deposit and neither party shall have any further rights against the other. The acceptance of a deed by the purchaser from the Township shall extinguish any claims the said purchaser may have against the Township of West Milford in connection with the quality of title conveyed.
10. All conveyances by the Township shall be made by way of a Quit Claim Deed, unless an adequate title binder prepared at the expense of the purchaser is forwarded to the Township prior to the conveyance and discloses that the Township holds marketable title in which case a Bargain and Sale Deed with Covenants Against Grantor's Acts will be the form of conveyance. The Township will include within its deed a metes and bounds description based upon a survey if a survey and metes and bounds description is obtained by the purchaser.
11. The Township Council of the Township of West Milford reserves the right to waive any and all defects and informalities in any proposal and to accept or reject the highest responsible and responsive bidder deemed to be in the best interests of the Township.
12. In those cases where the property being offered is an under-sized lot, adjoining property owners shall be given the first right to bid. If purchased by an adjoining property owner, the under-sized property shall merge into the purchaser's current lot. Furthermore, the property shall not be further subdivided as the conveyance is being made to accommodate the adjoining property owner as to his/her current residence, not for subdivision purposes.
13. If no adjoining property owners bid, the bidding will be opened to the public. The deed of conveyance for all under-sized lots that are sold to any party other than an adjoining property owner shall contain a restriction that the lot cannot be built upon. If it is a conforming lot, then no such deed restrictions shall be placed on the transfer of title. The Township will not represent, warrant, or guarantee the right to build on or improve any of the properties listed for sale. All properties will be subject to all Federal, State, Local Laws and Ordinances.
14. A public notice of sale shall be published in the Township's official newspaper at least once a week for two consecutive weeks, the last publication being no earlier than seven (7) days prior to the date set forth for the public sale, which notice shall contain the conditions of this sale in accordance with N.J.S.A. 40A:12-13(a).
15. In the event the successful bidder fails to close on the property, he shall forfeit ten percent (10%) of the purchase price.
16. The resolution shall take effect immediately.

Adopted: October 21, 2020

Adopted this 21<sup>st</sup> day of October 2020  
and certified as a true copy of an original.

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William Senande, Township Clerk

<b>Schedule A</b>						
<b>#</b>	<b>Block</b>	<b>Lot</b>	<b>Approximate Acreage</b>	<b>Zone</b>	<b>Location</b>	<b>Assessor's Suggested Minimum Bid</b>
1	2014	16	.869	LR	Yorktown Road	\$3,800
2	3503	36	.057	R1	25 Cooley Lane	\$10,000
3	3902	6	.20	R4	1588 Greenwood Lake Turnpike	\$7,500
4	7215	1	1.86	LR	Union Valley Road	\$20,000
5	8509	36 & 37	.319	SHD/R2	2 Rockledge Road	\$10,000
6	8510	1	.97	SHD/R2	Rockledge Road	\$9,000
7	12305	9	.0567	SHD/R2	22 Torne Mountain Road	\$12,000
8	12311	27	.115	LR	7 Setting Sun Trail	\$60,000

# Township of West Milford

Passaic County, New Jersey

## ~ Resolution 2020 – 317 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING EXPENDITURE OF FUNDS FOR THE PURCHASE OF TOUCHLESS BATHROOM FIXTURES TO UPGRADE MUNICIPAL FACILITIES IN ACCORDANCE WITH THE STATES (DCA) EMERGENCY PURCHASING PROCEDURES RESULTING FROM THE GOVERNOR'S DECLARATION OF A STATE OF EMERGENCY VIA EXECUTIVE ORDER IN RESPONSE TO THE CORONAVIRUS OUTBREAK**

**WHEREAS**, the Township Council of the Township of West Milford adopted Ordinance 2013-020 to create the position of Qualified Purchasing Agent in the municipality and subsequently adopted Resolution 2013-330 appointing a Qualified Purchasing Agent (QPA) and increasing the bid threshold from \$17,500.00 to \$40,000.00; and

**WHEREAS**, as a condition to the increase in the bid threshold, the Township Council did establish a policy whereby a resolution shall be presented for their consideration for any purchase in excess of the former bid threshold of \$17,500.00 and that the purchase shall conform to all State purchasing laws and guidelines; and

**WHEREAS**, the Emergency Management Coordinator is requesting the purchase of touchless bathroom fixtures from Hamburg Supply Co., Inc., to upgrade municipal facilities to protect the health and safety of Township employees and the public and allow for the continuation of Municipal operations. This is in direct response to the Governor's declaration of a state of emergency in response to the corona virus outbreak. This expense would exceed the aggregate quote threshold of \$17,500.00; and

**WHEREAS**, the above purchase is being made in compliance with the directive of the Department of Community Affairs (DCA) for emergency procurement of goods or services where an emergency affecting the public health or safety requires such emergency purchases; and

**WHEREAS**, the Township Council has received a recommendation from the Emergency Management Coordinator indicating the need to upgrade Municipal facilities with touchless fixtures which expense would exceed the aggregate quote threshold of \$17,500.00; and

**WHEREAS**, this purchase shall be made pursuant to N.J.S.A. 40A:11-6 (local public contracts law) and N.J.S.A 19:44A-20.12 emergency exemption to Pay-to-Play regulations in response to the corona virus outbreak. 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 in an amount not to exceed \$40,000.00 for the remainder of the 2020 calendar year and within the budget appropriation established for this purpose.

Adopted: October 21, 2020

Adopted this 21<sup>st</sup> day of October, 2020  
and certified as a true copy of an original.

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William Senande, Township Clerk

# Township of West Milford

Passaic County, New Jersey

## ~ Resolution 2020 – 318 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING EXPENDITURE OF FUNDS FOR THE PURCHASE AND INSTALLATION OF VINYL FLOORING IN ACCORDANCE WITH THE STATES (DCA) EMERGENCY PURCHASING PROCEDURES RESULTING FROM THE GOVERNOR'S DECLARATION OF A STATE OF EMERGENCY VIA EXECUTIVE ORDER IN RESPONSE TO THE CORONAVIRUS OUTBREAK**

**WHEREAS**, the Township Council of the Township of West Milford adopted Ordinance 2013-020 to create the position of Qualified Purchasing Agent in the municipality and subsequently adopted Resolution 2013-330 appointing a Qualified Purchasing Agent (QPA) and increasing the bid threshold from \$17,500.00 to \$40,000.00; and

**WHEREAS**, as a condition to the increase in the bid threshold, the Township Council did establish a policy whereby a resolution shall be presented for their consideration for any purchase in excess of the former bid threshold of \$17,500.00 and that the purchase shall conform to all State purchasing laws and guidelines; and

**WHEREAS**, the Emergency Management Coordinator is requesting the purchase and installation of vinyl flooring from Be Creative Tile, Marble & Carpet LLC to protect the health and safety of Township employees and the public and allow for the continuation of Municipal operations. This is in direct response to the Governor's declaration of a state of emergency in response to the corona virus outbreak. This expense would exceed the aggregate quote threshold of \$17,500.00; and

**WHEREAS**, the above purchase is being made in compliance with the directive of the Department of Community Affairs (DCA) for emergency procurement of goods or services where an emergency affecting the public health or safety requires such emergency purchases; and

**WHEREAS**, the Township Council has received a recommendation from the Emergency Management Coordinator indicating the need for the vinyl flooring which would allow for more effective disinfection, said expense would exceed the aggregate quote threshold of \$17,500.00; and

**WHEREAS**, this purchase shall be made pursuant to N.J.S.A. 40A:11-6 (local public contracts law) and N.J.S.A 19:44A-20.12 emergency exemption to Pay-to-Play regulations in response to the Corona virus outbreak. 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 in an amount not to exceed \$40,000.00 for the remainder of the 2020 calendar year and within the budget appropriation established for this purpose.

Adopted: October 21, 2020

Adopted this 21<sup>st</sup> day of October, 2020  
and certified as a true copy of an original.

---

William Senande, Township Clerk

# Township of West Milford

Passaic County, New Jersey

## ~ Resolution 2020 – 319 ~

### RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING AN EXTENSION OF THE ORIGINAL AWARD OF A MUNICIPAL ALLIANCE GRANT TO THE PERIOD OF JULY 1, 2020 TO SEPTEMBER 30, 2020

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

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

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

**WHEREAS**, the Township Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Passaic.

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

1. The Township Council previously authorized the submission of a strategic plan for the West Milford Municipal Alliance Grant for the period of July 1, 2019 to June 30, 2020 (FY2020) in the amount of:

DEDR	\$22,440.00
Cash Match	\$ 5,610.00
In-Kind	\$16,800.00

2. The Township Council hereby approves an extension of the original award of the period of July 1, 2020 to September 30, 2020 (FY2020) as follows:

DEDR	\$1,170.00
Cash Match	\$ 292.50
In-Kind	\$ 877.50

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

Adopted:            October 21, 2020

Adopted this 21<sup>st</sup> day of October, 2020  
and certified as a true copy of an original.

#### Certification

\_\_\_\_\_  
William Senande, Township Clerk

I, William Senande, Municipal Clerk of the Township of West Milford, County of Passaic, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council on this 21<sup>st</sup> day of October, 2020.

\_\_\_\_\_  
William Senande, Township Clerk

## **Township of West Milford**

Passaic County, New Jersey

### **~ Resolution 2020 – 320 ~**

#### **RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING AN ADDITIONAL \$10,000,000 IN INSURANCE COVERAGE IN AN AMOUNT NOT TO EXCEED \$4,786**

**WHEREAS**, the Township currently has the maximum limit available of \$20,000,000 in the JIF/MEL for general liability, auto liability and police professional per occurrence and annual aggregate; and

**WHEREAS**, claims have the potential to exceed the current maximum limit as the cost of bodily injury claims, such as medical expenses and lost wages, and the cost to repair/replace property have increased significantly; and

**WHEREAS**, the MEL offers an option of an additional \$10,000,000 coverage shared by all members of the Morris JIF that elect to purchase the coverage; and

**WHEREAS**, the current annual cost of the additional coverage is approximately \$4,786.00; and

**WHEREAS**, the additional coverage is recommended by both the Township's Risk Manager and Insurance Committee.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council that the additional \$10,000,000 in shared coverage for general liability, auto liability and police professional coverage shall be purchased.

Adopted: October 21, 2020

Adopted this 21<sup>st</sup> day of October, 2020  
and certified as a true copy of an original.

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William Senande, Township Clerk

## **Township of West Milford**

Passaic County, New Jersey

### **~ Resolution 2020 - 321 ~**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AMENDING THE RESOLUTION 2020-049 TO INCREASE THE CONTRACT VALUE WITH MARK SEMERARO, ESQ. OF THE FIRM KAUFMAN, SEMERARO, LEIBMAN, LLC FOR SPECIAL LABOR COUNSEL SERVICES TO INCREASE THE NOT TO EXCEED AMOUNT BY \$20,000.00**

**WHEREAS**, by virtue of Resolution 2020-049 adopted January 6, 2020 the Township Council did authorize the engagement of Special Legal Counsel services to be provided by Mark Semeraro, Esq. of Kaufman, Semeraro, Leibman, LLC; and

**WHEREAS**, Resolution 2020-049 and the related Professional Services Contract did authorize services in an amount not to exceed \$60,000; and

**WHEREAS**, the Township Administrator has been advised that the Township's needs, necessitates an amendment in an additional amount not to exceed \$20,000; and

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds and said funds to be encumbered from account 01-201-20-155-502 for \$20,000.00; 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 Mark Semeraro, Esq. are extended by an additional twelve months or until the conclusion of the legal matter, whichever comes first.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey that they do hereby authorize the Township Administrator to approve an amendment of \$20,000 to Mark Semeraro, Esq. for Special Legal Services which amount is in excess of the approved contract amount of \$60,000 bringing the contract total to an amount not to exceed \$80,000 and re-engaging the services of Mark Semeraro, Esq. for an additional twelve months or until the conclusion of this legal matter, whichever comes first.

This Resolution shall take effect immediately.

Adopted:           October 21, 2020

Adopted this 21<sup>st</sup> day of October, 2020  
and certified as a true copy of an original.

---

William Senande, Township Clerk



## Township of West Milford

Passaic County, New Jersey

### ~ Resolution 2020 – 322 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE ISSUANCE OF VARIOUS LICENSES FOR THE LICENSE YEAR 2021**

**WHEREAS**, applications have been made for the new licenses and the renewal of various Licenses for the 2021 license year; and

**WHEREAS**, reports of recommendation have been received from applicable Township Departments recommending the issuance of said licenses as listed below.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of West Milford does hereby approve the issuance of 2021 Licenses as listed below:

<b>License No.</b>	<b>2021 JUNK YARD LICENSE</b>
2021-01	Mountain Top Auto, Inc. – John Kardanow
<b>License No.</b>	<b>2021 JUNK SHOP LICENSE</b>
2021-01	Mountain Top Auto Inc. – John Kardanow
<b>License No.</b>	<b>2021 RECYCLING CENTER LICENSE</b>
2021-01	SkyTop Recycling Inc. – Peter Downes
<b>License No.</b>	<b>2021 JUNK YARD LICENSE</b>
2021-02	Car Part Depot – Ali R. Abasi

Adopted: October 21, 2020

Adopted this 21<sup>th</sup> day of October, 2020  
and certified as a true copy of an original.

\_\_\_\_\_  
William Senande, Township Clerk

# Township of West Milford

Passaic County, New Jersey

## ~ Resolution 2020 – 323 ~

### RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF POCKET (INACTIVE) PLENARY RETAIL CONSUMPTION LICENSES FOR THE 2020- 2021 LICENSE YEAR

**WHEREAS**, applications for renewal of Plenary Retail Consumption License for the 2020- 2021 License year have been processed on the ABC POSSE website and reviewed; and

**WHEREAS**, these licenses have received a Tax Clearance Certificate and Special Ruling for the 2020-2021 year; and

**WHEREAS**, the Township Council has conducted a public review of the application as stipulated in the guidelines of the Director of the Division of Alcoholic Beverage Control; and

**WHEREAS**, as a result of that review the Township Council has determined as follows:

1. The submitted application is complete in all respects.
2. The applicant is qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. laws and regulations.

**WHEREAS**, the Police Department has recommended that the license be renewed to the current owners as a pocket (inactive) license with conditions.

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's Office and receive satisfactory recommendations from the Health, Fire, Building, Zoning and Police Departments prior to siting this license.
2. Prior to activating the license, inspections of premises must be made and satisfactory recommendations must be received by the Fire, Health, Building, Zoning and Police Departments.
3. Licensee must submit applicable pages 1, 2, and 11 of the 12-page application to the Township Clerk's Office with date of activation prior to activation or opening this license.
4. A Health Department Retail Food Establishment license must be acquired with detailed floor plans and satisfactory recommendation received in the Clerk's Office prior to opening.

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

LICENSE/LICENSEE/T/A	CONDITIONS
<b>NONNA NINA LLC</b> Inactive / Nonna Nina 9 Lakeside Road, Hewitt, NJ 07421 1615-33-017-009	Conditions stated above in resolution

Adopted:            October 21, 2020

Adopted this 21<sup>st</sup> day of October, 2020  
and certified as a true copy of an original.

\_\_\_\_\_  
William Senande, Township Clerk

## **Township of West Milford**

Passaic County, New Jersey

### **~ Resolution 2020 – 324 ~**

#### **RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING CANCELLATION OF A REFUND OVERPAYMENT ON A PARCEL BLOCK 6302 LOT 2 FROM RESOLUTION 2020-298**

**WHEREAS**, Resolution 2020-298 authorized a refund on a tax record overpayment in the amount of \$2,270.00 to Omnia Title Corp., Block 6302 Lot 2; and

**WHEREAS**, Omnia Title Corp has instructed the Collector of Taxes to apply the refund to the November 1, 2020 tax quarter; and

**WHEREAS**, the Township of West Milford Tax Collector needs to cancel the refund and leave the payment on Block 6302 Lot 2; and

**WHEREAS**, the funds on Block 6302 Lot 2 will remain on the account and will be posted to the 4<sup>th</sup> quarter 2020 property taxes.

**NOW, THEREFORE, BE IT RESOLVED** that the proper officers be and hereby authorized and directed to cancel the refund overpayment on Block 6302 Lot 2 from Resolution 2020-298 adopted September 16, 2020.

Adopted:           October 21, 2020

Adopted this 21<sup>st</sup> day of October, 2020  
and certified as a true copy of an original.

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William Senande, Township Clerk

**Township of West Milford**  
Passaic County, New Jersey

**~ Resolution 2020 – 325 ~**

**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	Pay to Lien Holder
17-0011	10/10/2017	01913-002	\$47,477.64	ALTERNA TAX ASSET GROUP LLC 150 S PINE ISLAND ROAD SUITE 430 PLANTATION, FL 33324
18-0028	10/09/2018	04104-005	\$7,071.85	CAZENOVIA CREEK FUNDING II; LLC PO BOX 54132 NEW ORLEANS, LA 70154
19-0029	10/15/2019	03705-068	\$54,036.08	US BANK CUST FOR ACTLIEN HOLD. INC. 2 LIBERTY PLACE 50 SOUTH 16 ST. STE 2050 PHILADELPHIA, PA 19102
19-0031	10/15/2019	03906-002	\$158,017.38	TLOA OF NJ LLC 11 TALCOTT NOTCH RD 2ND FLOOR FARMINGTON, CT 06032
<b>TOTAL</b>			<b>\$266,602.95</b>	

Adopted: October 21, 2020

Adopted this 21<sup>st</sup> day of October, 2020  
and certified as a true copy of an original.

\_\_\_\_\_  
William Senande, Township Clerk

# Township of West Milford

Passaic County, New Jersey

## ~ Resolution 2020 – 326 ~

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

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

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

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

Block/Lot	Name	Amount	Year	Reason
02704-006	NANCY JAMES 26 YARDVILLE ROAD HEWITT, NJ 07421	\$2,820.57	2020	6
00604-004	MONNTET, RAYMOND K & GRECCO,M 71 WITTE ROAD HEWITT, NJ 07421	\$1,033.24	2020	6
00905-013	GREEN AIR REALTY LLC 104 FRANKLIN ST BROOKLYN, NY 11222	\$824.11	2020	6
00905-015	GREEN AIR REALTY LLC 104 FRANKLIN ST BROOKLYN, NY 11222	\$1,216.91	2020	6
01802-021	BIERWAS, JASON 1945 MACOPIN RD WEST MILFORD, NJ 07480	\$216.90	2020	6
02312-014	DEMAIO, ANDREW PINECREST SENIO 67 BONIFACE DRIVE, APT43 PINE BUSH, NY 12566	\$3,431.24	2020	6
03103-009	ZIMOLAG, IZABELA 13 QUIGLEY R HEWITT, NJ 07421	\$1,151.45	2020	6
03610-032	WHITE, JOSEPH F & ALICE 105 PULIS AVE FRANKLIN LAKES, NJ 07417	\$283.79	2020	6
07307-002	BEARFORT PROPERTY HOLDINGS LLC 528 LAFAYETTE AVE HAWTHORNE, NJ 07506	\$2,041.03	2020	6
07801-039.01	INDOE, JESSICA 39A LEXINGTON LANE WEST MILFORD, NJ 07480	\$188.70	2020	6

<b>Block/Lot</b>	<b>Name</b>	<b>Amount</b>	<b>Year</b>	<b>Reason</b>
08201-014	KWWM JOINT VENTURE LLC 1917 MACOPIN ROAD WEST MILFORD, NJ 07840	\$658.02	2020	6
11002-011	GLEN LAKE COMPANY INC 114 TOWNSEND ROAD WANAQUE, NJ 07465	\$885.73	2020	6
12102-008	KWWM JOINT VENTURE LLC 79 GLENWILD AVE BLOOMINGDALE, NJ 07403	\$622.30	2020	6
12211-017	465 SMITH STREET LLC 28 YARDLEY CT GLEN ROCK, NJ 07452	\$887.43	2020	6
14402-003	SLATER PROPERTIES LLC 1045 MACOPIN ROAD WEST MILFORD, NJ 07480	\$1,732.95	2020	6
16901-002	ELSAMNA TAREQ 9 OAK HILL DR WAYNE, NJ 07470	\$1,264.88	2020	6
14108-001.02	FRED NOURI 6 FRANCES ST CLIFTON, NJ 07014	\$971.72	2020	6
05202-008	FABI ANGEL F. & PARIAN – FABI, KATI L 17 HERITAGE DR WEST MILFORD, NJ 07480	542.99	2020	6
06717-003	LEROY & GLORIA BRADFORD 16 BEAVER ST WEST MILFORD, NJ 07480	\$4 332.98	2019	1
<b>TOTAL</b>		<b>\$25,106.94</b>		

Adopted: October 21, 2020

Adopted this 21<sup>st</sup> day of October, 2020  
and certified as a true copy of an original.

\_\_\_\_\_  
William Senande, Township Clerk

**Township of West Milford**

Passaic County, New Jersey

**~ Resolution 2020 – 327 ~**

**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>Pickle Ball</b>	
\$280.00	Graham Docwra 928 Union Valley Road West Milford, NJ 07480

Adopted: October 21, 2020

Adopted this 21<sup>st</sup> day of October, 2020  
and certified as a true copy of an original.

\_\_\_\_\_  
William Senande, Township Clerk

## Township of West Milford

Passaic County, New Jersey

### ~ Resolution 2020 – 328 ~

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

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

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

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

**REASON:                      INSUFFICIENT FUNDS**

<b>BLOCK/LOT</b>	<b>NAME</b>	<b>AMOUNT</b>	<b>YEAR</b>
15501-011	Santa Lucia, Debra Ann	\$2,084.64	2020
14605-007	Van Hook, Sr. Joseph	\$372.53	2020
00505-025	Enver, Ibric	\$2,012.63	2020
02406-011	Leeds Martin, Glenn	\$1,206.52	2020
5312-003.18	Dearce, Leroy J	\$300.60	2020
12901-022	Gincley, Laurie	\$4,141.26	2020
07619-007	Dahl, Gina	\$1,957.00	2020
<b>Total</b>		<b>\$12,075.18</b>	

Adopted:            October 21, 2020

Adopted this 21<sup>st</sup> day of October, 2020  
and certified as a true copy of an original.

\_\_\_\_\_  
William Senande, Township Clerk



# Township of West Milford

Passaic County, New Jersey

## ~ Resolution 2020 – 329 ~

### RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY APPROVING THE PAYMENT OF BILLS

**WHEREAS**, the Township Treasurer has submitted to the members of the Township Council a supplemental report listing individual disbursement checks prepared by this office in payment of amounts due by the Township.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Treasurer's report of checks prepared by the Treasurer's Office be approved and issued as follows:

Acct #	Account Name	Amount
1	Current Account	\$505,049.97
3	Reserve Account	2,361.25
2	Grants	3,183.30
6	Refunds	291,989.89
1	General Ledger	12,483.36
26	Refuse	71,823.77
4	Capital	2,951.51
19	Animal Control	2,896.33
19	Heritage Trust	0.00
19	Open Space Trust	0.00
19	Trust	5,966.69
19	Scala Trust	0.00
16	Development Escrow	0.00
19	Tax Sale Trust	0.00
21	Assessment Trust	62,650.51
	Special Reserve	0.00
Total		\$961,356.58
	Less Refund Resolution	-291,989.89
	<b>Actual Bills List</b>	<b>\$669,366.69</b>
	Other Payments	
	Payroll	\$496,348.63
	Enterprise Fleet	16,498.59
	WMBOE	4,817,963.00
	<b>Total Expenditures</b>	<b>\$6,000,176.91</b>

Adopted: October 21, 2020

Adopted this 21<sup>st</sup> day of October, 2020  
and certified as a true copy of an original

\_\_\_\_\_  
William Senande, Township Clerk