
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Governing Body Workshop Meeting
Date of Meeting: December 7, 2022
Time of Meeting: 6:30 p.m.
Minute Page No: Page 1 of 40

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/Regular 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

November 2, 2022 Workshop/Regular Meeting Minutes

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

Agenda No. IV

Meetings

December 21, 2022 Regular Meeting

Agenda No. V

Proclamations

None.

Agenda No. VI

Presentations

None.

Agenda No. VII

Executive Session

Agenda No. VII 1

~ Resolution 2022 – 400 ~

EXECUTIVE SESSION WAS CANCELLED PRIOR TO THE MEETING

Agenda No. VIII

Discussion Items / Official Communications

None.

Agenda No. VIII

Unfinished Business, Final Passage of Ordinances

Agenda No. VIII 1

~ Ordinance 2022 – 049 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD AMENDING THE TOWNSHIP CODE TO ADD WITHIN PART II, GENERAL LEGISLATION, A NEW CHAPTER 96 TO BE ENTITLED “BUSINESS INSURANCE REGISTRATION”

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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WHEREAS, on August 5, 2022, Governor Murphy signed into law Senate Bill 1368, which mandates that business owners, rental unit owners, and certain multi-family home owners maintain liability insurance for negligent acts and omissions in amounts set forth in N.J.S.A. 40A:10A-1; and

WHEREAS, Senate Bill 1368 additionally requires such business, rental unit and certain multi-family home owners to annually register a Certificate of Insurance with the municipality in which the business, rental unit, or multi-family home is located, in accordance with N.J.S.A. 40A:10A-2a, effective November 3, 2022; and

WHEREAS, N.J.S.A. 40A:10A-2b authorizes municipalities to, by ordinance, establish a reasonable administrative fee for administration of the registration program, and to enforce penalties pursuant to N.J.S.A. 2A:58-10 *et seq.* for failure to comply with the registration requirements; and

WHEREAS, in order to ensure compliance with this new law, business owners and owners of multi-family rental units are required to annually register a certificate of insurance with the municipality where the business or rental unit is located; and

WHEREAS, the Township of West Milford has reviewed this recent legislation and determined that the Township Code should be amended to establish a registration program and establish fees and penalties associated with same.

NOW THEREFORE BE IT ORDAINED, by the Township of West Milford, in the County of Passaic and State of New Jersey, that the Township Code shall be amended to add a new Section to read as follows:

SECTION 1. Chapter 96. BUSINESS INSURANCE REGISTRATION

§96-1. Insurance Coverage Required.

The owner of a business or the owner of a rental unit or units, other than a multifamily home as set forth in this Section below, shall be required to maintain liability insurance for all negligent acts and omissions in an amount of no less than \$500,000 for combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence.

The owner of a multifamily home which is four or fewer units, one of which is owner-occupied, shall maintain liability insurance for negligent acts and omissions in an amount of no less than \$300,000 for combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence.

§96-2. Annual Registration Requirement.

Any owner of a business or rental unit(s) required to maintain insurance as set forth in Section 96-1 above, is required to register the certificate of such insurance coverage with the Township Clerk, as follows:

- 1) Within 30 days of the date this Ordinance takes effect;
- 2) Within 30 days of the date of establishment of said business or rental unit(s) within the Township;
- 3) On or before January 15 or each year following enactment of this Section.

A new certificate will be required annually for each calendar year. All certificates shall be renewed no later than January 15 of each year. It shall be the responsibility of any owner conducting, operating or engaging in any business covered by this requirement to apply for a certificate at the Office of the Municipal Clerk.

§ 96-3 Definitions.

The following words and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

BUSINESS

Any person offering and/or engaged in buying, selling, storing and/or transferring merchandise, goods, real property, personal property, moneys, services and/or other items who do so for a fee, price, retainer, commission, percentage and/or other means of compensation for the purpose, stated or otherwise, of realizing a profit or other gain.

MUNICIPAL INSURANCE REGISTRATION FORM

The registration form to be filed with the Municipal Clerk.

MUNICIPAL INSURANCE REGISTRATION CERTIFICATE

The certificate issued by the Municipal Clerk indicating compliance with the registration requirement.

CERTIFICATE OF INSURANCE

The certificate of insurance form.

MUNICIPALITY

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The Township of West Milford

§ 96-4 Municipal Insurance Registration Form; Required Information; Issuance of Certificate

A. Any business owner, rental unit owner, or owner of a multifamily home that is four or fewer units, one of which is owner occupied, located within the Township of West Milford shall file a completed municipal insurance registration form and certificate of insurance with the Municipal Clerk and shall pay the required fee.

B. The municipal insurance registration form shall contain the following information for each owner applying for a certificate:

- (1) The name of the owner.
- (2) The nature of and address of the business, rental unit(s) or multifamily home(s).
- (3) The business address of the owner.
- (4) The home address of the owner.
- (5) The business telephone number of the owner
- (6) The home telephone number and/or cell number of the owner.
- (8) The trade name or other business identification titles used by the owner.

C. The Municipal Clerk shall issue a municipal insurance registration certificate to any owner who files a completed municipal insurance registration form with certificate of insurance demonstrating the required coverage, and pays the required fee.

D. Upon receipt of the requirements of § 96-4(C), the municipal insurance registration certificate shall be issued along with a copy of the completed municipal insurance registration form with an acknowledgment by the Municipal Clerk that it has been properly filed.

§ 96-5 Licensing Two or More Businesses or Locations.

A. In the event that two (2) or more businesses occupy the same location, the owner shall be required to complete a separate municipal insurance registration form and obtain a separate certificate for each such business.

B. In the event that the same owner conducts businesses at two (2) or more locations, a separate business registration form and certificate shall be required for each location.

§ 96-6 Changes in Businesses or Locations or Owners.

Every owner having a municipal insurance registration certificate for a business or rental unit or multifamily home of four or few units, one of which is owner occupied, that ceases to operate, changes the principal activity in which it is engaged, changes its location and/or locations in the municipality, moves out of the municipality or changes owners and/or managers, must submit written notice to the Municipal Clerk within thirty (30) days of such change. In the event of cessation of business or moving out of the municipality, the person having a certificate for a business must provide the name, address and home telephone number of the person or principal officer of the business to the Municipal Clerk within thirty (30) days of such event.

§ 96-7 Compliance with Applicable Laws and Ordinances.

Issuance of a municipal insurance registration certificate by the municipality does not evidence compliance with other applicable rules, regulations, ordinances and statutes of the municipality, county and State of New Jersey, or other regulatory agencies having jurisdiction over the activities of the certificate holder.

§ 96-8. Registration Fee.

The annual fee for registration of the certificate of insurance pursuant to this Section shall be \$25.00, due at the time the certificate of insurance is to be registered with the Municipal Clerk.

§ 96-9. Violations.

If the owner of a business or rental unit(s) subject to the registration requirements of this Section is found to be in violation of these provisions, a fine of not less than \$500 but no more than \$5,000 may be assessed against same through a summary proceeding in accordance with the provisions of in N.J.S.A. 2A:58-10 et seq.

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.

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

Introduced: November 2, 2022
Adopted: December 7, 2022
Effective Date: December 27, 2022

This Ordinance was introduced on November 2, 2022 and Notice of Public Hearing was published in the Herald News on November 8, 2022. The Governing Body will open the meeting to the public to speak on this Ordinance only.

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

Motion to move Ordinance 2022-049

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

Agenda No. XIII 2

~ Ordinance 2022 – 050 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING SECTION 500-66 ACCESSORY BUILDINGS OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP AND ADDING A NEW SECTION 500-XX “OUTDOOR WOOD BURNING FURNACES” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP

SECTION 1 § 500-66. Accessory buildings.

C. Distance between adjacent buildings: The minimum distance between an accessory building and any other buildings on the same lot shall be as prescribed in § 500-12, 500-28, 500-40 and 500-48, except that no poultry or livestock shelter, shall be erected nearer than 100 feet to any dwelling on the same lot. Minimum distance between an outdoor wood burning furnace and any other buildings on the lot shall be as per manufacturer’s specifications and zoning standards for the respective zone district.

D. Location: An accessory building may be erected in side or rear yard areas only, and shall be set back from side and rear lot lines as prescribed in § 500-12, 500-23C(4)(b), 500-28, 500-40, and 500-48, except that, if erected on a corner lots with more than one street frontage lot, the accessory building shall be set back from the secondary side-street to comply with the setback line applying to the principal building for that side street, and except ,further ,that no poultry or livestock shelter shall be erected nearer than 50 feet to any lot lines. Outdoor wood burning furnaces must meet accessory building setbacks in the respective zone district.

H. Outdoor wood-burning furnaces shall also adhere to regulations set forth in § 500-__ **Outdoor wood-burning furnaces.**

SECTION 2. § 500-__. Outdoor wood-burning furnaces.

A. Definitions. For the purpose of this section, the following definitions shall apply:

OUTDOOR WOOD FURNACE (also known as OUTDOOR HYDRONIC HEATERS or OUTDOOR WOOD-FIRED BOILERS)

A structure or fuel-burning device designed to burn wood or other approved solid fuels in an outdoor installation, which heats building space and/or water via the distribution, typically through pipes, of a fluid heated in the device, typically water or a water/antifreeze mixture. It may also be a wood or approved solid-fuel-fired water-jacketed stove that provides heat and/or hot water to new or existing stoves. This does not include fireplaces, fire pits, barbecues, or similar structures not designed to heat a structure

B. Permit and inspection required. A zoning permit application and a building permit application shall be required prior to the installation of the furnace. An inspection from the Township Fire Prevention Office must be obtained.

C. All installations and users shall comply with all State laws, New Jersey Department of Environmental Protection regulations, New Jersey Department of Community Affairs, and New Jersey State health regulations, as well as local and County Board of Health ordinances and regulations Outdoor wood burning furnaces must comply with NJAC 7:27-3, “Control and Prohibition of Smoke from Combustion of Fuel.” This regulation mandates that stationary outdoor wood burning furnaces produce no smoke, except for three minutes in any 30-minute period.

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.

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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 immediately upon final passage, approval and publication as required by law.

Introduced: November 2, 2022
Adopted: December 7, 2022
Effective Date: December 27, 2022

This Ordinance was introduced on November 2, 2022 and Notice of Public Hearing was published in the Herald News on November 8, 2022. The Governing Body will open the meeting to the public to speak on this Ordinance only.

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

Motion to move Ordinance 2022-050

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

Agenda No. XIII 3

~ Ordinance 2022 – 051 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER §285, “PROPERTY MAINTENANCE” AND RETITLING SECTION §285-12 “VACANT AND ABANDONED PROPERTIES” OF THE REVISED GENERAL ORDINANCES

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

SECTION 1. Chapter 285, “Property Maintenance”, be and is hereby retitled “Vacant and Abandoned Properties” and amended to read as follows:

§285-12 Vacant/Abandoned Properties

§285-12-1. Definitions.

The following words and terms shall have the meanings herein indicated for the purposes of this article:

ENFORCEMENT OFFICER - The Township Enforcement Officer shall be defined as the Zoning Officer, Construction Official, Township Engineer or any other Township officials so designated by the Township Council to enforce the provisions of this chapter. Nothing herein shall preclude any Township employee engaged in the enforcement of laws and ordinances from enforcing the provisions hereof. The Construction Official shall be responsible for enforcement of violations of the New Jersey Uniform Construction Code.

EXTERIOR OF THE PREMISES - Those portions of a residential structure or accessory structure on residential property which are exposed to public view and the surrounding open space.

NUISANCES AND HAZARDS - The following shall be considered nuisances and hazards for the purposes of this Article: (1) any residential structure or accessory structure that is in disrepair by reason of deteriorating conditions or storm damage; (2) out of service swimming pools in disrepair by reason of deteriorating conditions or storm damage; (3) dead, rotting or diseased trees; (4) loose and overhanging tree limbs; (5) accumulated junk, litter or debris; (6) accumulated hazardous, noxious, or unhealthy substances or materials; and (7) overgrown or neglected lawns, bushes, trees, shrubbery and landscaping
RESPONSIBLE PARTY - The title owner of a vacant and abandoned property or a creditor responsible for the maintenance of a property pursuant to N.J.S.A 46:10B-51.

OWNER - every person or entity, who alone or severally with others, has legal or equitable title to any Real Property as defined by this Chapter; has legal care, charge, or control of any such property; is in

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possession or control of any such property; and/or is vested with possession or control of any such property. The Property Manager shall not be considered the Owner.

STREET ADDRESS - This means an address at which a natural person who is the responsible party or an authorized agent actually resides or actively uses for business purposes, and shall include a street name or rural delivery route.

VACANT - Any residential parcel of land in the Township of West Milford that contains any building or structure that is not lawfully occupied.

§285-12-2. Vacant, abandoned Residential Property

Any improved residential property which is not physically and lawfully occupied by a title owner, title owner's family member, title owner's relative or a tenant of the title owner, and at which at least three of the following conditions exist at the property:

- 1) Overgrown or neglected vegetation;
- 2) The accumulation of newspapers, circulars, flyers, or mail on the property;
- 3) Disconnected gas, electric or water utility services to the property;
- 4) The accumulation of hazardous, noxious, or unhealthy substances or materials on the property;
- 5) The accumulation of junk (including junk vehicles), litter, trash, or debris on the property
- 6) The absence of window treatments such as blinds, curtains, or shutters;
- 7) The absence of furnishings and personal items;
- 8) Statements of neighbors, delivery persons, or governmental employees indicating that the property is vacant and abandoned;
- 9) Windows or entrances to the property that are boarded up or closed off, or multiple window panes that are damaged, broken, and unrepaired;
- 10) Doors to the property that are smashed through, broken off, unhinged, or continuously unlocked;
- 11) A risk to the health, safety, or welfare of the public or any adjoining or adjacent property owners due to acts of vandalism, loitering, criminal conduct, or physical destruction or deterioration of the property;
- 12) An uncorrected violation of a municipal building, housing or similar code during the preceding year, or an order by municipal authorities declaring the property to be unfit for occupancy and to remain vacant and unoccupied
- 13) The authorized party has secured or winterized the property due to the property being deemed vacant and unprotected or in danger of freezing, or;
- 15) Any other reasonable indicia of abandonment

A property which contains both residential and nonresidential space may be considered abandoned pursuant to P.L. 2003, c. 210 (N.J.S.A. 55:19-78 et seq.) so long as two-thirds (2/3) or more of the total net square footage of the building was previously legally occupied as residential space and none of the residential space has been legally occupied for at least six (6) months at the time of the determination of abandonment by the Enforcement Officer and the property meets the criteria set forth in this Article.

§285-12-3. Yard

An open space extending between the closest point of any building and a lot line or street line, excluding those portions of the yard that are critical areas.

§285-12-4. Registration of Vacant, Abandoned Properties

- A. **Registration.** The responsible party for a vacant, abandoned residential property shall immediately file a certificate of registration with the Township Clerk after receipt of notice that the property has been determined to be vacant and abandoned, or immediately after the responsible party assumes ownership of or responsibility for a property already determined to be vacant and abandoned. A certificate of registration shall remain valid for one year from the date of issuance and shall be renewed on an annual basis if the property remains vacant and abandoned.
- B. **Form of Certificate of Registration.** The certificate of registration shall be filed on forms prescribed by the Township Clerk and shall contain:
 - 1) The name, street address, email address, and direct telephone number of a person who resides or maintains an office within the municipality and who is either the responsible party or an authorized agent designated by the responsible party to receive notices and complaints of property maintenance and code violations on behalf of the responsible party;
 - 2) The name, street address, and telephone number of the person responsible for maintaining the property, if different; and
 - 3) A certificate from a licensed insurance provider evidencing the liability insurance coverage on the vacant and abandoned property.

Certificate of Registration Amendments.

A responsible party for a vacant and abandoned property shall file an amended certificate of registration within 30 days after any change in the information required to be included thereon.

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§285-12-5. Security; Notification; Liability Insurance

- A. Within 45 days after the property has been determined to be vacant and abandoned and until the property is reoccupied, the responsible party for a vacant, abandoned, or foreclosed residential property shall:
- 1) Enclose and secure the property against unauthorized entry;
 - 2) Post a sign affixed to the inside and outside of the property, visible to the public, indicating the name, address, and telephone number of the responsible party, and authorized agent designated by the responsible party for the purpose of maintaining the property if different from the responsible party or authorized agent; and
 - 3) Acquire and otherwise maintain liability insurance by procuring a vacancy policy, covering any damage to any person or any property caused by any physical condition of the property.

§285-12-6. Maintenance Standards for Vacant, Abandoned, and Foreclosed Properties

- A. Vacant, abandoned, and foreclosed properties shall be maintained in accordance with the following standards:
- 1) The property shall be kept free of all nuisances and hazards, litter, and debris.
 - 2) The property shall be kept free of accumulations of water, vegetation or other matter which might serve as a source of food or as a harboring or breeding place for infestation.
 - 3) Grass in the yard area shall be cut and maintained so as to prevent the grass from growing to seed or exceeding fourteen inches (14") in height.
 - 4) The exterior of every structure or accessory structure or other improvement on the premises shall be kept in good repair and all exposed surfaces subject to deterioration shall be covered by a protective coating appropriate for the particular material as needed.
 - 5) The exterior of the buildings shall be free of loose material that may create a hazard by falling on persons utilizing the premises
 - 6) All exterior walls, roofs, windows, window frames, doors, door frames, sky lights, foundations, and other parts of the structure shall be maintained to keep water from entering the structure and to prevent excessive drafts or heat loss during cold or inclement weather and to provide a barrier against infestation. Damaged or badly worn materials shall be repaired or replaced and places showing signs of rot, leakage or deterioration or corrosion shall be treated or restored to prevent weathering or seepage.
 - 7) Leaders and drain pipes shall be securely fastened to the building and maintained in good condition

§285-12-7. Notice of Vacancy and Abandonment

Upon determination of the enforcement officer that a residential property is vacant and abandoned, the enforcement officer shall notify the responsible party by personal service or registered mail, and posting of notice in a noticeable place on the property of the determination and the requirements of this Article.

§285-12-8. Notice of Violation

The enforcement officer upon determination of any violation of the provisions of this Article, or any other applicable ordinances, statutes or regulations, shall attempt to notify the responsible party by personal service or registered mail and posting of notice in a noticeable place on the property of the determination and the requirements of this Article. The notice shall advise the responsible party of the violation and the obligation to remedy the same within 10 days from the date of the notice. If the violation is not remedied to the satisfaction of the enforcement officer within said 10 days, the enforcement officer may issue a summons to the responsible party and request the governing body to adopt a resolution authorizing the municipality to abate the violation and place the property in compliance with the provisions of this Article and any other applicable ordinances, statutes or regulations at the responsible party's sole cost and expense and impose a lien on the property for all costs and fees associated herewith.

§285-12-9. Appeals of Abandoned Property List Inclusion

- A. An owner or lienholder may challenge the inclusion of his property on the abandoned property list by appealing that determination to the Building Standards Board within the thirty (30) days of the owner's receipt of notice or forty days from the date upon which the notice was sent. An owner whose identity was not known to the Construction Official shall have forty (40) days from the date upon which the notice was published or posted, whichever is later, to challenge the inclusion on the abandoned property list. For good cause shown, the Building Standards Board shall accept a late filing of an appeal. Within 30 (thirty) days of receipt of a request for an appeal of the findings contained in the notice, the Building Standards Board shall schedule a hearing for redetermination of the matter. Any property included on the list shall be presumed to be abandoned property unless the owner, through the submission of an affidavit or certification by the property owner averring that the property is not abandoned and stating reasons for such averment, can demonstrate that the property was erroneously included on the list. The affidavit or certification shall be accompanied by supporting documentation, such as but not limited to photographs, repair invoices, bills and construction contracts. The sole ground for appeal shall be that the property in question is not abandoned property as that term is defined in this ordinance. The Building Standards Board shall decide any timely filed appeal within (10) days of the hearing on the appeal and shall promptly, by certified mail, return receipt requested, and by regular mail, notify the proper owner of the decision and reasons thereof.

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- B. The property owner may challenge on adverse determination of an appeal with the Building Standards Board by instituting, in accordance with the New Jersey Court Rules, a summary proceeding in the Superior Court, Law Division, sitting in Passaic County, which action shall be tried de novo. Such action shall be instituted within (20) days of the date of decision mailed by the Building Standards Board. The sole ground for appeal shall be that the property in question is not abandoned property as that term is defined in this ordinance. The failure to institute an action of appeal on a timely basis shall constitute a jurisdictional bar to challenging the adverse determination, except that, for good cause shown, the court may extend the deadline for instituting the action.
- C. The Construction Official shall promptly remove any property from the abandoned property list that has been determined not to be abandoned on appeal.
- D. The abandoned property list shall become effective and the Township of West Milford shall have the right to pursue any legal remedy with respect to properties on the abandoned property list at such time as any one property has been placed on the list in accordance with the provisions of this section, upon the expiration of the period for appeal with respect to the property or upon the denial of an appeal brought by the property owner.

§285-12-10. Abatement by Municipality: Costs and Lien

Upon adoption of a resolution by the governing body, the municipality may abate any nuisance, hazard or violation and place the property in compliance with the provisions of this Article and any other applicable ordinances, statutes, or regulations. The enforcement officer shall certify the costs thereof to the governing body. The governing body shall review the certificate of costs and if found acceptable, authorize a lien be placed against the property. The amount of the lien shall be added to the taxes to be assessed and levied upon the property. The amount of the lien shall also bear interest at the same rates as taxes and be collected in the same manner as any other taxes assessed and levied upon the property.

§285-12-11. Violations and Penalties

Any person or entity that violates any provision of this article shall, upon conviction thereof, be punished by a fine not less than \$500 or more than \$1,000. Each day that a violation continues shall constitute an additional, separate and distinct offense. Any penalty imposed pursuant to this section shall be recoverable by a summary proceeding under the "Penalty Enforcement Law of 1999, "P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court, Law Division, or the municipal court shall have jurisdiction to enforce such penalty

§285-12-12. Severability

If any provisions of this Ordinance shall be determined to be invalid or unenforceable, such adjudication shall not affect the validity of the remaining provisions of this Ordinance.

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

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

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

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

Introduced: November 2, 2022
Adopted: December 7, 2022
Effective Date: December 27, 2022

This Ordinance was introduced on November 2, 2022 and Notice of Public Hearing was published in the Herald News on November 8, 2022. The Governing Body will open the meeting to the public to speak on this Ordinance only.

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

Motion to move Ordinance 2022-051

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

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Agenda No. XIII 4

~ Ordinance 2022 – 052 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 285 AND CREATING A NEW SECTION 285-XXX OF THE TOWNSHIP CODE OF WEST MILFORD TO BE ENTITLED, “REGISTRATION OF FORECLOSURE MORTGAGE PROPERTIES” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP

WHEREAS, the Mayor and Township Council has determined that it is necessary and appropriate and in the best interest of the health, safety and welfare of the Township of West Milford’s residents to amend the Township Code regarding vacant, abandoned properties and foreclosure properties; and

WHEREAS, the Township of West Milford finds it in the best interest in providing for purpose, intent and applicability of an ordinance requiring the registration and maintenance of certain real property by mortgagees, providing for penalties and enforcement as well as the regulation, limitation and reduction of registrable real property within the Township, providing for severability, repealer, codification and an effective date.

NOW THEREFORE BE IT ORDAINED by the Township Council of the Township of West Milford Passaic County, New Jersey that Chapter 285 Code of the Township shall be amended to create a new section 285-XXX to read as follows:

SECTION 1. Chapter 285 Property Maintenance shall be further amended to include the following provision and include as a new Section 285-XXX “Registration of Foreclosure Mortgaged Properties” and as noted below:

§ 285-XX. Registration of Foreclosure Mortgaged Properties.

WHEREAS, the Township Council desires to protect the public health, safety, and welfare of the citizens of the incorporated area of the Township of West Milford and maintain a high quality of life for the citizens of the Township through the maintenance of structures and properties in the Township; and

WHEREAS, the Council recognizes properties subject to foreclosure action or foreclosed upon (hereinafter referred to as “Registrable Properties”) located throughout the Township lead to a decline in community and property value; create nuisances; lead to a general decrease in neighborhood and community aesthetic; create conditions that invite criminal activity; and foster an unsafe and unhealthy environment; and

WHEREAS, the Council has already adopted property maintenance codes to regulate building standards for the exterior of structures and the condition of the property as a whole; and

WHEREAS, the Council recognizes in the best interest of the public health, safety, and welfare a more regulated method is needed to discourage Registrable Property Mortgagees from allowing their properties to be abandoned, neglected or left unsupervised; and

WHEREAS, the Council has a vested interest in protecting neighborhoods against decay caused by Registrable Property and concludes that it is in the best interests of the health, safety, and welfare of its citizens and residents to impose registration requirements of Registrable Property located within the Township to discourage Registrable Property and Mortgagees from allowing their properties to be abandoned, neglected or left unsupervised; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Council is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Township by law; and

WHEREAS, pursuant to P.L. 2021, c. 444, the Council is authorized to adopt or amend ordinances creating a property registration program for the purpose of identifying and monitoring residential and commercial properties within the Township for which a summons and compliant in an action to foreclosure on a mortgage has been filed, regulate the care, maintenance, security and upkeep of such properties, and impose a registration fee on the creditor of such properties.

NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP the Council finds that the implementation of the following changes and additions will assist the Township in protecting neighborhoods from the negative impact and conditions that occur as a result of vacancy, absentee ownership, and lack of compliance with existing Township regulations and laws.

- (a) That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon the adoption hereof.

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- (b) That the Council does hereby amend the Township Codified Ordinances by amending Chapter 285 Property Maintenance, Section 285-XXX entitled "Registration of Foreclosure Mortgage Properties" to read as follows.

SECTION 1. Chapter 285 Property Maintenance, Section 285-XXX Registration of Foreclosure Mortgage Properties

Section 285-XXX PURPOSE AND INTENT.

It is the purpose and intent of the Council to establish a process to address the deterioration, crime, and decline in value of Township neighborhoods caused by property with foreclosure mortgages located within the Township, and to identify, regulate, limit and reduce the number of these properties located within the Township. It has been determined that there exist within the Township structures and vacant lots which are or may become in the future substandard with respect to structural integrity, equipment or maintenance or, further, that such conditions, including but not limited to structural deterioration; lack of maintenance of exterior premises and vacant lots; infestation; existence of fire hazards, constitute a menace to the health, safety, welfare and reasonable comfort of the citizens and inhabitants of the Township. It is further found and declared that, by reason of lack of maintenance and ensuing progressive deterioration, certain properties have the further effect of creating blighting conditions and that, if the same are not curtailed and removed, the aforesaid conditions will grow and spread and will necessitate in time the expenditure of large amounts of public funds to correct and eliminate the same and that, by reason of timely regulations and restrictions as herein contained, the growth of blight may be prevented and the neighborhood and property values thereby maintained, the desirability and amenities of dwellings and neighborhoods enhanced, and the public health, safety and welfare protected and fostered. It is the Council's further intent to establish a registration program as a mechanism to help protect neighborhoods from becoming blighted through the lack of adequate maintenance of properties that are in Foreclosure or Foreclosed, and to provide a mechanism to avert foreclosure actions through timely intervention, education, or counseling of property Owners.

Section 285-XXX DEFINITIONS

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

ENFORCEMENT OFFICER shall mean any law enforcement officer, building official, zoning inspector, code enforcement officer, fire inspector, building inspector, or other person authorized by the Township to enforce the applicable code(s).

EVIDENCE OF VACANCY shall mean any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions may include, but are not limited to: overgrown and/or dead vegetation; past due Utility notices and/or disconnected Utilities; accumulation of trash junk or debris; abandoned vehicles, auto parts and/or materials; the absence of furnishings and/or personal items consistent with habitation or occupancy; the presence of an unsanitary, stagnant swimming pool; the accumulation of newspapers, circulars, flyers and/or mail; statements by neighbors, passers-by, delivery agents or government agents; and/or the presence of boards over doors, windows or other openings in violation of applicable code.

FORECLOSURE OR FORECLOSURE ACTION shall mean the legal process by which a Mortgagee, or other lien holder, terminates or attempts to terminate a property Owner's equitable right of redemption to obtain legal and equitable title to the Real Property pledged as security for a debt or the Real Property subject to the lien. This definition shall include, but is not limited to, a complaint and summons filed with respect to foreclosure on a mortgage, a lis pendens filed against it by the lender holding a mortgage on the property, a deed-in-lieu of foreclosure, sale to the mortgagee or lien holder, certificate of title and all other processes, activities and actions, by whatever name, associated with the described process. The legal process is not concluded until the property obtained by the Mortgagee, lien holder, or their designee, by certificate of title, or any other means, is sold to a non-related bona fide purchaser in an arm's length transaction to satisfy the debt or lien.

MORTGAGE shall mean the creditor, including but not limited to, trustees; mortgage servicing companies; lenders in a mortgage agreement; any agent, servant, or employee of the creditor; any successor in interest; or any assignee of the creditor's rights, interests or obligations under the mortgage agreement; or any other person or entity with the legal right to foreclose on the Real Property, excluding governmental entities as assignee or owner.

OWNER shall mean every person, entity, or Mortgagee, who alone or severally with others, has legal or equitable title to any Real Property as defined by this Chapter; has legal care, charge, or control of any such property; is in possession or control of any such property; and/or is vested with possession or control of any such property. The Property Manager shall not be considered the Owner.

PROPERTY MANAGER shall mean any party designated by the Owner as responsible for inspecting, maintaining and securing the property as required in this Chapter.

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REAL PROPERTY shall mean any residential or commercial land and/or buildings, leasehold improvements and anything affixed to the land, or portion thereof identified by a property parcel identification number, located in the Township limits.

REGISTRABLE PROPERTY shall mean any Real Property located in the Township, whether vacant or occupied, that is subject to an ongoing Foreclosure Action by the Mortgagee or Trustee, has been the subject of a Foreclosure Action by a Mortgagee or trustee and a judgement has been entered, or has been the subject of a Foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the Foreclosure and any properties transferred under a deed in lieu of foreclosure/sale. The designation of a "foreclosure" property as "registrable" shall remain in place until such time as the property is sold to a non-related bona fide purchaser in an arm's length transaction or the Foreclosure Action has been dismissed.

REGISTRY shall mean a web-based electronic database of searchable real property records, used by the Township to allow Mortgagees the opportunity to register properties and pay applicable fees as required in this Chapter.

ANNUAL REGISTRATION shall mean twelve (12) months from the date of the first action that requires registration, as determined by the Township, or its designee, and every subsequent twelve (12) months the property is Registrable. The date of the initial registration may be different than the date of the first action that required registration.

UTILITIES AND SERVICES shall mean any utility and/or service that is essential for a building to be habitable and/or perform a service necessary to comply with all Township codes. This includes, but is not limited to, electrical, gas, water, sewer, lawn maintenance, pool maintenance, and snow removal.

VACANT as used in this Article shall mean any parcel of land in the Township that contains any building or structure that is not lawfully occupied or inhabited by human beings. A property also shall be deemed vacant if it is occupied without a valid, unexpired certificate of occupancy or other written authorization for occupancy as may be required by Applicable Laws.

Section 285-XXX APPLICABILITY AND JURISDICTION

This Chapter applies to Foreclosing or Foreclosed property within the Township.

Section 285-XXX ESTABLISHMENT OF A REGISTRY

Pursuant to the provisions of Section ## the Township, or its designee, shall establish a registry cataloging each Registrable Property within the Township, containing the information required by this Chapter.

No less than 20 percent of any money collected shall be utilized by the municipality for municipal code enforcement purposes.

Section 285-XXX INSPECTION AND REGISTRATION OF REAL PROPERTY UNDER FORECLOSURE

- (a) Any Mortgagee who holds a mortgage on Real Property located within the Township shall perform an inspection of the property upon the filing of a Foreclosure Action or any evidence of an existing foreclosure action or lien holder has obtained ownership of the real property by the Mortgagee.
- (b) Property inspected pursuant to subsection (a) above that remains in Foreclosure, shall be inspected every thirty (30) days by the Mortgagee or Mortgagee's designee. If an inspection shows a change in the property's occupancy status the Mortgagee shall, within ten (10) days of that inspection, update the occupancy status of the property registration.
- (c) Within ten (10) days of the date any Mortgagee files a Foreclosure Action, the Mortgagee shall register the Real Property with the Township Registry, and, at the time of registration, indicate whether the property is Vacant, and if so shall designate in writing a Property Manager to inspect, maintain and secure the Real Property subject to the mortgage in Foreclosure when legally possible. A separate registration is required for each Registrable Property.
- (d) Initial registration pursuant to this section shall contain at a minimum the name of the Mortgagee, the mailing address of the Mortgagee, e-mail address, telephone number and name of the Property Manager and said person's address, e-mail address, and telephone number, regardless of whether it is occupied or vacant.
- (e) At the time of initial registration each registrant shall pay a non-refundable Annual Registration fee of five hundred dollars (\$500.00) for each occupied Registrable Property and two thousand dollars (\$2,000.00) for each Vacant property. Subsequent non-refundable Annual Registrations of properties and fees are due within ten (10) days of the expiration of the previous registration. Said fees shall be used to offset the costs of: (1) registration and registration enforcement, (2) code

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enforcement and mitigation related to Foreclosure properties, (3) post-closing counseling and Foreclosure intervention limited to Owner-occupied persons in Default, which may not include cash and mortgage modification assistance, and (4) for any related purposes as may be adopted in the policy set forth in this Chapter. Said fees shall be deposited to a special account in the Township's Department dedicated to the cost of implementation and enforcement of this Ordinance, and fulfilling the purpose and intent of this Chapter. None of the funds provided for in this section shall be utilized for the legal defense of Foreclosure Actions.

- (f) If the mortgage and/or servicing on a property is sold or transferred, the new Mortgagee is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the new Mortgagee shall register the property or update the existing registration. The previous Mortgagee(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Registrable Property.
- (g) If the Mortgagee sells or transfers the Registrable Property in a non-arm's length transaction to a related entity or person, the transferee is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the transferee shall register the property or update the existing registration. Any and all previous unpaid fees, fines, and penalties, regardless of who the Mortgagee was at the time registration was required, including but not limited to unregistered periods during the Foreclosure process, are the responsibility of the transferee and are due and payable with the updated registration. The previous Mortgagee will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Registrable Property.
- (h) If the Foreclosing or Foreclosed Property is not registered, or the registration fee is not paid within thirty (30) days of when the registration or renewal is required pursuant to this section, a late fee equivalent to ten percent (10%) of the Annual Registration fee shall be charged for every thirty-day period (30), or portion thereof, the property is not registered and shall be due and payable with the registration.
- (i) This section shall also apply to properties that have been the subject of a foreclosure sale where title is transferred to the Mortgagee as well as any properties transferred to the Mortgagee under a deed in lieu of foreclosure or by any other legal means.
- (j) Properties subject to this section shall remain subject to the Annual Registration requirement, and the inspection, security, and maintenance standards of this section as long as the property remains Registrable.
- (k) Failure of the Mortgagee and/or property Owner of record to properly register or to modify the registration to reflect a change of circumstances as required by this ordinance is a violation of this Chapter and shall be subject to enforcement by any of the enforcement means available to the Township.
- (l) If any property is in violation of this Chapter the Township may take the necessary action to ensure compliance with and/or place a lien on the property for the cost of the outstanding obligation and any additional cost incurred to the property into compliance.
- (m) Registration of foreclosure property does not alleviate the Mortgagee and/or Owner from obtaining all required licenses, permits and inspections required by applicable code or State Statutes. Acquisition of required licenses, permits and inspections or registration of rental property does not alleviate the requirement for the property to be registered under this section. Mortgagee and/or Owner is expected to update the status of the property in the event of a Mortgagee managed rental.
- (n) Properties registered under this Section are not required to register under Section §285-12.

Section 285-XXX MAINTENANCE REQUIREMENTS

- (a) Properties subject to this chapter shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspaper circulars, flyers, notices, except those required by federal, state or local law, discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material, or any other items that give the appearance that the property is abandoned.
- (b) Registrable Property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.
- (c) Front, side, and rear yards, including landscaping, of Registrable Property shall be maintained in accordance with the applicable code(s) at the time registration is required.
- (d) Registrable yard maintenance shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod. Acceptable

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maintenance of yards and/or landscape shall not include weeds, gravel, broken concrete, asphalt or similar material.

- (e) Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required ground cover or landscape and removal of all trimmings.
- (f) Pools and spas of shall be maintained so the water remains free and clear of pollutants and debris and shall comply with the regulations set forth in the applicable code(s).
- (g) Failure of the Mortgagee, Owner, and transferees to properly maintain the property as required by this Chapter may result in a violation of the applicable code(s) and issuance of a citation or notice of violation in accordance with the applicable code of the Township. Pursuant to a finding and determination by the Township Sheriff, Magistrate or a court of competent jurisdiction, the Township may take the necessary action to ensure compliance with this section.
- (h) In addition to the above, the property is required to be maintained in accordance with the applicable code(s) of the Township.

Section 285-XXX SECURITY REQUIREMENTS

- (a) Properties subject to this Chapter shall be maintained in a secure manner so as not to be accessible to unauthorized persons.
- (b) A "secure manner" shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure. Broken windows, doors, gates, and other openings of such size that may allow a child to access the interior of the property or structure must be repaired. Broken windows shall be secured by re-glazing of the window.
- (c) If a property is Registrable, and the property has become vacant or blighted, a Property Manager shall be designated by the Mortgagee or Owner to perform the work necessary to bring the property into compliance with the applicable code(s), and the Property Manager must perform regular inspections to verify compliance with the requirements of this Chapter, and any other applicable laws.
- (d) In addition to the above, the property is required to be secured in accordance with the applicable code(s) of the Township.
- (e) When a property subject to this Chapter becomes Vacant, it shall be posted with the name and twenty-four (24) hour contact telephone number of the Property Manager. The Property Manager shall be available to be contacted by the Township Monday through Friday between 9:00 a.m. and 5:00 p.m., legal holidays excepted. The sign shall be placed in a window facing the street and shall be visible from the street. The posting shall be no less than eighteen (18) inches by twenty-four (24) inches and shall be of a font that is legible from a distance of forty-five (45) feet. The posting shall contain the following language with supporting information:

THIS PROPERTY IS MANAGED BY _____
AND IS INSPECTED ON A REGULAR BASIS.
THE PROPERTY MANAGER CAN BE CONTACTED
BY TELEPHONE AT _____
OR BY EMAIL AT _____

- (f) The posting required in subsection (e) above shall be placed on the interior of a window facing the street to the front of the property so that it is visible from the street, or secured to the exterior of the building/structure facing the street to the front of the property so that it is visible from the street or if no such area exists, on a stake of sufficient size to support the posting in a location that is at all times visible from the street to the front of the property but not readily accessible to vandals. Exterior posting shall be constructed of and printed with weather-resistant materials.
- (g) Failure of the Mortgagee and/or property Owner of record to properly inspect and secure a property subject to this Chapter, and post and maintain the signage noted in this section, is a violation and shall be subject to enforcement by any of the enforcement means available to the Township. The Township may take the necessary action to ensure compliance with this section, and recover costs and expenses in support thereof.

Section 285-XXX PROVISIONS SUPPLEMENTAL

The provisions of this Chapter are cumulative with and in addition to other available remedies. Nothing contained in this Chapter shall prohibit the Township from collecting on fees, fines, and penalties in any lawful manner; or enforcing its codes by any other means, including, but not limited to, injunction, abatement, or as otherwise provided by law or ordinance.

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Section 285-XXX PUBLIC NUISANCE

All Registrable Property is at risk of being a public nuisance and if vacant or blighted can constitute a public nuisance, the abatement of which pursuant to the police power is hereby declared to be necessary for the health, welfare, and safety of the residents of the Township.

Section 285-XXX ADDITIONAL AUTHORITY

- (a) If the Enforcement Officer has reason to believe that a property subject to the provisions of this Chapter is posing a serious threat to the public health, safety, and welfare, the code Enforcement Officer may temporarily secure the property at the expense of the Mortgagee or Owner, and may bring the violations before the code enforcement, Council or special magistrate as soon as possible to address the conditions of the property. Nothing herein shall limit the Township from abating any nuisance or unsafe condition by any other legal means available to it.
- (b) The Sheriff, code enforcement, Council or special magistrate shall have the authority to require the Mortgagee or Owner affected by this section, to implement additional maintenance and/or security measures including, but not limited to, securing any and all doors, windows or other openings, employment of an on-site security guard or other measures as may be reasonably required to help prevent further decline of the property.
- (c) If there is a finding that the condition of the property is posing a serious threat to the public health, safety, and welfare, then the Sheriff, code enforcement, Council or special magistrate may direct the Township to abate the violations and charge the Mortgagee or Owner with the cost of the abatement.
- (d) If the Mortgagee or Owner does not reimburse the Township for the cost of temporarily securing the property, or of any abatement directed by the Sheriff, code enforcement officer, code enforcement, Council or special magistrate, within thirty (30) days of the Township sending the Mortgagee or Owner the invoice then the Township may lien the property with such cost, along with an administrative fee as determined in the Township's fee ordinance to recover the administrative personnel services. In addition to filing a lien the Township may pursue financial penalties against the Mortgagee or Owner.
- (e) The Township may contract with an entity to implement this Chapter, and, if so, any reference to the Enforcement Officer herein shall include the entity the Township contract with for that purpose.

Section 285-XXX OPPOSING, OBSTRUCTING ENFORCEMENT OFFICER; PENALTY

Whoever opposes obstructs or resists any Enforcement Officer or any person authorized by the enforcement office in the discharge of duties as provided in this chapter shall be punishable as provided in the applicable code(s) or a court of competent jurisdiction.

Section 285-XXX IMMUNITY OF ENFORCEMENT OFFICER

Any Enforcement Officer or any person authorized by the Township to enforce the sections here within shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon Real Property while in the discharge of duties imposed by this Chapter.

Section 285-XXX PENALTIES

- (a) Unless otherwise provided for in this Chapter, a violation of this Chapter is declared unlawful.
 - 1. Per P.L. 2021, Chapter 444, C.40:48-2.12s3 g. (1) An out-of-State creditor subject to an ordinance adopted pursuant to subsection a. of this section found by the municipal court of the municipality in which the property subject to the ordinance is located, or by any other court of competent jurisdiction, to be in violation of the requirement to appoint an in-State representative or agent pursuant to the ordinance shall be subject to a fine of \$2,500 for each day of the violation. Any fines imposed on a creditor for the failure to appoint an in-State representative or agent shall commence on the day after the 10-day period set forth in paragraph
 - 2. Per P.L. 2021, Chapter 444, C.40:48-2.12s3 g. (2) A creditor subject to an ordinance adopted pursuant to subsection a. of this section found by the municipal court of the municipality in which the property subject to the ordinance is located, or by any other court of competent jurisdiction, to be in violation, excluding only a violation addressed by paragraph (1) of this subsection, of the ordinance shall be subject to a fine of \$1,500 for each day of the violation. Any fines imposed pursuant to this paragraph shall commence 31 days following receipt of the notice of violation, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence 11 days following receipt of the notice.
 - 3.

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Section 285-XXX AMENDMENTS

Registration fees and penalties outlined in this Article may be modified an amendment to this Article, passed and adopted by the Council.

SEVERABILITY

It is hereby declared to be the intention of the Township that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

SECTION 2. REPEALER - All ordinances of the Township of West Milford or parts of ordinances in conflict herewith, are hereby repealed and replaced to the extent of such inconsistency.

SECTION 3. CODIFICATION - It is the intention of the Council, that the provisions of this Ordinance shall become and be made a part of the Township Code of Ordinances; and that the sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word “ordinance” may be changed to “section”, “chapter”, or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 4. 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 5. 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 6. This Ordinance shall take effect immediately, upon final passage, approval, and publication as required by law.

Introduced: November 2, 2022
Adopted: December 7, 2022
Effective Date: December 27, 2022

This Ordinance was introduced on November 2, 2022 and Notice of Public Hearing was published in the Herald News on November 8, 2022. The Governing Body will open the meeting to the public to speak on this Ordinance only.

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

Motion to move Ordinance 2022-052

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

Agenda No. XIII 5

~ Ordinance 2022 – 053 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT CERTAIN PORTIONS OF CHAPTERS 420 “LAND USE PROCEDURES” AND 500 “ZONING” SECTION 500-90 FARM ANIMALS OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP

WHEREAS, upon discussion the Township Council of the Township of West Milford finds it desirable and necessary to provide certain clarifications to the standards regulating fowl and farm animals to ensure proper and efficient implementation of same.

NOW, BE IT ORDAINED by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey, that the Land Development Ordinance shall be amended and supplemented as provided herein.

SECTION 1. Chapter § 420 Land Use Procedures
§ 420-6 Definitions
FOWL

Domesticated chickens, ducks, peahens, and the like, excluding roosters and male chickens of any age.

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SECTION 2. § 500-90. Farm animals.

- A. Notwithstanding any other provisions of this chapter, farm animals shall be housed and kept in a manner which will not constitute a public nuisance.
- B. A minimum tract for the keeping of farm animals shall be:
- (1) One acre for the keeping of horses, except as provided in Subsection B(5) of this section. The number of horses permitted shall be determined by the size of the accessory structure(s) housing the animals, using 100 square feet of roof area per animal as the criteria for determining the number of horses permitted on the property. A minimum of 32 square feet of roof area shall be required per animal.
 - (2) One acre for the keeping of cows, sheep, pigs and goats, except as provided in Subsection B(5) of this section. No more than one animal shall be kept per acre of lot area.
 - (3) One acre for the keeping of poultry and fowl as defined in § 420-6, except as provided in Subsection B(5) of this section and subject to the following standards:
 - [a] There shall be allowed a maximum amount of 12 fowl, as defined in § 420-6, allowed on lots of less than one acre.
 - [b] The keeping of roosters (mature male chickens) and cockerels (young male chickens) is prohibited.
 - [c] No more than 32 animals shall be kept per acre of lot area.
 - [d] Fowl shall be provided with a fully enclosed shelter (coop) and a run or fenced enclosure, with the following requirements:
 - [1] Portable (not permanently affixed to the ground) coops do not require a Zoning Permit Application. Permanent coops must submit a Zoning Permit Application.
 - [2] Coops and runs or fenced enclosures shall meet the Accessory Structure setback requirements per § 500-12 and must be a minimum of 25 feet from any residential dwelling.
 - [3] Coops and shelters shall have a maximum permitted height of twelve (12) feet.
 - [e] The shelter and enclosures shall remain in good repair and in a clean and healthy condition, free from the accumulation of waste, free from noxious or offensive odor, and free from any condition which may breed flies or other insects. Slaughtering fowl in public view is prohibited.
 - [f] Storage of manure, waste, and odor or dust producing substance shall be kept in a water-tight container, disposed of in accordance with health code and accepted agricultural practices; and such manure and waste storage shall be located at least 15 feet from any lot line and a minimum of 25 feet from any residential dwelling.
 - (4) There shall be no minimal lot size for the keeping of rabbits. No more than 25 rabbits shall be kept on lots of one acre or less and no more than 75 rabbits shall be kept on lots of over one acre.
 - (5) No farm animals shall be kept on one-acre lots in subdivisions of over five lots which have received major subdivision approval from the West Milford Planning Board. (6) The housing and keeping of all other farm animals is prohibited.
- C. No farm animals shall be kept unless they can be contained on the property of their owner or the agent of their owner.
- D. Any use for the keeping of farm animals prior to the adoption of this chapter shall be considered nonconforming, provided that the owner register the use with the Township Zoning Officer within 90 days of the passage of this chapter.
- E. The provisions of this section shall not apply to farms or commercial horse stables as defined in § 420-6, Definitions.

SECTION 3. 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 4. 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 5. 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 6. This ordinance shall take effect immediately upon final passage, approval and publication as required by law.

SECTION 7. This Ordinance may be renumbered for codification purposes.

Introduced: November 2, 2022
Adopted: December 7, 2022
Effective Date: December 27, 2022

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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This Ordinance was introduced on November 2, 2022 and Notice of Public Hearing was published in the Herald News on November 8, 2022. The Governing Body will open the meeting to the public to speak on this Ordinance only.

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

Motion to move Ordinance 2022-053

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

Agenda No. XIII 6

~ Ordinance 2022 – 054 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY TO AMENDING CHAPTER 500-ZONING SECTION 500-68 FENCES, WALLS AND SIGHT TRIANGLES OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP

WHEREAS, upon discussion the Township Council of the Township of West Milford finds it desirable and necessary to provide certain clarifications to the standards regulating fences, walls and sight triangles to ensure proper and efficient implementation of same.

NOW, BE IT ORDAINED by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey, that the Land Development Ordinance shall be amended and supplemented as provided herein.

SECTION 1. Chapter § 500 Zoning
§ 500-68. Fences, walls and sight triangles.

- A. All permitted fences shall be situated on a lot in such a manner that the finished side of the fence shall face adjacent properties. No fence shall be erected of barbed wire, topped with metal spikes, or constructed of any material or in any manner which may be dangerous to persons or animals, except that these provisions shall not apply to farms or where necessary for the keeping of farm animals as provided in §500-90 and except further that fences permitted for commercial and industrial uses may be topped by a barbed wire protective barrier. Moreover, notwithstanding any other provisions of this section, retaining walls which are less than four feet in height, part of a larger project certified by an engineer, or on a site plan approved by the Township Engineer do not require a separate zoning or building permit application. Retaining walls which are four feet or over in height require both a zoning and building permit application. Any Township review of the submitted request shall consider the safety and aesthetic aspects of the proposed retaining wall.
- B. On any lot in any residential district, the maximum permitted height of a wall or fence is four feet in front yard areas and six feet in side or rear yard areas except:
 - (1) A private, belowground residential swimming pool area shall be surrounded by a fence at least four feet, but no more than six feet, in height. Swimming pool areas shall be located in rear or side areas only. See §500-86 for additional standards.
 - (2) Corner lots may install a fence up to six feet in height on the secondary street frontage provided sight distance is not obstructed.
 - (3) A tennis court area, located in rear yard areas only, may be surrounded by a non-opaque fence, a maximum of 15 feet in height. The fence shall be set back from any lot line the distances required for accessory buildings in the zoning district as specified.
 - (4) Buffer areas shall meet the requirements specified in this chapter.
 - (5) Off-street parking, loading, and driveway areas shall meet the requirements specified in §500-73
 - (6) Where necessary for the keeping of farm animals as provided for in §500-90.
- C. On any lot in any nonresidential district, no wall or fence shall be erected or altered so that the wall or fence shall be over three feet in height in the front yard areas and six feet in height in side and rear yard areas. [Amended 11-4-1998 by Ord. No. 1998-19]

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D. Sight triangle easements shall be required at intersections, in addition to the specified right-of-way width, in which no grading, planting or structure shall be erected or maintained except for street signs, fire hydrants, and light standards. The "sight triangle" shall be defined as that area outside of the street right-of-way which is bounded by the intersecting street lines and the straight line connecting "sight 1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I). :1 points," one each located on the two intersecting street center lines; arterial streets at 300 feet; collector streets at 200 feet; and local streets at 90 feet. Where the intersecting streets are both arterials, both collectors, or one arterial and one collector, two overlapping sight triangles shall be required, formed by connecting the "sight point" noted above with a "sight point" 90 feet on the intersecting street. Such easement dedication shall be expressed on the site plans as follows: "Sight triangle deeded for the purposes provided for and expressed in the Land Development Ordinance."

E. In all zone districts, any walls must be located at least one foot from any property line. Walls are prohibited from being placed within any right-of-way.

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: November 2, 2022
Adopted: December 7, 2022
Effective Date: December 27, 2022

This Ordinance was introduced on November 2, 2022 and Notice of Public Hearing was published in the Herald News on November 8, 2022. The Governing Body will open the meeting to the public to speak on this Ordinance only.

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

Motion to move Ordinance 2022-054

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

Agenda No. XIII 7

~ Ordinance 2022 – 055 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY CONCERNING SALARIES AND COMPENSATION FOR ADMINISTRATIVE, CONFIDENTIAL AND UNAFFILIATED EMPLOYEES

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

DEPARTMENT AND OFFICE HEADS

JOB TITLE	MINIMUM	MAXIMUM
Director of Public Safety/Chief of Police	\$45,000.00	\$180,000.00

1. The aforelisted Officer(s) and Employee(s) shall be compensated in accordance with the preceding Salary Range.

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

Introduced: November 2, 2022
Adopted: December 7, 2022
Effective Date: December 27, 2022

This Ordinance was introduced on November 2, 2022 and Notice of Public Hearing was published in the Herald News on November 8, 2022. The Governing Body will open the meeting to the public to speak on this Ordinance only.

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

Motion to move Ordinance 2022-055

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

Mayor Dale indicated that there were a lot of ordinances on the agenda tonight as a result of trying to clean up the older codes in an effort to make things easier and less complicated for residents.

Agenda No. XI

New Business, Introduction of Ordinances, Resolutions

Mayor Dale asked to move resolutions 2022-401 through 2022-421 and 2022-427 and 2022-428

Agenda No. XI 1

~ Resolution 2022 – 401 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD COUNTY OF PASSAIC, STATE OF NEW JERSEY TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF PASSAIC AS TO THE LINCOLN AVENUE CULVERT 1600-151 OVER MORSETOWN BROOK PROJECT, 65 LINCOLN AVENUE, BLOCK 6401, LOT 6.01 IN THE TOWNSHIP OF WEST MILFORD

WHEREAS, the Board of County Commissioners of the County of Passaic (hereinafter, "the County") is undertaking an improvement project know has Lincoln Avenue Culvert No. 1600-151, over Morsetown Brook Project, 65 Lincoln Avenue, Block 6401 Lot. 6.01 in the Township of West Milford (hereinafter, "the Township"); and

WHEREAS, to successfully complete this improvement project, the County desires to acquire a portion of property owned both by the Township of West Milford and the Township of West Milford Board of Education, specifically "one permanent bridge and maintenance easement containing an area of 738 square feet" and "one temporary construction easement of an area containing 977 square feet"; and

WHEREAS, the temporary construction easement is expected to be in place for approximately one year; and

WHEREAS, the County has provided to the Township and Board of Education an appraisal report which has determined the fair market value of such property as one-thousand dollars (\$1,000.00), and the

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County proposes to pay that sum to the Township of West Milford and the Township of West Milford Board of Education, in lieu of litigating an action under eminent domain; and

WHEREAS, both the Township of West Milford and the Township of West Milford have previously reviewed the appraisal, and both wish to accept this offer so as to all with improvement project to move forward; and

WHEREAS, the Township Attorney has reviewed the proposed agreement, herein attached at Exhibit A, which will convey the Township's ownership of the above referenced property for the consideration of \$500.00, and in accord with the project's articulated goals.

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

1. The Township of West Milford shall enter such agreement with the Board of County Commissioners of the County of Passaic Administrator as to the above-described property, located at Lincoln Avenue Culvert No. 1600-151, over Morsetown Brook Project, 65 Lincoln Avenue, Block 6401 Lot. 6.01 in the Township of West Milford.
2. The Administrator and Township Attorney shall be empowered to take all necessary further steps to accomplish the intent of the County acquiring the property as described herein, to ensure the matter is recorded of record with the Passaic County Clerk.
3. The Clerk shall forward a courtesy copy of this Resolution to the Deputy County Counsel for the County of Passaic.
4. This Resolution shall take effect immediately.

Adopted: December 7, 2022

Agenda No. XI 2

~ Resolution 2022 – 402 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AMENDING RESOLUTION 2022-044 TO INCREASE THE CONTRACT VALUE WITH PHOENIX ADVISORS, LLC FOR CONTINUING DISCLOSURE SERVICES TO INCREASE THE NOT TO EXCEED AMOUNT BY \$550.00

WHEREAS, by virtue of Resolution 2022-044 adopted January 5, 2022 the Township Council did authorize the engagement of Continuing Disclosure Services to be provided by Phoenix Advisors. LLC; and

WHEREAS, Resolution 2022-044 and the related Professional Services Contract did authorize services in an amount not to exceed \$1,150.00; and

WHEREAS, the Township Administrator has been advised that the Township's needs, necessitates an amendment in an additional amount not to exceed \$550.00; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds and said funds to be encumbered from account 04-215-55-826-023 for \$550.00; 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.

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 \$550.00 to Phoenix Advisors, LLC. for Continuing Disclosure Services which amount is in excess of the approved contract amount of \$1,150.00 bringing the contract total to an amount not to exceed \$1,700.00.

This Resolution shall take effect immediately.

Adopted: December 7, 2022

Agenda No. XI 3

~ Resolution 2022 – 403 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AWARDED A CONTRACT TO CABLEVISION LIGHTPATH-NJ, INC. FOR THE INSTALLATION AND LEASING OF TELEPHONE COMMUNICATIONS EQUIPMENT AS WELL AS FOR THE PROVISION OF TELEPHONE, INTERNET AND PRIVATE FIBER NETWORK SERVICES THROUGH ESCNJ CO-OP

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WHEREAS, a service agreement is available from Cablevision Lightpath, Inc. through ESCNJ Bid 18/19-46.; and

WHEREAS, public bids are not required when the purchase is made through a cooperative pricing system in accordance with N.J.S.A. 40A:11-11(6) of the Local Public Contracts Law.; and

WHEREAS, the Township's existing provider is Lightpath-NJ, Inc.; and

WHEREAS, the proposal from Optimum Lightpath, Inc., 200 Jericho Quadrangle, Jericho, NY 11753, in the amount of \$7,231.99 per month, and is recommended by the Township Administrator; and

WHEREAS, the Township of West Milford intends to enter into a contract with Optimum Lightpath, Inc., for the continued leasing of the applicable hardware and maintenance services for the upgrade of the Township's phone system as well as for the provision of telephone, internet and private fiber network service; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds and said funds to be encumbered from account # 01-201-31-440-261.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of West Milford, County of Passaic and State of New Jersey that the Township is hereby authorized to enter into a contract with Optimum Lightpath, Inc., for the leasing of the applicable hardware and maintenance services for the upgrade of the Township's phone system and for the provision of telephone, internet and private fiber network service, as well as enter into a property access agreement for a period of three (3) years for a total monthly price of \$7,231.99 which includes the leasing of the hardware, equipment as well as the provision of telephone, internet and private fiber network services.

This Resolution shall take effect immediately.

Adopted: December 7, 2022

Agenda No. XI 4

~ Resolution 2022 – 404 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE PURCHASE OF #2 ULTRA LOW SULFUR DIESEL FUEL THROUGH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL (MCCPC) CONTRACT #12 FROM GRIFFITH ALLIED TRUCKING, LLC IN AN ADDITIONAL AMOUNT NOT TO EXCEED \$30,000.

WHEREAS, the Township of West Milford by virtue of Resolution 2021-458 awarded a contract to Griffith-Allied Trucking, LLC for the purchase of #2 Ultra Low Sulfur Diesel fuel; and

WHEREAS, by virtue of Resolution 2022-257 increased the not to exceed amount to \$153,500 for the purchase of diesel fuel; and

WHEREAS, the Director of Public Works has submitted a written recommendation that the Township of West Milford purchase #2 Ultra Low Sulfur Diesel Fuel through the MCCPC Contract #12 from Griffith Allied Trucking, LLC in an additional amount not to exceed \$30,000; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these purchases, said funds to be encumbered from account number 01-201-31-460-316.

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

1. The Township Council hereby authorizes the Department of Public Works to expend funds for the purchase of additional #2 Ultra Low Sulfur Diesel Fuel to Griffith Allied Trucking, LLC through MCCPC Contract #12 thereby increasing the not to exceed amount from \$153,500 to \$183,500.
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: December 7, 2022

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~ Resolution 2022 – 405 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE PURCHASE OF MOTOR GASOLINE FUEL THROUGH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL (MCCPC) CONTRACT #1 FROM GRIFFITH ALLIED TRUCKING, LLC IN AN ADDITIONAL AMOUNT NOT TO EXCEED \$25,000

WHEREAS, the Township of West Milford by virtue of Resolution 2021-434 awarded a contract to Griffith-Allied Trucking, LLC for the purchase of motor gasoline fuel; and

WHEREAS, the Director of Public Works has submitted a written recommendation that the Township of West Milford purchase motor gasoline fuel through the MCCPC Contract #1 from Griffith Allied Trucking, LLC in an additional amount not to exceed \$25,000; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these purchases, said funds to be encumbered from account number 01-201-31-460-240.

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

4. The Township Council hereby authorizes the Department of Public Works to expend funds for the purchase of additional motor gasoline fuel to Griffith Allied Trucking, LLC through MCCPC Contract #1 thereby increasing the not to exceed amount from \$130,000 to \$155,000.
5. The Township's Chief Financial Officer has certified the availability of funds for same.
6. This Resolution shall be available for public inspection in the office of the Township Clerk.

Adopted: December 7, 2022

Agenda No. XI 6

~ Resolution 2022 – 406 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE PURCHASE OF CRUSHED STONE AND SAND FROM EASTERN CONCRETE MATERIALS, INC. THROUGH MORRIS COUNTY COOPERATIVE PRICING COUNCIL, CONTRACT #9 (CRUSHED STONE AND SAND) IN AN ADDITIONAL AMOUNT NOT TO EXCEED \$20,000

WHEREAS, the Township of West Milford by virtue of Resolution 2022-111 awarded a contract to Eastern Concrete Materials, Inc. for the purchase of crushed stone and sand; and

WHEREAS, the Township of West Milford by virtue of Resolution 2022-225, increased the not to exceed amount for the purchase of crushed stone and sand to \$45,000; and

WHEREAS, the Director of Public Works has submitted a written recommendation for the purchase of additional crushed stone and sand; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for this purchase, said funds to be encumbered from account number: 01-201-26-290-360.

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

1. The Mayor and Township Council hereby authorizes an expenditure of funds through the Morris County Cooperative Pricing Council, Contract #9 (Crushed Stone and Sand) to Eastern Concrete Materials, Inc, 250 Pehle Ave., Suite 503, Saddle Brook, NJ 07663 for the purchase of crushed stone and sand thereby increasing the not to exceed amount from \$45,000 to \$65,000.
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: December 7, 2022

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~ Resolution 2022 – 407 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE PURCHASE OF PAVING MATERIALS FROM TILCON NEW YORK, INC. THROUGH MORRIS COUNTY COOPERATIVE PRICING COUNCIL, CONTRACT #5 (PAVING MATERIALS) IN AN ADDITIONAL AMOUNT NOT TO EXCEED \$20,000

WHEREAS, the Township of West Milford by virtue of Resolution 2022-112 awarded a contract to Tilcon New York, Inc. for the purchase of paving materials; and

WHEREAS, the Township of West Milford by virtue of Resolution 2022-228 increased the not to exceed amount to \$40,000 for the purchase of paving materials; and

WHEREAS, the Township of West Milford by virtue of Resolution 2022-258 increased the not to exceed amount to \$60,000 for the purchase of paving materials; and

WHEREAS, the Township of West Milford by virtue of Resolution 2022-340 increased the not to exceed amount to \$65,000 for the purchase of paving materials; and

WHEREAS, the Director of Public Works has submitted a written recommendation for the purchase of additional paving materials; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for this purchase; said funds to be encumbered from account number: 01-201-26-290-361.

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

1. The Mayor and Township Council hereby authorizes an expenditure of funds through the Morris County Cooperative Pricing Council, Contract #5 (Paving Materials) to Tilcon New York, Inc., 9 Entin Road, Parsippany, NJ 07054 for the purchase of additional paving materials thereby increasing the not to exceed amount from \$65,000 to \$85,000.
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: December 7, 2022

Agenda No. XI 8

~ Resolution 2022 – 408 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING CHANGE ORDER NO. 1 – FINAL TO ROAD SAFETY SYSTEMS, LLC FOR AN OVERALL INCREASE NOT TO EXCEED \$69,000 FOR THE REPLACEMENT AND INSTALLATION OF GUIDE RAIL THROUGH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL - CONTRACT #26: BEAM GUIDE RAIL & SAFETY ENDS (INSTALLED)

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

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

WHEREAS, by virtue of Resolution 2022-233 adopted June 15, 2022 the Township Council authorized the award of a construction contract with Road Safety Systems, LLC; and

WHEREAS, this Change Order No. 1 is necessary to replace portions of damaged guide rail throughout the Township; and

WHEREAS, this Change Order No. 1 for \$34,000 is 97.14% of the original contract amount of \$35,000.00; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this purchase, said funds of \$34,000 are to be encumbered from accounts numbered 04-215-55-829-002 for \$2,090.14 and 04-215-55-833-008 for \$31,909.86.

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

1. The Township Council hereby authorizes a change order to exceed the original contract award of \$35,000 to Road Safety Systems, LLC for additional damaged guide rail replacement throughout the Township through the Morris County Cooperative Pricing Council - Contract #26: Beam Guide Rail & Safety Ends (Installed) to Road Safety Systems, LLC by an amount not to exceed \$34,000.
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: December 7, 2022

Agenda No. XI 9

~ Resolution 2022 – 409 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, IN SUPPORT OF ORDINANCE NO. 2022-043, ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 500-192, "CANNABIS CULTIVATOR, MANUFACTURER, WHOLESALER AND DISTRIBUTOR

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" (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 Mayor and Township Council of the Township of West Milford have found that Cannabis Cultivation is a viable and valuable commercial enterprise that should be promoted within the Township of West Milford; and

WHEREAS, the Mayor and Township Council of the Township of West Milford have adopted an Ordinance, allowing pursuant to section 31 of the Act (N.J.S.A. 24:6I-45b), Licenses for Class 1 Cannabis Cultivation, Class 2 Cannabis Manufacturing, Class 3 Cannabis Wholesaler, Class 4 Cannabis Distribution, Class 5 Cannabis Retailer and Class 6 Cannabis Delivery; and

WHEREAS; the Township amended Chapter 500-192 pursuant to Ordinance 2022-043; and

WHEREAS, the Township Planning Board (hereinafter "the Board") found Ordinance 2022-043 "inconsistent" with the Township of West Milford Master Plan (hereinafter "the Master Plan"); and

WHEREAS, N.J.S.A. 40:55D-62 a. allows a Governing Body to enact or revise a municipal zoning ordinance which is inconsistent with or contradictory to the Master Plan; and

WHEREAS, the Governing Body has carefully reviewed the matter along with the Planning Board recommendations and findings as delivered on November 3, 2022, and still desires to adopt the zoning legislation; and

WHEREAS, the Governing Body acknowledges its accountability for between the zoning ordinance and Master Plan and by affirmative vote of a majority of the full authorized membership of the Governing Body and acknowledging the comments of the Planning Board and as recorded within the minutes, herein does adopt Ordinance 2022-043.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford, in the County of Passaic and State of New Jersey, that it does herein adopt Ordinance 2022-043 notwithstanding the finding of the Township of West Milford Planning Board.

This Resolution shall take effect immediately.

Adopted: December 7, 2022

Agenda No. XI 10

~ Resolution 2022 – 410 ~

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY PROVIDING CONSENT TO FILE A TREATMENT WORKS APPROVAL (TWA) APPLICATION TO ALTER AN EXISTING INDIVIDUAL SUBSURFACE DISPOSAL SYSTEM (ISSDS) ON LOT 6 IN BLOCK 5701, OTHERWISE KNOWN AS 16-22 MARSHALL HILL ROAD, IN THE TOWNSHIP OF WEST MILFORD WHICH IS UNDER THE JURISDICTION OF THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION POLLUTANT DISCHARGE ELIMINATION SYSTEM, DISCHARGE TO GROUNDWATER (NJPDES-DWG) AUTHORIZATION NUMBER NJG0175391

WHEREAS, 15 West Railroad, LLC is the owner of the property at 16-22 Marshall Hill Road, West Milford, NJ 07480 in the Township of West Milford, which is otherwise known as Lot 6 in Block 5701; and

WHEREAS, the aggregate peak daily wastewater design flow for the use(s) on the property exceeds 2,000 gpd; and

WHEREAS, the construction, alteration or repair of an ISSDS designed to treat and dispose of wastewater flows in excess of 2,000 gpd is regulated by the NJDEP NJPDES program; and

WHEREAS, 15 West Railroad, LLC has submitted a request to the Township of West Milford for Consent to File a TWA with the NJDEP to alter the existing ISSDS on the property; and

WHEREAS, the Township Engineer has reviewed the request and has determined that the ISSDS is regulated by the NJDEP, conforms with the requirements of all municipal ordinances pertaining to the proposed disposal system; and

WHEREAS, a permit to alter the existing wastewater treatment and disposal systems must be authorized by the NJDEP through the TWA application process; and

WHEREAS, submittal of a TWA application to the NJDEP requires the municipality to, by way of resolution, consent to the project; and

WHEREAS, the Township Engineer recommends to the Mayor and Township Council that it in fact consent to this application.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford, County of Passaic, State of New Jersey hereby consents to the Treatment Works Application with respect to septic alterations as submitted for the 15 West Railroad, LLC realty improvements and facilities located on Lot 6 in Block 5701 in the Township of West Milford.

Adopted: December 7, 2022

Agenda No. XI 11

~ Resolution 2022 – 411 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE DATE OF JANUARY 4, 2023 FOR THE GOVERNING BODY REORGANIZATION MEETING / WORKSHOP MEETING

BE IT RESOLVED that the Township Council of the Township of West Milford does hereby adopt the following date for the Reorganization Meeting/Regular Meeting of the Governing Body of the Township for the 2023 calendar year:

January 4, 2023	Reorganization Meeting
January 4, 2023	Workshop Meeting

BE IT FURTHER RESOLVED that the Reorganization Meeting of the Governing Body of the Township of West Milford as outlined herein shall be held on January 4, 2023 in the main meeting room of Town Hall located at 1480 Union Valley Road, West Milford, New Jersey 07480 at 6:30 p.m. and the workshop meeting shall follow immediately thereafter.

BE IT FURTHER RESOLVED that official action may be taken at the meetings outlined herein.

BE IT FURTHER RESOLVED that this resolution shall constitute the Reorganization Meeting and Workshop Meeting date for the Township of West Milford and the Township Clerk be and is hereby instructed to advertise such notice as required by law and this notice shall be posted on the official bulletin board of the Township and shall be retained on file in the Office of the Township Clerk.

Adopted: December 7, 2022

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Agenda No. XI 12

~ Resolution 2022 – 412 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY SUPPORTING AND ENDORSING THE NEW JERSEY DEPARTMENT OF TRANSPORTATION'S ROUTE 23, HIGH CREST DRIVE TO MACOPIN RIVER PROJECT

WHEREAS, the New Jersey Department of Transportation has determined that the Route 23, High Crest Drive to Macopin River is in need of improvements; and

WHEREAS, officials from the NJDOT, the County of Morris, the County of Passaic, the Township of West Milford, the Borough of Kinnelon, the WSP firm and Assemblyman Christian Barranco from the 26th District took part in a virtual meeting to discuss the project; and

WHEREAS, the improvements for this project will be between milepost 17.2 to milepost 19.8; and

WHEREAS, the Route 23, High Crest Drive to Macopin River project specifically needs improvements in the areas of pavement preservation, safety, u-turn realignment, guide rail upgrades, lighting upgrades, signage and striping, and drainage upgrades; and

WHEREAS, the New Jersey Department of Transportation has requested a resolution of support from the governing body of the Township of West Milford in order to advance to the next stage of the project.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford, in the County of Passaic and State of New Jersey, that it does herein support and endorse the New Jersey Department of Transportation's Route 23, High Crest Drive to Macopin River project.

BE IT FURTHER RESOLVED that copies of this resolution shall be forwarded to the NJDOT's Regional Coordinator, Anthony Sytko; Passaic County Engineer, Jonathan Pera and Township of West Milford Police Chief DeVore for reference and information purposes.

This Resolution shall take effect immediately.

Adopted: December 7, 2022

Agenda No. XI 13

~ Resolution 2022 – 413 ~

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

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

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

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

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

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

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

WHEREAS, Treehouse Ventures LLC has expressed interest in siting such a retail cannabis dispensary at 1612 Union Valley Road (Block 7006, Lot 1); and

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

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

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

Adopted: December 7, 2022

Agenda No. XI 14

~ Resolution 2022 – 414 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SUBMISSION OF A GRANT FOR THE WEST MILFORD MUNICIPAL ALLIANCE BY THE COMMUNITY ADVISORY BOARD OF CHILTON MEDICAL CENTER

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

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

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

WHEREAS, the West Milford Town Council has applied for a grant through the Atlantic Health System Community Advisory Board of Chilton Medical Center.

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

1. The West Milford Town Council does hereby authorize submission of an application for a grant through the Community Advisory Board of Chilton Medical Center.

2023 Grant Funding \$ 5,000.00

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

Adopted: December 7, 2022

Agenda No. XI 15

~ Resolution 2022 – 415 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE ACCEPTANCE OF THE NEW JERSEY DEPARTMENT OF HEALTH GRANT MODIFICATION FOR THE COVID-19 VACCINATION SUPPLEMENTAL FUNDING PROGRAM 2022/2023

WHEREAS, the New Jersey Department of Health, Office of Local Public Health has made grant modification funding available to the Township of West Milford's Grant application for the COVID-19 Vaccination Supplemental funding program; and

WHEREAS, the original award was in the amount of \$50,000 for the grant period of July 1, 2021 through June 30, 2022; and,

WHEREAS, the grant has been modified for an additional \$50,000 in funding that will be effective for the grant period July 1, 2021 through June 30, 2023; and

WHEREAS, the Township Council of the Township of West Milford has determined that there is a need for these grant funds; and

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NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township Council of the Township of West Milford hereby authorizes the submittal and acceptance of a grant application entitled COVID-19 Vaccination Supplemental funding program to the New Jersey Department of Health for funding in the additional amount of \$50,000.

Adopted: December 7, 2022

Agenda No. XI 16

~ Resolution 2022 – 416 ~

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:
COVID-19 Vaccination Supplemental Funding 2022; \$50,000.00

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
COVID-19 Vaccination Supplemental Funding 2022; \$50,000.00

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

Adopted: December 7, 2022

Agenda No. XI 17

~ Resolution 2022 – 417 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE ACCEPTANCE OF A NEW JERSEY DEPARTMENT OF HEALTH, OFFICE OF LOCAL PUBLIC HEALTH STRENGTHENING LOCAL PUBLIC HEALTH CAPACITY PROGRAM 2023 GRANT IN THE AMOUNT OF \$274,735

WHEREAS, local health departments are responsible for providing essential services in areas such as emergency response and disaster resiliency, communicable disease investigation and outbreak response, environmental and sanitation inspections, chronic disease prevention and health promotion; and

WHEREAS, the public health priority funding was discontinued in 2011 resulting in a reduced workforce and reduced available services; and

WHEREAS, the New Jersey Department of Health in an effort to continue to support COVID-19 response initiatives and infectious disease preparedness has provided West Milford Health Department with the Strengthening Local Public Health Capacity Program in the amount of \$274,735 to boost public health capacity during COVID-19 by strengthening communicable disease outbreak preparedness/ response capacity and provide outreach to the vulnerable populations within the township; and

WHEREAS, the award will be effective for the grant period July 1, 2022 through June 30, 2023, and

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WHEREAS, the funding enables the Township to continue to support a full-time Infectious Disease Preparedness Generalist (previously Covid-19 generalist), Local Health Outreach Coordinator (Previously Vulnerable Populations Outreach Coordinator), and other necessary staff to meet these needs; and

WHEREAS, the Township Council of the Township of West Milford has determined that there is a need for these grant funds.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of West Milford hereby authorizes the acceptance of a grant application for the Strengthening Local Public Health Capacity Program 2023 grant in the amount of \$274,735.

Adopted: December 7, 2022

Agenda No. XI 18

~ Resolution 2022 – 418 ~

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:
 Strengthening Local Public Health Capacity Program Funding; \$274,735.00

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
 Strengthening Local Public Health Capacity Program Funding; \$274,735.00

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

Adopted: December 7, 2022

Agenda No. XI 19

~ Resolution 2022 – 419 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE ISSUANCE OF VARIOUS LICENSES FOR THE LICENSE YEAR 2023

WHEREAS, applications have been made for the new licenses and the renewal of various Licenses for the 2023 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 2023 Licenses as listed below:

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License No.	2023 PRECIOUS SECONDHAND METALS LICENSE
2023-01	Danny Dikran Sarikjan – Jenti Jewelers Corp.
License No.	2023 RECYCLING CENTER LICENSE
2023-01	Peter Downes – Sky Top Recycling Inc.

Adopted: December 7, 2022

Agenda No. XI 20

~ Resolution 2022 – 420 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY, TO TRANSFER ITEMS OF CURRENT FUND APPROPRIATIONS IN ACCORDANCE WITH THE PROVISION OF N.J.S.A. 40:4 - 58

WHEREAS, there appears to be a surplus in the 2022 appropriation over and above the demand deemed to be necessary for the balance of the year:

APPROPRIATION	ACCOUNT NUMBER	TRANSFER PROPOSAL
Streets and Roads, OE	26-290-200	\$15,000
TOTAL TRANSFERS OUT		\$15,000

WHEREAS, there appears to be insufficient funds in the following appropriations to meet the demands thereon for the balance of the 2022 budget year:

Public Properties, OE	26-291-200	\$5,000
Vehicle Maintenance, OE	26-315-200	\$10,000
TOTAL TRANSFERS IN		\$15,000

NOW, THEREFORE BE IT RESOLVED, by the Council of the Township of West Milford in the County of Passaic, State of New Jersey, that in accordance with the provisions of N.J.S.A. 40A:4-58, part of the 2022 appropriation heretofore mentioned be and the same are hereby transferred to the appropriations mentioned as being insufficient to meet prior demands, and

A certified copy of this Resolution shall be forwarded by the Township Clerk to the Township Treasurer.

Adopted: December 7, 2022

Agenda No. XI 21

~ Resolution 2022 – 421 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE 2023 TEMPORARY BUDGET

WHEREAS, NJSA 40A:4-19 provides that where contracts, commitments or payments are to be made prior to the final adoption of the 2023 budget, temporary appropriations should be made for the purposes and amounts required in the manner and time therein provided, and

WHEREAS, effective January 1, 2023 said temporary appropriations are extended and now limited to 26.25% of the total appropriation in the 2022 budget, exclusive of any appropriations made for debt service, public assistance, and capital improvement fund in said 2022 budget.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Milford that the following temporary budget appropriations be made and that a certified copy of this resolution be transmitted to the Chief Financial Officer for their records:

APPROPRIATION	ACCOUNT NUMBER	2022 BUDGET AS ADOPTED	2023 TEMPORARY BUDGET
Administrator S&W	01-201-20-100-100	304,927	80,043
Administrator O.E.	01-201-20-100-200	69,200	18,165
TOTAL		\$374,127	\$98,208
Township Mayor & Council S&W	01-201-20-105-100	44,000	11,550
Township Mayor & Council O.E.	01-201-20-105-200	2,400	630

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TOTAL		\$46,400	\$12,180
Information Technology S&W	01-201-20-140-100	165,312	43,394
Information Technology O.E.	01-201-20-140-200	53,100	20,000
TOTAL		\$218,412	\$63,394
Legal O.E.	01-201-20-155-200	\$355,000	\$93,188
General Services S&W	01-201-20-161-100	20,000	5,250
General Services O.E.	01-201-20-161-200	190,000	63,000
TOTAL		\$210,000	\$68,250
Engineering S&W	01-201-20-165-100	276,173	72,495
Engineering O.E.	01-201-20-165-200	99,650	26,158
TOTAL		\$375,823	\$98,654
Insurance, Other	01-201-23-210-200	1,040,200	520,000
Insurance, Group	01-201-23-220-200	3,656,000	959,700
Health Benefit Waiver	01-201-23-230-200	85,000	22,313
TOTAL		\$4,781,200	\$1,502,013
Clerk S&W	01-201-20-120-100	227,511	59,722
Clerk O.E.	01-201-20-120-200	30,800	8,431
TOTAL		\$258,311	\$68,153
Elections S&W	01-201-20-146-100	1,500	394
Elections O.E.	01-201-20-146-200	16,800	4,410
TOTAL		\$18,300	\$4,804
Treasurer S&W	01-201-20-130-100	320,283	84,074
Treasurer O.E.	01-201-20-130-200	22,075	10,000
TOTAL		\$342,358	\$94,074
Audit	01-201-20-135-200	40,000	-
Audit Additional Services	01-201-20-135-200	25,000	15,000
TOTAL		\$65,000	\$15,000
Tax Collector S&W	01-201-20-145-100	193,415	50,771
Tax Collector O.E.	01-201-20-145-200	53,555	28,183
TOTAL		\$246,970	\$78,955
Tax Assessor S&W	01-201-20-150-100	240,269	63,071
Tax Assessor O.E.	01-201-20-150-200	17,855	10,000
TOTAL		\$258,124	\$73,071
Planning Board O.E.	01-201-21-180-200	\$20,025	\$20,025
Planning Comprehensive S&W	01-201-21-181-100	133,781	35,118
Planning Comprehensive O.E.	01-201-21-181-200	25,775	25,775
TOTAL		\$159,556	\$60,893
Zoning Administration S&W	01-201-21-185-100	80,100	21,026
Zoning Administration O.E.	01-201-21-185-200	52,200	13,703
TOTAL		\$132,300	\$34,729
Board of Adjustment O.E.	01-201-21-186-200	\$35,275	\$35,275
Historic Preservation S&W	01-201-20-175-100	1,560	410
Historic Preservation O.E.	01-201-20-175-200	1,000	500
TOTAL		\$2,560	\$910
Building S&W	01-201-22-195-100	423,131	111,072
Building O.E.	01-201-22-195-200	31,550	20,000
TOTAL		\$454,681	\$131,072
Environmental Commission S&W	01-201-22-196-100	2,000	525
Environmental Commission O.E.	01-201-22-196-200	1,650	1,650
TOTAL		\$3,650	\$2,175

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APPROPRIATION	ACCOUNT NUMBER	2022 BUDGET AS ADOPTED	2023 TEMPORARY BUDGET
Police Patrol S&W	01-201-25-240-100	4,975,620	1,306,100
Police Patrol O.E.	01-201-25-240-200	346,200	100,165
Police Patrol Purchase of Police Vehicles	01-201-25-240-900	-	-
Police Detective S&W	01-201-25-241-100	-	-
Police Administration S&W	01-201-25-242-100	589,847	154,835
Police Communication S&W	01-201-25-243-100	364,499	95,681
Police Communication O.E.	01-201-25-243-400	12,500	3,281
Police Specials S&W	01-201-25-244-100	36,000	9,450
Police Specials O.E.	01-201-25-244-200	9,475	2,487
TOTAL		\$6,334,141	\$1,672,000
Emergency Management S&W	01-201-25-252-100	10,405	2,731
Emergency Management O.E.	01-201-25-252-200	59,500	15,619
TOTAL		\$69,905	\$18,350
First Aid - WMFAS Contributions	01-201-25-260-200	113,500	29,794
First Aid - UGLFAS Contributions	01-201-25-260-200	59,450	15,606
TOTAL		\$172,950	\$45,399
Aid To Vol. Fire Co.	01-201-25-255-200	120,000	31,500
Fire Prevention Bureau S&W	01-201-25-265-100	157,494	41,342
Fire Prevention Bureau O.E.	01-201-25-265-200	14,700	3,859
Fire Co. Administration S&W	01-201-25-266-100	11,100	2,914
Fire Co. Administration O.E.	01-201-25-266-200	320,650	84,171
LOSAP	01-201-25-267-200	140,000	-
TOTAL		\$763,944	\$163,785
DPW Streets & Roads S&W	01-201-26-290-100	2,187,920	574,329
DPW Streets & Roads O.E.	01-201-26-290-200	972,600	250,000
DPW Buildings & Grounds S&W	01-201-26-291-100	132,544	34,793
DPW Buildings & Grounds O.E.	01-201-26-291-200	102,450	40,000
DPW Snow Removal S&W	01-201-26-294-100	250,000	250,000
DPW Snow Removal O.E.	01-201-26-294-200	1,057,000	1,057,000
DPW Vehicle Maintenance S&W	01-201-26-315-100	394,629	103,590
DPW Vehicle Maintenance O.E.	01-201-26-315-200	364,500	130,000
TOTAL		\$5,461,643	\$2,439,712
Public Health S&W	01-201-27-330-100	127,646	30,776
Public Health O.E.	01-201-27-330-200	41,331	10,849
Vital Statistics S&W	01-201-27-331-100	38,875	10,205
Vital Statistics O.E.	01-201-27-331-200	2,750	722
Housing Standard Bureau O.E.	01-201-27-332-441	8,000	2,100
Environmental Health S&W	01-201-27-335-100	237,490	62,341
Environmental Health O.E.	01-201-27-335-200	132,370	50,000
Animal Control O.E.	01-201-27-340-100	90,000	23,625
TOTAL		\$678,462	\$190,618
Recreation Programs S&W	01-201-28-370-100	116,896	30,685
Recreation Programs O.E.	01-201-28-370-200	133,000	34,913
Recreation Bubbling Springs S&W	01-201-28-371-100	230,000	-
Recreation Bubbling Springs O.E.	01-201-28-371-200	100,000	50,000
Recreation Administration S&W	01-201-28-372-100	177,983	46,721
Recreation Administration O.E.	01-201-28-372-200	20,200	5,303

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Recreation Community Center S&W	01-201-28-374-100	30,000	7,875
Recreation Community Center O.E.	01-201-28-374-200	34,000	8,925
Recreation Parks Maintenance S&W	01-201-28-375-100	295,995	77,699
Recreation Parks Maintenance O.E.	01-201-28-375-200	131,800	70,000
Senior Citizen Services S&W	01-201-28-376-100	56,570	14,850
Senior Citizen Services O.E.	01-201-28-376-200	9,000	2,363
TOTAL		\$1,335,444	\$349,332
Veteran's Bureau S&W	01-201-20-172-100	1,335	350
Veteran's Bureau O.E.	01-201-20-172-200	150	39
TOTAL		\$1,485	\$389
Celebration of Public Events O.E.	01-201-30-420-200	\$38,000	\$9,975
Mass Transportation S&W	01-201-30-432-100	\$51,835	\$13,607
Library S&W	01-201-29-390-100	520,000	136,500
Library O.E.	01-201-29-390-200	623,409	163,645
TOTAL		\$1,143,409	\$300,145
Municipal Court S&W	01-201-43-490-100	290,894	76,360
Municipal Court O.E.	01-201-43-490-200	24,450	6,418
Municipal Court Prosecutor S&W	01-201-43-491-101	39,550	10,382
Municipal Court Prosecutor O.E.	01-201-43-491-200	-	-
Public Defender	01-201-43-495-450	10,000	2,625
TOTAL		\$364,894	\$95,785
Utilities-Electricity	01-201-31-430-200	144,050	37,813
Utilities-Street Lighting	01-201-31-435-200	79,500	20,869
Utilities-Telephone	01-201-31-440-200	140,000	36,750
Utilities-Natural Gas	01-201-31-446-200	55,200	14,490
Utilities-Fuel	01-201-31-460-200	450,000	121,469
TOTAL		\$868,750	\$231,391
MISCELLANEOUS & STATUTORY EXPENDITURES			
PERS	01-201-36-471-532	1,050,000	-
Social Security	01-201-36-472-533	660,000	173,250
PFRS	01-201-36-473-534	1,560,000	-
Defined Contributions Retirement Program	01-201-36-475-536	15,000	3,938
TOTAL		\$3,285,000	\$177,188
Salaries & Wages Adjustment Account	01-201-37-480-501	-	-
Compensated Absences	01-201-38-485-110	\$100,000	26,250
Inter-local Agreement Health	01-201-47-500-200	\$120,250	\$31,566
Inter-local Agreement Registrar	01-201-47-600-200	-	-
DEFERRED CHARGES & RESERVE FOR UNCOLLECTED TAXES			
Judgements	01-201-37-481-529	-	-
Deferred Charges	01-201-46-886-000	-	-
Emergency Authorization	01-201-46-887-528	-	-
Reserve for Tax Appeals	01-201-46-886-667	50,000	-

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APPROPRIATION	ACCOUNT NUMBER	2022 BUDGET AS ADOPTED	2023 TEMPORARY BUDGET
Deficit in Assessment cash	01-201-46-887-531	361	-
Reserve for Uncollected Taxes	01-201-50-899-200	2,300,000	-
TOTAL		\$2,350,361	-
GRANTS	G-02-41	\$117,313	-
SUBTOTAL		\$31,615,858	\$8,299,485
Capital Improvement Fund	01-201-44-900-200	410,000	-
Capital Improvement Fund Equipment Brine	01-201-44-900-012	-	-
Capital Annual Fire Equipment	01-201-44-900-261	194,412	-
TOTAL		\$604,412	-
Debt Service Total		\$2,807,130	\$1,594,123
TOTAL OPERATING BUDGET		\$35,027,400	\$9,893,608
SOLID WASTE DISTRICT BUDGET			
Solid Waste S&W	26-201-55-500-100	111,755	29,336
Solid Waste O.E. All Other	26-201-55-500-200	192,850	50,623
Contractual Services	26-201-55-500-514	2,208,000	579,600
Disposal Fees	26-201-55-500-548	830,000	217,875
Grants - Recycling County of Passaic		-	-
Prior Year's Bills		-	-
Commercial Pick Up		-	-
TOTAL SOLID WASTE DISTRICT BUDGET		\$3,342,605	\$877,434

Adopted: December 7, 2022

Agenda No. XI 22

~ Resolution 2022 – 427 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE ISSUANCE OF VARIOUS LICENSES FOR THE LICENSE YEAR 2023

WHEREAS, applications have been made for the new licenses and the renewal of various Licenses for the 2023 license year; and

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

WHEREAS, four (4) junk yards/shops have historically existed in the Township although the Township Code currently limits the number of junk yards/yards to only three (3); and

WHEREAS, the Township Code requires junk yards/shops to have monitoring wells in order to renew their licenses; and

WHEREAS, the monitoring well requirement needs to be clarified in order to be enforced in subsequent years; and

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford does hereby approve the issuance of 2023 Licenses as listed below:

License No.	2023 JUNK YARDS
2023-01	AC-3 LLC - Albert Christmann II
2023-02	Car Port Depot – Ali R. Abasi
2023-03	Mountain Top Auto, Inc. – John Kardanow
2023-04	Vans & Trucks LLC – Yourik Atakhanian
License No.	2023 JUNK SHOPS

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2023-01	ARTICLE I Mountain Top Auto, Inc. – John Kardanow
2023-02	ARTICLE II Vans & Trucks LLC – Yourik Atakhanian

Adopted: December 7, 2022

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~ Resolution 2022 – 428 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING A PERSON TO PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1615-33-019-010 FROM NONNA NINA LLC TO BALDO BISTRO LLC FOR PREMISES AT THE SAME LOCATION

WHEREAS, an application has been received for a Person to Person transfer of 2022-2023 Plenary Retail Consumption License 1615-33-019-010 presently held by Nonna Nina LLC to Baldo Bistro LLC for premises at 9 Lakeside Road, Hewitt, NJ 07421; and

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

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

1. The submitted application is complete in all respects.
2. The applicant is qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. laws and regulations.
3. The applicant has disclosed to the issuing authority the source of all financing obtained.

WHEREAS, as a further result of the public investigation and upon the recommendation of the Police Department the Township Council authorizes the active license be transferred with conditions listed below.

NOW, THEREFORE, BE IT RESOLVED that the application is hereby approved and the Township Clerk is authorized to issue the license certificate for the Mayor and Township Council of the Township of West Milford upon receipt of satisfactory recommendations of premise inspections.

LICENSE	CONDITIONS
<p>BALDO BISTRO LLC t/a Baldo Bistro LLC 9 Lakeside Road Hewitt, NJ 07421</p>	<ol style="list-style-type: none"> 1. The Police Department must be contacted to complete an inspection of the premises once the transfer is complete. 2. Licensee(s) must submit pages 1, 2, and 11 of the 12 page application to the Township Clerk’s Office once the transfer is complete. 3. Pre-operational inspection prior to Retail Food License is issued by Health Department. 4. Licensee(s) must be in compliance with the New Jersey Uniform Fire Code and the current NJ Building Uniform Construction Code prior to opening.

Adopted: December 7, 2022

Councilman Chazukow indicated that with regard to Resolution 2022-403 the Township sympathizes with residents. The hefty bills for internet services are also a burden on the Township budget. Mayor Dale indicated that the Town does not have an exclusive contract with Cablevision, now Altice, any other provider is welcome to come in. There has been a great deal of outreach to other companies and the feedback is that it is very cost prohibitive as they cannot utilize current infrastructure. Mayor Dale indicated that West Milford was an influence in that the BPU launched an investigation based on information we reported about the service and lack of, we were receiving as a Township. Mayor Dale actually testified at that hearing as one of the few Mayors that followed through with the complaints. The investigation is ongoing. Residents can still go to the website and under service requests, people can select Optimum and register their complaints. Attorney Pasternak indicated that West Milford, along with other municipalities, affected the BPU’s probligation and revision of the rules. It is still early in the investigation.

Motion to move resolutions 2022-401 through 2022-321 and 2022-427 and 2022-428.

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

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Public Comments

Robert Moshman, 40 Pondview Drive, indicated he was acting attorney for Baldo Bistro, regarding Resolution 2022-428 which had just been approved. Introduced the new owner Baldoserri Baldochino, who has purchased the property for his business and recently moved to West Milford. He loves the Town. Mayor Dale and Councilmembers welcomed him and his soon to open business.

Councilman Elect, Matthew Conlon, 33 Orleans Lane, wished to thank everyone, Mayor Dale and Council and the voters. He complemented the efforts at the tree lighting ceremony. It was a great start to the holiday season.

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

Agenda No. XII

Council Comments

None.

Agenda No. XII

Consent Agenda

~ Resolution 2022 – 422 ~

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) **2022-423** – Recreation Refund
- b) **2022-424** – Health Refund

Adopted: December 7, 2022

Agenda No. XII a

~ Resolution 2022 – 423 ~

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:

SENIOR CHI YOGA			
\$10.00	Annette O'Neill 9305 Richmond Road West Milford, NJ 07480	\$10.00	Joann May 6 Gleason Road Hewitt, NJ 07421
SOCCER SQUIRTS			
\$150.00	Sarah Shutrop [REDACTED] West Milford, NJ 07480		
REC BASKETBALL			
\$95.00	Chrisopher Pitoniak 63 Bayonne Drive Hewitt, NJ 07421	\$85.00	Christine Moyano 23 Deerbrook Lane West Milford, NJ 07480
100.00	Jeff Riley 7 Relda Avenue West Milford, NJ 07480	\$10.00	Colleen Gaiamo 1453 Macopin Road West Milford, NJ 07480
\$10.00	Tara Blondin 12 Mine Hill Terrace West Milford, NJ 07480	\$10.00	Marissa Pavlica 315 Otterhole Road West Milford, NJ 07480
\$100.00	Karen Rosner 20 Alpine Lane West Milford, NJ 07480	\$100.00	Maria Carrera 405 Warwick Tpke. Hewitt, NJ 07421

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\$100.00	Karen Lupinacci 15 Applegate Court West Milford, NJ 07480		
SENIOR HOLIDAY LUNCHEON AT CASA BIANCA			
\$70.00	Pasquale Sarnella 45 Spring Ave. West Milford, NJ 07480	\$35.00	John McClellan 51 Mountain Circle N. West Milford, NJ 07480
\$70.00	George White 97 Larsen Road West Milford, NJ 07480		
BOB ROSS ADULT PAINTING			
\$50.00	Kathleen Russell 200 Rockburn Pass West Milford, NJ 07480		

Adopted: December 7, 2022

Agenda No. XII b

~ Resolution 2022 – 424 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE REFUND OF A HEALTH DEPARTMENT FEE

BE IT RESOLVED, by the Township Council of the Township of West Milford that based upon the report and request of the Director of Health the following fee be refunded:

Name & Address	Overpayment	Refund Amount	Account
Dollar General Store 1938 Union Valley Road Hewitt, NJ 07421	Food Handling	\$40.00	01-192-08-104-331
Mark Spagnola 51 Charcoal Road Newfoundland, NJ 07435	Plan Review Block 15301, Lot 7	\$185.00	01-192-08-105-331

Adopted: December 7, 2022

Motion to move resolutions 2022-422 through 2022-424.

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

Agenda No. XV

Approval of Expenditures

~ Resolution 2022 – 425 ~

RESOLUTION APPROVING THE PAYMENT OF BILLS

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

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

Acct #	Account Name	Amount
1	Current Account	\$728,360.36
3	Reserve Account	6,111.10
2	Grants	16,820.86
6	Refunds	1,005.00
1	General Ledger	18,390.61
26	Refuse	637,367.76
4	Capital	633,090.85
19	Animal Control	1,242.50
19	Heritage Trust	0.00

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19	Open Space Trust	1,589.62
19	Trust	34,528.15
19	Scala Trust	0.00
16	Development Escrow	1,180.00
19	Tax Sale Trust	0.00
21	Assessment Trust	0.00
	Special Reserve	0.00
Total		\$2,079,686.81
Less Refund Resolution		-\$1,005.00
Actual Bills List		\$2,078,681.81
Other Payments		
Payroll		\$550,714.56
Payroll		589,470.66
Enterprise Lease		28,076.11
Total Expenditures		\$3,246,943.14

Adopted: December 7, 2022

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

Agenda No. XV

Appointments and Resignations

Agenda No. XV 1

~ Resolution 2022 – 426 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY ACCEPTING RESIGNATION TENDERED

BE IT RESOLVED, by the Township Council of the Township of West Milford that they do hereby accept the following resignation tendered to the Senior Citizen Advisory Committee:

<u>Name</u>	<u>Position</u>	<u>Date Tendered</u>
Patricia Burd	Senior Citizen Advisory Committee Citizen Member Term expires 12/31/23	November 4, 2022

Adopted: December 7, 2022

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

Councilwoman Lichtenberg nominated Beverly Cox to be added to the Senior Citizen Advisory Committee.
 Councilwoman Erik made a motion to accept the nomination. Seconded by Councilman Marsden.

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

Agenda No. XIV

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Reports of Administrator, Mayor and Council Members

Mayor Dale – Indicated she had taken care of the Lakes Committee requests. Mayor Dale hopes that Councilman Gross will remain involved moving forward. Mayor Dale stressed that the goal is not to create more laws but to streamline what we have by cleaning it up and make things easier for residents. With regard to the cannabis related ordinances, it was brand new, the Council has tried to get it right and when they didn't, they fixed it.

Councilman Marsden – No report.

Councilwoman Erik – Explained that when she says “pay-em” regarding the bills, it is a tribute to Dick Nobis. Councilwoman Erik also suggested that perhaps a local business could sponsor a tree or do more lighting to add to the holiday decorations along the Town Hall area. She will be bringing it up at EDC, so funds are not being taken from tax dollars. Macopin Road speed limits need to be re-addressed.

Councilman Chazukow – Thanked the Mayor for including him on the debriefing of the last ALF event. He was very encouraged by the level of organization and found the discussion productive. There was another meeting recently regarding the Greenway Project and more information will be forthcoming but he indicated the project had been divided into three phases. He thanked Thomas Decker who is a volunteer for the Heritage Committee. Mr. Decker has gone above and beyond and has been very helpful to people doing research. He gave them an extended tour and spent the afternoon taking them to historic West Milford sights and later the West Milford Museum received a \$1000 donation.

Councilwoman Lichtenberg – The Municipal Alliance sponsored the Hidden in Plain Sight event at the Macopin School on November 30. There were many parents in attendance for this interesting program. Kelly Hart was awarded the State of New Jersey Municipal Alliance Volunteer of the Year Award. At the League of Municipalities First Annual Mayor's Reception, Mayor Dale was chosen as one of the top ten female mayors in New Jersey. At the West Milford Library on December 11th from 1-2 p.m. there will be a piano Christmas Concert and on December 17th from 3-4 p.m. there will be a Hand Bell Choir. Events are listed on wmtl.org. The Wallisch Homestead will be presenting a Glimpse in Christmas Past from 5-9 at the Creamery.

Councilman Goodsir – The Recreation Department is no longer accepting requests for military tribute banners as they have reached their goal. Letters to Santa may be dropped off until December 9th. A cooking class for kids is being offered at the Recreation Center. Non-perishable foods may be donated at the Rec Center for holiday baskets for those in need. The Elks are having a Hoop Shoot at the Rec Center on Saturday from 12-2 p.m. for girls and boys ages 8 to 13.

Councilman Gross – Enjoyed the Senior Luncheon. The food was great and the event was well attended. He thanked the Council and indicated that he was glad the Council got together. Though they did not always agree, there was no bickering and they managed to work together. It was a pleasure to work with such a good group.

Administrator Senande – Has reached out to the Planner regarding the Greenway Project and the preliminary study should be available in the next few weeks. Tonight seven ordinances were adopted. Out of the 95 ordinances that were introduced in the last two years, six were not adopted. The largest portion were 21 zoning related matters; 20 were administrative, mostly cleanup of old ordinances, or changes mandated by the State; 17 were budgetary matters and compensation, adopting the budget, approving bonds, changing salaries; 14 were regarding fees and any fees charged offset tax bills. The burden of taxes is lessened as the burden is placed on the user. Some of the users are from out of Town as well. 9 of the ordinances were for cannabis, including the prohibition of gifting; 3 were traffic matters; 5 were miscellaneous for open space tax levy, food trucks, redevelopment zone and tax abatement programs.

Attorney Pasternak – No report.

Agenda No. XVI

Adjournment

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

The meeting adjourned at 7:08 p.m.

Approved: December 21, 2022

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Respectfully submitted:

Deidre Ellis, Keyboarding Clerk II

MICHELE DALE, MAYOR

WILLIAM SENANDE, TOWNSHIP CLERK