

TOWNSHIP OF WEST MILFORD

**THE FOLLOWING COMPRISES THOSE DOCUMENTS
SUBMITTED TO THE TOWNSHIP COUNCIL FOR
CONSIDERATION AND ACTION AT THE OCTOBER 6, 2021
REGULARLY SCHEDULED WORKSHOP MEETING.**

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

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

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

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

Township of West Milford

Passaic County, New Jersey

~ Resolution 2021 – 367 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING A PERSON TO PERSON TRANSFER OF POCKET PLENARY RETAIL CONSUMPTION LICENSE 1615-33-020-008 FROM SAGAR BEVERAGES LLC TO PFA REALTY LLC WITH NO SITED LOCATION

WHEREAS, an application has been received for a Person to Person transfer of 2021-2022 Plenary Retail Consumption License 1615-33-020-008 presently held by Sagar Beverages LLC to PFA Realty LLC as a pocket/inactive license with no sited location; and

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

WHEREAS, a result of that review the Mayor and Township Council have determined as follows:

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

WHEREAS, the pocket/inactive license may be transferred or sited with the following conditions:

1. To site the pocket/inactive license licensee must submit a 12-page Place to Place transfer application with detailed sketch of proposed site, fee and a Police Investigation Request Form to the Township Clerks Office.
2. Prior to activating or operating the pocket/inactive license inspections of premises must be made and satisfactory recommendations must be received in the Township Clerks Office from the Police, Health, Fire, Building and Zoning Departments.
3. Prior to opening business operations a Health Department Retail Food Establishment License must be acquired with satisfactory recommendations received from Health prior to opening.
4. Applicant for the transfer must apply for building permits and have inspections in order to activate.
5. Licensee must file with Fire Bureau ownership and occupancy information prior to operating the license with inspections by the Fire Marshall for full compliance with the NJ Uniform Fire Code prior to opening or occupying a building.

NOW, THEREFORE, BE IT RESOLVED that the transfer application is hereby approved by the Mayor and Township Council of the Township of West Milford and the Township Clerk is directed to endorse the transfer and hold the license certificate until conditions referenced above are satisfied for activation at a sited location.

Adopted: October 6, 2021

Adopted this 6th day of October, 2021
and certified as a true copy of an original

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Ordinance 2021 – 034 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, AMENDING CHAPTER 470, SUBDIVISION OF LAND AND SITE PLAN REVIEW, ARTICLE XX WIRELESS TELECOMMUNICATIONS FACILITIES TO CREATE A PRIORITY OF LOCATIONS FOR THE SITING OF COMMUNICATIONS ANTENNAS

WHEREAS, the Township enacted Ordinance 2003-51, setting forth procedures for submission of applications for preliminary and final site plan approval of wireless telecommunication facilities within the Township; and

WHEREAS, the Township further set forth the details for such preliminary and final site plans for wireless telecommunication facilities in all commercial zones, as well as for wireless telecommunications facilities in the R-1, R-1/1, R-2, R-3, R-4, R-1/PN, SCC and OR Zones; and

WHEREAS, the Township also wishes to set forth that new wireless communications antennas and towers shall be located at the lowest numbered priority location as available within an applicant's search area, contingent upon maintaining the best level of service and at the same time benefitting the public's health, safety and welfare.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Township Council of the Township of West Milford, County of Passaic, and the State of New Jersey that Chapter 470, Subdivision of Land and Site Plan Review, Article XX Wireless Telecommunication Facilities shall be amended only to include a new Section 470-93.1 setting forth a priority of locations, as follows:

SECTION 1. ARTICLE XX, Wireless Telecommunications Facilities

§ 470-93.1 Purpose and Intent. The siting of any telecommunications facility shall be determined according to the lowest numbered priority location as set forth as within this Article, contingent upon such location providing an acceptable level of telecommunication service from the provider.

§ 470-93.2 Priority of Locations for Siting of Telecommunications Facilities

<u>Priority</u>	<u>Zone</u>	<u>Location</u>	<u>Permitted/Conditional/Type</u>
1.	Any zone on Township of West Milford owned land	Approved by Township Council	Permitted (Antenna-Tower)
2.	Public utility on a lot abutting Federal or State highway	On existing structure	Permitted (Antenna)
3.	Public utility on a lot not abutting Federal or State highway	On existing structure	Permitted (Antenna)
4.	Any industrial zone	Collocated with other Antenna on existing Structure or tower	Permitted
5.	Any commercial zone	Existing structure or Tower without other Antennas	Permitted
6.	Within the R-1, R-1/1, R-2,R-3, R-4, R-1/PN, SCC & OR Zones	Existing structure or Tower without other antennas	Permitted

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

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

Introduced: September 8, 2021

Adopted:

Effective Date:

TOWNSHIP OF WEST MILFORD
COUNTY OF PASSAIC
STATE OF NEW JERSEY

ATTEST

William Senande, Township Clerk

By: _____
Michele Dale, Mayor

Township of West Milford

Passaic County, New Jersey

~ Ordinance No. 2021 – 037 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY ADDING A NEW CHAPTER 350 ENTITLED “FIVE-YEAR TAX ABATEMENT PROGRAM FOR WEST MILFORD REHABILITATION AREAS” TO THE CODE OF THE TOWNSHIP OF WEST MILFORD

WHEREAS, the Township Council has determined that tax abatement programs permitted by statute are beneficial to property owners, and might encourage further improvements to residential properties within the Township; and

WHEREAS, a review of the Township Code demonstrates that there are currently no provisions for such abatement programs to be available to property owners in the Township; and

WHEREAS, the Township Council has determined that it is necessary to amend the Code, to establish provisions and procedures for a five-year tax abatement program for renovations within West Milford's designated rehabilitation areas for residential properties, but excluding new construction.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of West Milford, Passaic County, New Jersey, that the Code of the Township of West Milford shall be amended to add a new Chapter 350 entitled “Five-Year Tax Abatement Program for West Milford Rehabilitation Areas” to read as follows:

SECTION 1. Chapter 350 Five-Year Tax Abatement Program for West Milford Rehabilitation Areas

§350-1 Definitions.

All terms utilized in this Chapter not specifically defined herein shall conform to the meanings set forth in the Five-Year Exemption and Abatement Law (“Act”). For ease of reference, the definitions set forth in the Act as of the date of the adoption of this Chapter are attached hereto as Exhibit A. However, if the definitions set forth in the Act shall be subsequently amended, then the Act, and not Exhibit A, shall control.

§350-2 Statement of Purpose.

The Township hereby determines to utilize the authority granted under Article VIII, Section I, paragraph 6 of the New Jersey Constitution to establish the eligibility of certain dwellings for exemptions, as provided in this Chapter and as permitted by the Act, throughout West Milford's Rehabilitation Areas.

§350-3 Exemptions Authorized to be Implemented by Tax Assessor.

The Township hereby determines to provide for the exemption from taxation of certain improvements to existing residential properties occurring within Rehabilitation Areas throughout the Township. To the extent that a property owner shall apply to the Tax Assessor within the time period prescribed by the New Jersey Department of Treasury in accordance with the Act, which currently requires submission within thirty (30) calendar days following completion of the improvements or construction for which the exemption is sought, and shall provide documentation to the Tax Assessor, in a form and manner acceptable to the Tax Assessor and consistent with the Act, of compliance with this section, such property owner shall be entitled to the relevant exemption enumerated herein without any need for action by the Township Council.

§350-4 Residential - Improvements.

The Township hereby determines to provide for the exemption from taxation of certain improvements made to dwellings, on the following terms and conditions:

- (1) The term "dwelling", for purposes of this Section shall include residential properties and condominium residential units, but not cooperative ("Co-op") type residential properties.
- (2) The term "dwelling", for purposes of this Section shall not include "multiple dwellings", as defined by the Act.
- (3) Only residential properties shall be eligible for the benefit of the tax abatement under this section.
- (4) An applicant must continue to live at the property to continue to receive the benefit of the tax abatement.
- (5) The term "improvements", for purposes of this subsection, shall include rehabilitation, to include modernization, renovation, alteration or repair which produces a physical change in an existing building or structure, which improves the safety, sanitation, decency or attractiveness of the structure as a place for human habitation, and which does not change its permitted use.
- (6) To the extent that a dwelling shall comply with the requirements set forth at subsections (1) through (6), above, in determining the value of real property for each dwelling unit, the Township shall regard the first \$15,000 in the Assessor's full and true value of improvements for each dwelling unit primarily and directly affected by the improvements, as not increasing the value of the property for a period of five years, notwithstanding that the value of the property to which the improvements are made is increased thereby. During the exemption period, the assessment on any property pursuant to this paragraph shall not be less than the assessment thereon existing immediately prior to the improvements, except if there is damage to the dwelling through action of the elements sufficient to warrant a reduction.
- (7) The "Five-Year Tax Abatement Program for West Milford Rehabilitation Areas" shall be effective January 1, 2022, and applications shall only be accepted in the 2022 calendar year.

§350-5 Residential - Multiple Dwellings - Improvements.

- (1) The Township hereby determines to provide for an exemption of 100% of the Assessor's full and true value for a period of five years following the construction of improvements to multiple dwellings. The term "multiple dwelling" shall have that meaning ascribed to it by the Act. The definition of "multiple dwelling" set forth in the Act as of the date of adoption of this Chapter is set forth at Exhibit A, attached hereto.
- (2) This exemption is to be granted notwithstanding that the value of the property upon which the construction occurs is increased thereby. During the exemption period, the assessment on any property pursuant to this Section shall not be less than the assessment thereon existing immediately prior to the improvements, except if there is damage to the multiple dwelling through action of the elements sufficient to warrant a reduction.

§350-6 Effective Date; Sunset Provision.

Upon final passage and publication as provided by law, this Ordinance shall take effect upon final passage, approval and publication as required by law and shall authorize the Township to grant exemptions up to a 5-year period.

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:
Adopted:
Effective Date:

TOWNSHIP OF WEST MILFORD
COUNTY OF PASSAIC
STATE OF NEW JERSEY

ATTEST

William Senande,
Township Administrator

By: _____
Michele Dale, Mayor

EXHIBIT A

DEFINITIONS SET FORTH IN THE ACT AS OF THE DATE OF ADOPTION

N.J.S.A. 40A:21-3. Definitions

As used in this act:¹

- a. "Abatement" means that portion of the assessed value of a property as it existed prior to construction, improvement or conversion of a building or structure thereon, which is exempted from taxation pursuant to this act.
- b. "Area in need of rehabilitation" means a portion or all of a municipality which has been determined to be an area in need of rehabilitation or redevelopment pursuant to the "Local Redevelopment and Housing Law," P.L.1992, c. 79 (C.40A:12A-1 et al.), a "blighted area" as determined pursuant to the "Blighted Areas Act," P.L.1949, c. 187 (C.40:55-21.1 et seq.), or which has been determined to be in need of rehabilitation pursuant to P.L.1975, c. 104 (C.54:4-3.72 et seq.), P.L.1977, c. 12 (C.54:4-3.95 et seq.), or P.L.1979, c. 233 (C.54:4-3.121 et al.).
- c. "Assessor" means the officer of a taxing district charged with the duty of assessing real property for the purpose of general taxation.
- d. "Commercial or industrial structure" means a structure or part thereof used for the manufacturing, processing or assembling of material or manufactured products, or for research, office, industrial, commercial, retail, recreational, hotel or motel facilities, or warehousing purposes, or for any combination thereof, which the governing body determines will tend to maintain or provide gainful employment within the municipality, assist in the economic development of the municipality, maintain or increase the tax base of the municipality and maintain or diversify and expand commerce within the municipality. It shall not include any structure or part thereof used or to be used by any business relocated from another qualifying municipality unless: the total square footage of the floor area of the structure or part thereof used or to be used by the business at the new site together with the total square footage of the land used or to be used by the business at the new site exceeds the total square footage of that utilized by the business at its current site of operations by at least 10%; and the property that the business is relocating to has been the subject of a remedial action plan costing in excess of \$250,000 performed pursuant to an administrative consent order entered into pursuant to authority vested in the Commissioner of Environmental Protection under P.L.1970, c.33 (C.13:1D-1 et al.), the "Water Pollution Control Act," P.L. 1977, c. 74 (C.58:10A-1 et seq.), the "Solid Waste Management Act," P.L.1970, c. 39 (C.13:1E-1 et seq.), and the "Spill Compensation and Control Act," P.L.1976, c. 141 (C.58:10-23.11 et seq.).
- e. "Completion" means substantially ready for the intended use for which a building or structure is constructed, improved or converted.
- f. "Condominium" means a property created or recorded as a condominium pursuant to the "Condominium Act," P.L.1969, c. 257 (C.46:8B-1 et seq.).
- g. "Construction" means the provision of a new dwelling, multiple dwelling or commercial or industrial structure, or the enlargement of the volume of an existing multiple dwelling or commercial or industrial structure by more than 30%, but shall not mean the conversion of an existing building or structure to another use.

¹ L.1991, c. 441 (N.J.S.A. § 40A:21-1 et seq.)

h. "Conversion" or "conversion alteration" means the alteration or renovation of a nonresidential building or structure, or hotel, motel, motor hotel or guesthouse, in such manner as to convert the building or structure from its previous use to use as a dwelling or multiple dwelling.

i. "Cooperative" means a housing corporation or association, wherein the holder of a share or membership interest thereof is entitled to possess and occupy for dwelling purposes a house, apartment, or other unit of housing owned by the corporation or association, or to purchase a unit of housing owned by the corporation or association.

j. "Cost" means, when used with respect to abatements for dwellings or multiple dwellings, only the cost or fair market value of direct labor and materials used in improving a multiple dwelling, or of converting another building or structure to a multiple dwelling, or of constructing a dwelling, or of converting another building or structure to a dwelling, including any architectural, engineering, and contractor's fees associated therewith, as the owner of the property shall cause to be certified to the governing body by an independent and qualified architect, following the completion of the project.

k. "Dwelling" means a building or part of a building used, to be used or held for use as a home or residence, including accessory buildings located on the same premises, together with the land upon which such building or buildings are erected and which may be necessary for the fair enjoyment thereof, but shall not mean any building or part of a building, defined as a "multiple dwelling" pursuant to the "Hotel and Multiple Dwelling Law," P.L.1967, c. 76 (C.55:13A-1 et seq.). A dwelling shall include, as they are separately conveyed to individual owners, individual residences within a cooperative, if purchased separately by the occupants thereof, and individual residences within a horizontal property regime or a condominium, but shall not include "general common elements" or "common elements" of such horizontal property regime or condominium as defined pursuant to the "Horizontal Property Act," P.L.1963, c. 168 (C.46:8A-1 et seq.), or the "Condominium Act," P.L.1969, c. 257 (C.46:8B-1 et seq.), or of a cooperative, if the residential units are owned separately.

l. "Exemption" means that portion of the assessor's full and true value of any improvement, conversion alteration, or construction not regarded as increasing the taxable value of a property pursuant to this act.

m. "Horizontal property regime" means a property submitted to a horizontal property regime pursuant to the "Horizontal Property Act," P.L.1963, c. 168 (C.46:8A-1 et seq.).

n. "Improvement" means a modernization, rehabilitation, renovation, alteration or repair which produces a physical change in an existing building or structure that improves the safety, sanitation, decency or attractiveness of the building or structure as a place for human habitation or work, and which does not change its permitted use. In the case of a multiple dwelling, it includes only improvements which affect common areas or elements, or three or more dwelling units within the multiple dwelling. In the case of a multiple dwelling or commercial or industrial structure, it shall not include ordinary painting, repairs and replacement of maintenance items, or an enlargement of the volume of an existing structure by more than 30%. In no case shall it include the repair of fire or other damage to a property for which payment of a claim was received by any person from an insurance company at any time during the three-year period immediately preceding the filing of an application pursuant to this act.

o. "Multiple dwelling" means a building or structure meeting the definition of "multiple dwelling" set forth in the "Hotel and Multiple Dwelling Law," P.L.1967, c. 76 (C.55:13A-1 et seq.) [which is set forth below], and means for the purpose of improvement or construction the "general common elements" and "common elements" of a condominium, a cooperative, or a horizontal property regime.

p. "Project" means the construction, improvement or conversion of a structure in an area in need of rehabilitation that would qualify for an exemption, or an exemption and abatement, pursuant to P.L.1991, c. 441 (C.40A:21-1 et seq.).

q. "Annual period" means a duration of time comprising 365 days, or 366 days when the included month of February has 29 days, that commences on the date that an exemption or abatement for a project becomes effective pursuant to section 16 of P.L.1991, c. 441 (C.40A:21-16).

**DEFINITION OF MULTIPLE DWELLING SET FORTH IN THE HOTEL AND MULTIPLE DWELLING LAW
AS OF THE DATE OF ADOPTION**

N.J.S.A. 55:13A-3. Definitions.

(k) The term "multiple dwelling" shall mean any building or structure of one or more stories and any land appurtenant thereto, and any portion thereof, in which three or more units of dwelling space are occupied, or are intended to be occupied by three or more persons who live independently of each other. This definition shall also mean any group of ten or more buildings on a single parcel of land or on contiguous parcels under common ownership, in each of which two units of dwelling space are occupied or intended to be occupied by two persons or households living independently of each other, and any land appurtenant thereto, and any portion thereof. This definition shall not include:

- (1) any building or structure defined as a hotel in this act, or registered as a hotel with the Commissioner of Community Affairs as hereinafter provided, or occupied or intended to be occupied exclusively as such;
- (2) a building section containing not more than four dwelling units, provided the building has at least two exterior walls unattached to any adjoining building section and the dwelling units are separated exclusively by walls of such fire-resistant rating as comports with the "State Uniform Construction Code Act," P.L. 1975, c. 217 (C.52:27D-119 et seq.) at the time of their construction or with a rating as shall be established by the bureau in conformity with recognized standards and the building is held under a condominium or cooperative form of ownership, or by a mutual housing corporation, provided that if any units within such a building section are not occupied by an owner of the unit, then that unit and the common areas within that building section shall not be exempted from the definition of a multiple dwelling for the purposes of P.L. 1967, c. 76 (C.55:13A-1 et seq.). A condominium association, or a cooperative or mutual housing corporation shall provide the bureau with any information necessary to justify an exemption for a dwelling unit pursuant to this paragraph; or
- (3) any building of three stories or less, owned or controlled by a nonprofit corporation organized under any law of this State for the primary purpose to provide for its shareholders or members housing in a retirement community as same is defined under the provisions of the "Retirement Community Full Disclosure Act," P.L. 1969, c. 215 (C.45:22A-1 et seq.), provided that the corporation meets the requirements of section 2 of P.L. 1983, c. 154 (C.55:13A-13.1).

Township of West Milford

Passaic County, New Jersey

~ Resolution 2021 – 368 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE INTENT TO PURCHASE FROM MONTAGUE TOOL & SUPPLY IN ACCORDANCE WITH THE TOWNSHIP PURCHASING POLICY AND PAY-TO-PLAY LAW N.J.S.A. 19:44A-20.5 ET SEQ.

WHEREAS, the Township Council did establish a policy whereby a resolution shall be presented for their consideration for any purchase(s) in excess of the Pay-to-Play threshold of \$17,500 and that the purchases shall warrant use of state contract, cooperative pricing contract or a minimum of three (3) quotations; and

WHEREAS, The Township of West Milford has a need on a timely basis to purchase small power tools, safety vests, Stihl tools, maintenance items from the above named vendor which expenses would exceed the Pay-to-Play threshold of \$17,500; and

WHEREAS, Montague Tool & Supply has complied with state Pay-to-Play regulation by completing and submitting a Business Entity Disclosure Certification; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey that purchases from Montague Tool & Supply is hereby authorized and approved provided that the required three (3) quotes per request be obtained and total purchases not to exceed the budgeted appropriation established for this purpose for the remainder of 2021 calendar year.

Adopted: October 6, 2021

Adopted this 6th day of October, 2021
and certified as a true copy of an original

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2021 – 369 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING EXPENDITURE OF FUNDS FOR THE PURCHASE OF DRAINAGE MATERIALS IN ACCORDANCE WITH THE TOWNSHIP PURCHASING POLICY AND PAY-TO-PLAY LAW N.J.S.A. 19:44A-20.5 ET SEQ.

WHEREAS, the Township Council of the Township of West Milford adopted Ordinance 2013-020 to create the position of Qualified Purchasing Agent in the municipality and subsequently adopted Resolution 2013-330 appointing a Qualified Purchasing Agent (QPA) and increasing the bid threshold from \$17,500.00 to \$44,000.00; and

WHEREAS, as a condition to the increase in the bid threshold, the Township Council did establish a policy whereby a resolution shall be presented for their consideration for any purchase in excess of the former bid threshold of \$17,500.00 and that the purchase shall warrant use of State contract, cooperative pricing contract or a minimum of three (3) quotations; and

WHEREAS, the Department of Public Works is requesting the purchase of drainage materials (castings, precast concrete structures and pipe), from General Foundries, Brent Materials, Ferguson Enterprises, Campbell Foundry Company, Campbell Materials, Franklin Precast and Northeast Concrete Products through use of either cooperative pricing contracts or a minimum of three (3) quotes which expenses would exceed the aggregate quote threshold of \$17,500.00; and

WHEREAS, the above referenced vendors shall comply with State Pay-to-Play regulations by completing and submitting a Business Entity Disclosure Certification; and

WHEREAS, the Township Council has received a recommendation from the Director of Public Works indicating the anticipated need to purchase various drainage materials which expenses would exceed the aggregate quote threshold of \$17,500.00; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey that the appropriate Township officials be and are hereby authorized to execute purchases to the above referenced vendors in an amount not to exceed \$40,000.00 per vendor for the remainder of the 2021 calendar year and within the budget appropriation established for this purpose.

Adopted: October 6, 2021

Adopted this 6th day of October, 2021
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2021 - 370 ~

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 3202 AT 254 LAKESIDE ROAD WHICH IS UNDER THE JURISDICTION OF THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION POLLUTANT DISCHARGE ELIMINATION SYSTEM DISCHARGE TO GROUNDWATER (NJPDES-DWG) AUTHORIZATION NUMBER NJG0280488

WHEREAS, Lakeside Glendale, LLC "Moosehead Marine" is the owner of the property at 254 Lakeside Road, West Milford, NJ 07480 in the Township of West Milford, which is otherwise known as Lot 6 in Block 3202; and

WHEREAS, the aggregate peak daily wastewater design flow for the use(s) on the property has been calculated using a design flow alternate to the criteria set forth in N.J.A.C. 7:9A; and

WHEREAS, the construction, alteration or repair of an ISSDS designed using alternate wastewater flow calculations is regulated by the NJDEP NJPDES program; and

WHEREAS, Moosehead Marine 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, but certain aspects of the soil testing and ISSDS design do not conform to the minimum standards set forth in the "Standards for Individual Subsurface Sewage Disposal Systems" at N.J.A.C. 7:9A; 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 Moosehead Marine realty improvements located on Lot 6 in Block 3202 in the Township of West Milford.

Adopted: October 6, 2021

Adopted this 6th day of October, 2021
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2021 – 371 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING AN ADDENDUM TO THE EXISTING AGREEMENT WITH TENNESSEE GAS PIPELINE COMPANY LLC

WHEREAS, Tennessee Gas Pipeline Company, L.L.C. (hereinafter "Tennessee") is a "natural gas company" under the Natural Gas Act of 1938, 15 U.S.C. §717 et seq. ("Natural Gas Act"), and, as such, is regulated by the Federal Energy Regulatory Commission ("FERC") as to facilities, construction, rates, and types of service, and regulated by the United States Department of Transportation's Pipeline and Hazardous Materials Safety Administration under the Natural Gas Pipeline Safety Act, 49 U.S.C. §60101, et seq. ("Pipeline Safety Act"), as to minimum safety standards; and

WHEREAS, as part of Tennessee's proposed East 300 Upgrade Project (the "Project"), Tennessee is proposing to construct Compressor Station 327 on property identified as Block 4601, Lot 17, in the Township ("Property"); and

WHEREAS, on June 30, 2020, Tennessee filed an application for a Certificate of Public Convenience and Necessity ("Certificate") with the FERC for authorization to construct, operate, and maintain the Project, with an anticipated in-service date of November 1, 2022; and

WHEREAS, without prejudice to its rights and obligations under the Natural Gas Act, the Pipeline Safety Act, and their implementing regulations, Tennessee has entered into an Agreement with Township in reference to the Compressor Station; and

WHEREAS, the Township acknowledges that Congress, through the Natural Gas Act, has regulated comprehensively the siting, construction and operation of natural gas facilities, state and local regulations pertaining to these same issues are preempted; and

WHEREAS, the Township wishes to further memorialize its intention to work with Tennessee throughout the course of the Project by entering into an Addendum to the above reference Agreement, to address replacement of equipment and as to notice for planned and unplanned "blow downs." The Addendum is on file in the Clerk's Office.

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

1. The Mayor is hereby authorized and directed to execute said Addendum, and take all actions as necessary thereafter to effectuate its terms.
2. This Resolution, along with the Agreement, shall be available for public inspection in the office of the Township Clerk.
3. This Resolution shall take effect immediately.

Adopted: October 6, 2021

Adopted this 6th day of October, 2021
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2021 – 372 ~

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) **2021-373** – Refund Recreation Fees
- b) **2021-374** – Reinstatement of Taxes
- c) **2021-375** – Duplicate Tax Sale Certificate
- d) **2021-376** – Cancel Outstanding Checks
- e) **2021-377** – Clothing Allowance Volunteer Members
- f) **2021-378** – Refund Deposit Property Sale

Adopted: October 6, 2021

Adopted this 6th day of October, 2021
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2021 – 373 ~

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:

COED VOLLEYBALL	
\$50.00	Michael Kalter 6 Kent Road Ringwood, NJ 07456
SENIOR BOB ROSS ART CLASS	
\$35.00	Frances Ochart 14 Oakwood Trail Kinnelon, NJ 07405

Adopted: October 6, 2021

Adopted this 6th day of October, 2021
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2021 - 374 ~

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

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

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

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

REASON: INSUFFICIENT FUNDS

BLOCK/LOT	NAME	AMOUNT	YEAR
01401-003	Cynthia Carlson	\$1,417.00	2021
TOTAL		\$1,417.00	

Adopted: October 6, 2021

Adopted this 6th day of October, 2021
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2021 – 375 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC STATE OF NEW JERSEY AUTHORIZING THE ISSUANCE OF A DUPLICATE TAX SALE CERTIFICATE

WHEREAS, Wendy Korteweg the owner of Tax Sale Certificate #03-013 relating to Verona Road, Block 2012 Lot 15 in the Township of West Milford was lost; and

WHEREAS, the Tax Sale Certificate originally issued to Wendy Korteweg in connection with this matter has been lost and cannot be located; and

WHEREAS, the laws of the State of New Jersey provide for a municipality to issue a duplicate Tax Sale Certificate to replace the lost certificate; and

WHEREAS, Wendy Korteweg has submitted an Affidavit of Lost Tax Sale Certificate in connection with this matter.

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 the Tax Collector is hereby authorized to issue a duplicate Tax Sale Certificate #03-013 pertaining to Verona Road, Block 2012 Lot 15 in the Township of West of West Milford.

BE IT FURTHER RESOLVED that this replacement Tax Sale Certificate shall have the same full force and effect as the original certificate issue by the Township.

This Resolution shall take effect immediately.

Adopted: October 6, 2021

Adopted this 6th day of October, 2021
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2021- 376 ~

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

WHEREAS, the Chief Financial Officer has determined that the following Township of West Milford payroll account checks have been outstanding for a period in excess of six months.

DATE	CHECK #	AMOUNT
1/21/21	26548	\$ 246.83
2/18/21	26744	\$ 250.00
3/25/21	26908	\$2,215.00
	TOTAL	\$2,711.83

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

Adopted: October 6, 2021

Adopted this 6th day of October, 2021
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2021 – 377 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY APPROVING THE ANNUAL CLOTHING ALLOWANCE FOR VOLUNTEER MEMBERS OF THE TOWNSHIP OF WEST MILFORD FIRST AID SQUADS, SAR'S AND FIRE DEPARTMENTS

WHEREAS, the Township of West Milford wishes to recompense its qualified, volunteer members of the Township of two (2) First Aid Squads, one (1) Search and Rescue and six (6) Fire Departments for damage to their clothing due to their active participation in selfless service to the Township; and

WHEREAS, the chiefs and/or senior official of the First Aid Squads, Search and Rescue and Fire Departments shall certify to the Chief Financial Officer or designee a list of the members of their respective companies and their allotted clothing allowance; and

WHEREAS, the payment of the annual clothing allowance for qualified volunteer members of the First Aid Squads, Search and Rescue and Fire Departments shall be based upon each organization's certification to the Chief Financial Officer or designee in accordance with the approved 2021 budget; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of West Milford, County of Passaic, State of New Jersey, approve the annual clothing allowance for qualified, volunteer members of the two (2) First Aid Squads, one (1) Search and Rescue and six (6) Fire Departments for the year 2021 based upon each organization's certification to the Chief Financial Officer or designee in accordance with the approved 2021 budget.

Adopted: October 6, 2021

Adopted this 6th day of October, 2021
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2021 – 378 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF DEPOSIT FOR PARCEL SOLD AT TOWNSHIP PROPERTY SALE

BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford that upon the review and request of the Township Attorney the following property sale deposit be refunded:

Name	Block/Lot	Amount of Deposit	Refund Amount
John Ricciardi 56 Stanley Street Clifton, NJ 07013	2014/6,7&16	\$550.00	\$550.00

Adopted: October 6, 2021

Adopted this 6th day of October, 2021 and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2021 – 379 ~

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	\$198,764.69
3	Reserve Account	807.00
2	Grants	1,423.41
6	Refunds	635.00
1	General Ledger	0.00
26	Refuse	69,545.48
4	Capital	0.00
19	Animal Control	0.00
19	Heritage Trust	0.00
19	Open Space Trust	0.00
19	Trust	3,682.52
19	Scala Trust	0.00
16	Development Escrow	0.00
19	Tax Sale Trust	0.00
21	Assessment Trust	0.00
	Special Reserve	0.00
Total		\$274,858.10
	Less Refund Resolution	-635.00
	Actual Bills List	\$274,223.10
	Other Payments	
	Payroll	535,654.43
	Total Expenditures	\$809,877.53

Adopted: October 6, 2021

Adopted this 6th day of October, 2021
and certified as a true copy of an original

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2021 – 380 ~

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 Beautification and Recycling Committee and the Senior Citizens Committee:

<u>Name</u>	<u>Position</u>	<u>Date Tendered</u>
John L. Waldo III	Beautification and Recycling Committee Citizen Member 5 Term expires 12/31/21	September 23, 2021
John L. Waldo III	Senior Citizens Committee Citizen Member 3 Term expires 12/31/21	September 23, 2021

Adopted: October 6, 2021

Adopted this 6th day of October, 2021
and certified as a true copy of an original.

William Senande, Township Clerk

Township of West Milford

Passaic County, New Jersey

~ Resolution 2021 – 381 ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 8th day of September, 2021 that:

1. Prior to the conclusion of this **Workshop Meeting**, the Governing Body shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
 - () b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
 - () b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
 - () b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
 - () b. (4) A collective bargaining agreement including negotiations
 - () b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
 - () b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
 - (X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege
 - Litigation – B&B Organic Waste Recycling LLC
 - () b. (8) Personnel matters
 - () b. (9) Deliberations after a public hearing that may result in penalties.
2. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Adopted: October 6, 2021

Adopted this 6th day of October, 2021
and certified as a true copy of an original.

William Senande, Township Clerk