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

Minutes of: Governing Body Workshop and Regular Meeting  
Date of Meeting: June 9 2021  
Time of Meeting: 6:30 p.m.  
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The Workshop and Regular Meeting of the Governing Body was called to order by Mayor Michele Dale at 6:30 p.m.

**Adequate Notice Statement**

Mayor Dale read the following statement:

Pursuant to the provisions of the Open Public Meetings Act (N.J.S.A. 10:4-8) adequate notice of this Workshop Meeting was advertised in the Herald News in its issue of December 27, 2020 and January 11, 2021; a copy was provided to the Record and posted on the bulletin board in the main corridor of the Town Hall and on file in the Office of the Township Clerk.

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

Agenda No. I

**Pledge of Allegiance**

Mayor Dale led all in attendance in a salute to the flag.

Agenda No. II

**Roll Call**

Present: Councilmembers Ada Erik, Michael Chazukow, Marilyn Lichtenberg, Kevin Goodsir, Warren Gross, David Marsden, Mayor Michele Dale  
Absent: None  
Also Present: Township Administrator William Senande, Attorney Ed Pasternack for Township Attorney Fred Semrau

Agenda No. III

**Reading of or Approval of Unapproved Minutes**

May 19, 2021 Regular Meeting

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

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Agenda No. IV

**Meetings**

Mayor Dale noted the future meeting schedule:

July 14, 2021 Workshop and Regular Meeting  
August 11, 2021 Workshop and Regular Meeting  
September 8, 2021 Workshop Meeting

Agenda No. V

**Proclamations**

None

Agenda No. VI

**Presentations**

Recognition of Beverly Lujbli for 50 Years of Service with the West Milford –The Mayor read Beverly's history with the First Aid Squad, her 50 years of Service and 30 plus years of serving as squad Captain, training and record keeping, events that had been attended, much had been done behind the scenes. The Town Hall main meeting room was filled with those wishing to honor her 50 years of service. County Commissioner Terry Duffy was in attendance to honor Ms. Lujbli and he wanted to personally congratulate her and thank her, a plaque was presented on behalf of the Board of County Commissioners. Members of the First Aid Squad posed for a picture.

Eagle Scout Award - James Gammon was introduced by the Mayor and congratulated. Mayor Dale thanked him for things he has done for the Township. The project he did was in Rockaway and helped the blind and disabled at Camp Marcella, benches and a fire pit had been constructed.

Awards –The Police Chief DeVore and Captain Sommerville joined the Mayor while she read a memo regarding an incident involving a domestic violence case and an active shooter. The Exceptional Service Award was given out to the officers involved. Chief DeVore gave more details about the situation the

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night of the incident and Captain Sommerville was awarded the Meritorious Service Award for the direct involvement and role he played with the peaceful surrender of the actor.

Volunteer Group Presentation – UGL Volunteer Ambulance Squad’s Katie Newton acknowledged Claudia West as volunteer of the year. Ms. West has been with the squad 8 years and dedicated extra time during the pandemic, allowing some of the older squad members to have less exposure and was now acting as the scheduling officer.

Agenda No. VII

Executive Session

~ Resolution 2021 – 217 ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 9th day of June, 2021 that:

- 1. Prior to the conclusion of this Workshop/Regular 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
> Attorney-Client Privilege – Helping People Help Themselves
( ) 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: June 9, 2021

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

The Governing Body went into executive session at 6:57 p.m.
The Governing Body returned to the public meeting at 7:21 p.m. with all present as before

Agenda No. VIII

Discussion Items / Official Communications

Table with 1 row and 1 column containing text: Letter of Support Cannabis Dispensary: Councilman Chazukow indicated that Mr. Castronova was in attendance and was requesting a letter of support/approval from the Township for a retail cannabis dispensary. It is one of two letters that are required. There was no discussion. The Mayor signed the letter. The Council gave consensus to move forward.

Agenda No. IX

Unfinished Business, Final Passage of Ordinances

Agenda No. IX 1

~ Ordinance 2021 – 021 ~

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

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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:

STIPENDS

Table with 3 columns: JOB TITLE, MINIMUM, MAXIMUM. Rows include Secretary Board/Commission P/T (A) General and Secretary Board/Commission P/T (A) Zoning Board.

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

Introduced: May 5, 2021
Adopted: June 9, 2021
Effective Date: June 29, 2021

This Ordinance was introduced on May 5, 2021 and the Notice of Public Hearing was published in the Herald News on May 11, 2021. The Governing Body will open the meeting to the public to speak on this Ordinance only.

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

Motion to adopt Ordinance 2021-021

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

Agenda No. IX 2

~ Ordinance 2021 - 022 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING ARTICLE XXIV "LIBRARY BOARD OF TRUSTEES" SECTION § 15-108 "MEMBERS; APPOINTMENT; TERM" OF THE REVISED GENERAL ORDINANCES OF WEST MILFORD

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

SECTION 1. Article XXIV Library Board of Trustees", Section § 15-108 Members, Appointment, Term is hereby amended to read as follows:

§ 15-108 Members; appointment; term.

- A. The Board of Trustees of the West Milford Township Library heretofore established in the Township shall continue, and the present members thereof shall continue until their respective terms expire. The Board of Trustees shall consist of seven members, one of whom shall be the Mayor, and one of whom shall be the Superintendent of Schools. The other five members shall

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be appointed by the Mayor, with the advice and consent of the Council, and at least four of five citizen members must reside within the Township. Upon the expiration of the term of office of any Trustee, the Mayor shall appoint a citizen for a term of five years in the same manner as the original appointment was made. Vacancies occurring in the Board of Trustees shall be filled for the unexpired term only, in the same manner as the original appointments are made.

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

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

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

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

Introduced: May 19, 2021  
Adopted: June 9, 2021  
Effective Date: June 29, 2021

This Ordinance was introduced on May 19, 2021 and the Notice of Public Hearing was published in the Herald News on May 25, 2021. The Governing Body will open the meeting to the public to speak on this Ordinance only.

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

Motion to adopt Ordinance 2021-021

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

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Agenda No. IX 3

~ Ordinance 2021 – 023 ~

**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY, AMENDING ARTICLE VII, OFFICE OF ADMINISTRATION, CHAPTER 15-36 "PURCHASING PROCEDURES" TO ADD A NEW SECTION CHAPTER 15-36.1, ENTITLED "RESPONSIBLE BIDDER REQUIREMENTS" OF THE CODE OF THE TOWNSHIP OF WEST MILFORD - AMENDED**

**WHEREAS**, pursuant to N.J.S.A. 40:48-1 et seq. the New Jersey Legislature delegated to municipalities the responsibility to promulgate regulations designed to promote the public health, safety, and welfare of its citizens; and

**WHEREAS**, the Township Council has determined that minimum requirements for all contractors bidding on publicly-funded projects are necessary; and

**WHEREAS**, a review of the Township Code demonstrates that there are currently no provisions for minimum requirements for all contractors bidding on publicly-funded projects; and

**WHEREAS**, the provisions of this ordinance are intended to supplement, not replace, existing contractor qualification and performance standards or criteria currently required by the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., other contracting provisions, or other legislative obligations set forth by the State of New Jersey; and

**WHEREAS**, the lowest bidder model promulgated by Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., does not take into consideration contractor's reputation, past performance, and workforce quality; and

**WHEREAS**, the Township Council has determined that it is necessary to amend the Township of West Milford Code to establish a method for the minimum requirements for all contractors bidding on publicly-funded projects, so that taxpayers get the quality that they deserve, and to ensure contractors meet local qualifications; and

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**WHEREAS**, as a condition of performing work on a public construction project and/or construction projects, all bidders, shall comply with the Responsible Bidder Requirements to ensure that responsible and responsive contractors who provide the highest quality work in accordance with Township of West Milford standards are awarded public bids.

**NOW THEREFORE BE IT ORDAINED**, by the Township Council of the Township of West Milford, Passaic County, New Jersey, that Chapter 15-36 "Purchasing Procedures" shall be amended to add a new section Chapter 15-36.1, entitled "Responsible Bidder Requirements" to read as follows:

**SECTION 1. Responsible Bidder Requirements**

§ \_\_\_\_. Purpose.

- (1) The Township of West Milford solicits bids and/or proposals on many different types of construction contracts and therefore must take into account the qualifications of contractors and subcontractors due to the substantial taxpayer investments involved in the public construction project(s).
- (2) The Township of West Milford has the right to adopt licensing, regulations, and ordinances pursuant to Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. to ensure the performance capabilities of prospective bidders.

§ \_\_\_\_. Responsible Bidder Requirements.

- (1) All contractors and subcontractors that perform work on projects valued at or above \$250,000.00 or more shall meet the requirements of this article.
- (2) All contractors and subcontractors, irrespective of the number of laborers, shall provide that at least thirty-three percent (33%) of such laborers have primary residence in the Township of West Milford.
- (3) The contractor shall confirm and verify its past performance and work history, current qualifications, and performance capabilities.
- (4) A contractor or subcontractor shall submit a Responsible Bidder Certification at the time it submits its bid for the contract work, and provide the information contained in sections 1-3 above.
  - a. If the contractor or subcontractor is not able to meet the percentage requirements set forth in section (2), they shall note that the specialized labor force needed to complete the project cannot be found in the Township of West Milford. The Township of West Milford may take that into consideration when deciding to award specific contracts.
- (5) If the Township of West Milford concludes that the qualifications and background of the prospective contractor or subcontractor are met, it shall issue a written notice that the contractor is a Responsible Bidder.
- (6) If the Township of West Milford concludes that the qualifications and background of the prospective contractor or subcontractor are not met, it shall issue a written notice that the contractor is a not Responsible Bidder, and shall thereafter conduct a review of the next lowest, Responsible Bidder or, if necessary, rebid the project.
- (7) A contractor or subcontractor shall submit a Responsible Bidder Certification each time it submits its bid.

§ \_\_\_\_. Penalties.

If the Township of West Milford determines that a contractor or subcontractor provides false or misleading material information that was provided knowingly or with reckless disregard for the truth, the bidder shall be subject to the penalties as outlined under N.J.S.A. 40A:11-34.

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

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

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

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

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

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

Motion to adopt Ordinance 2021-021

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

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Agenda No. IX

~ Ordinance 2021 - 024 ~

**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY FOR CREATING A NEW CHAPTER OF THE CODE OF THE TOWNSHIP OF WEST MILFORD FOR UNREASONABLE INTERFERENCE OF NOISE FROM COMMERCIAL CONSTRUCTION DURING NIGHTTIME HOURS AND WEEKENDS**

This Ordinance was introduced on May 19, 2021 and the Notice of Public Hearing was published in the Herald News on May 25, 2021. The Governing Body will open the meeting to the public to speak on this Ordinance only.

Mr. Randazzo came forward and indicated that exemption one must be removed from the ordinance because it defeats the purpose of the ordinance, if you allow a homeowner to do construction on a Sunday. Ringwood has an ordinance that does not allow any noise on the weekends and their exemption is any function or activity sponsored by the Borough of Ringwood. The emergency waiver is enough and specifics need not be given. Who would be in charge of enforcing the ordinance? Reference was made to Point Pleasant and the simplicity of their ordinance.

Bob Nicholson, 20 Hyde Road, questioned what about a homeowner who works six days a week doing work on a Sunday? A commercial tractor is one thing, but could he put up a fence? Where would the line be drawn, lawn mowers and leaf blowers make a lot of noise, the ordinance needs to be carefully considered and worded.

Buddy Christmann of Deborah Lane, indicated that there are shore communities where you cannot work all summer and the comparison of West Milford to Point Pleasant did not work. Mr. Christmann indicated that there was a need for revision, but that he feels homeowners should be able to work on their own homes and asked if someone from the Police Department was qualified to determine if a roof needed to be fixed. Is there a plan that has been discussed with Department heads if the plan goes through? He questioned how the ordinance would be regulated and how different this new ordinance was from the one currently in place.

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

There was discussion whether to table the ordinance or to pull the ordinance and revise it instead, to avoid any type of deadlines. The Mayor indicated that she did not get complaints regarding construction noise, be it commercial construction or otherwise.

Motion to PULL Ordinance 2021-024 NO ACTION

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Moved: Erik Seconded: Lichtenberg  
Voted Aye: Erik, Chazukow, Lichtenberg, Goodsir, Gross, Marsden  
Voted Nay: None  
Motion: NO ACTION

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Agenda No. X

**Public Comments**

Mayor Dale opened the meeting to the public after advising that there is a five-minute limit for each speaker.

Doreen Frega – of Saddle Brook New Jersey was attending the meeting in support of habitat modification for geese and grant funding for Resolution 2021-230.

Bob Nicholson – 20 Hyde Road, stated it was great for everyone to be together again.

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Laura Ashtyani – 32 Hoptlar Place, of Newfoundland expressed displeasure with remarks made at the previous meeting insinuating that because of low turnout of people regarding the gas pipeline, that people were not in agreement with her. She indicated that many people expressed dislike for the gas compression station and gas pipeline, and she still had concerns with the Township being left “holding the bag” should a pipe break or an explosion or fire break out. She had prepared a list of concerns for the Council. She thanked Councilman Marsden for listening and researching the issue. Lake Lookover was mentioned. Ms. Ashtyani indicated that the station needs monitoring 24/7 and first responders need special training and she did not want to see them get hurt or killed. Well monitoring is needed. Kinder Morgan Inc. still has not answered questions, a list of these questions were given to the Council.

Renee Alessio -- 39 Hillcrest Drive, Hewitt has appeared now for the ninth time, and thanked the Council for listening and thanked Councilman Marsden for doing research. Ms. Alessio indicated that many people still are unaware of the pipeline issue or have decided to bypass the Council and contact the Governor directly. Adding a compressor station to a 65 year old pipelines is a bad idea. Because there is a real risk associated with the project, there is now going to be an Environmental Impact Study done.

Margaret Wood -- 324 Germantown Road, West Milford, quoted Wilma Subra who was the Vice Chair of the EPA, “if the drinking water supply is a ground water source, then the leaks and spills at compressor stations and along the pipeline will flow into the groundwater and contaminate the drinking water source from the groundwater.” Unless there are monitoring wells the contamination resulting from a migrating plume can go undetected. TGP will not provide money for the Township to do any monitoring, or its own monitoring or its own tests. Cumulative effects have not been considered.

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

Agenda No. XI

**Council Comments**

Mayor Dale indicated that another study has not been required yet. Mr. Pasternak confirmed what the Mayor indicated regarding some late motions to intervene that have been filed and those need to be addressed before further actions may be taken. Mayor Dale explained that she wants transparency with this project and executive session matters discussed are perfectly legal and when closed those discussions can be released to the public, it happens all the time.

Councilwoman Erik stated that she had taken an oath to uphold the laws of the State of New Jersey and read the State Law regarding executive session and indicated that the items on the agenda (specific to the resolution listed) are the only items that the Council is allowed to discuss. Councilwoman Erik indicated that the Council was listening to the concerns of the public and also indicated that the only way to stop something is to control it legally.

Councilwoman Lichtenberg indicated that the Lakes Committee received a breakdown referring to the grant funding, and to the work on Greenwood Lake Townhomes and the D & D Marina.

Agenda No. XII

**New Business, Introduction of Ordinance, Resolutions**

Agenda No. XII 1

~ Ordinance 2021 – 025 ~

**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING CHAPTER 460 “SOIL REMOVAL AND SOIL FILL” OF THE CODE OF THE TOWNSHIP OF WEST MILFORD - AMENDED**

**WHEREAS**, on March 23, 2021, the Township Council adopted Ordinance 2021-12 which amended Chapter 460 of the Township Code entitled “Soil Removal and Soil Fill”; and

**WHEREAS**, upon review of the Ordinance by the Township Attorney and the Township Engineer, several areas of concern relating to soil movement were not adequately addressed; and

**WHEREAS**, the Township Council has determined that it is necessary to amend the Code further to address all aspects of the process of removing soil and importing fill soil; and

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Council of the Township of West Milford, Passaic County, New Jersey, that Chapter 460 “Soil Removal and Soil Fill” shall be amended to read as follows:

**SECTION 1.** Chapter 460 Soil Removal and Soil Fill

**§ 460-1 Purpose and findings.**

The Township Council finds that the unregulated and uncontrolled excavation, removal,

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placement and movement of soil and other mineral deposits can result in conditions detrimental to the public safety, health and general welfare. Such conditions substantially hamper and deter the efforts of the Township to effectuate the general purposes of municipal planning. Soil removal, movement operations, and filling operations should relate to the overall physical development of the area within which the operation is located. It is essential that all soil removal, movement operations and filling operations be reviewed and approved by the Township Planning Board or Township Engineer. All soil removal, movement operations, and filling operations must be conceived and operated in such a way that there will be no appreciable harmful effects to the environment. In order to best ensure that all soil removal, movement operations, and filling operations are an asset to the Township of West Milford, rather than a liability, all such operations shall adhere to the conditions, restrictions and provisions outlined in this chapter.

All operations performed pursuant to this Chapter shall be in compliance with the applicable state laws and regulations related to A-901 licenses, specifically N.J.S.A. 13:1E-126 *et seq.* and N.J.A.C. 7:26.

**§ 460-2 Definitions.**

The words defined in this section shall mean and include the following when used in this Section:

**ACCEPTABLE SOIL/FILL** – Non-decomposable, inert solids such as soil, fill, subsoil, topsoil, sand, clay, loam, gravel, humus, rock, concrete, brick, glass, and/or clay or ceramic products, free of construction/demolition debris, garbage, refuse, or sludge and not containing concentration of one or more contaminants that exceed New Jersey Department of Environmental Protection Residential Direct Contact Soil Remediation Standards or Non-Residential Direct Contact Soil Remediation Standards, whichever is more stringent, as set forth in N.J.A.C. 7:26D, Remediation Standards.

**APPLICANT** – The property owner/developer requesting a soil permit as provided for in this Chapter.

**APPROVED PLAN** – A plan for the placement of soil fill approved by the Township Engineer (minor permit) or by the Township Planning Board (major permit) pursuant to the provisions of this Chapter.

**CONSTRUCTION/DEMOLITION DEBRIS** – Mixed waste building material and rubble resulting from construction, remodeling repair, and demolition operations on houses, commercial buildings, pavements and other structures that includes, but is not limited to, treated and untreated wood scrap, tree parts, tree stumps and brush, plaster and wallboard, roofing materials, corrugated cardboard and miscellaneous paper, ferrous and nonferrous metal, non-asbestos building insulation, plastic scrap, carpets and padding, and other miscellaneous materials.

**CONTAMINATED PROPERTY** – Any property, including but not limited to structures, sediment, soil and water, that contains a contaminant which is present at such levels or concentration as to require action pursuant to any federal or state statutes or regulations.

**CONTAMINATED SOIL/FILL** – Any soil containing contaminants exceeding the current requirements for the most stringent concentrations between the Non-Residential and Residential Direct Contact Soil Remediation Standards pursuant to N.J.A.C. 7:26D, Remediation Standards.

**DREDGED MATERIAL** – Sediments removed from under a body of water such as, but not limited to, a bay, harbor, lake, stream and river, removed during a dredging operation or otherwise that are displaced or removed to another location.

**FARM** – Qualified commercial farms or farmland assessed properties.

**FILL** – Material placed at a location for the purpose of filling low areas, changing the contours of an area, stabilizing existing grades and/or raising the grade of an area. Fill usually consists of soil, but may also include non-water-soluble, non-decomposable, inert solids such as rock, gravel, brick, block, and/or clay or any combination thereof.

**MAJOR SOIL PERMIT** – A permit for the movement of more than 500 cubic yards of soil.

**MINOR SOIL PERMIT** – A permit for the movement of more than 100 cubic yards of soil but less than 500 cubic yards of soil. The volume of fill shall be cumulative for the property in the case of multiple permits in any 3 year period.

**PERMIT** – A soil permit.

**PERSON** – Includes an individual, a partnership, a corporation or any other legal entity.

**PLANNING BOARD** – The Planning Board of the Township of West Milford.

**SOIL** – Includes dirt, stone, gravel, sand, humus, clay, loam and mixtures of any of these, but this



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shall not include quarry process or rock products utilized in the construction of roads, driveways or similar types of construction.

TOPSOIL – The arable soil within eight (8) inches of the surface.

TOWNSHIP – The Township of West Milford.

**§ 460-3 Permit required.**

No person shall excavate, scrape, dig, quarry, fill or otherwise disturb the soil on any premises in the Township of West Milford for use on the premises from which it shall be taken or placed; nor shall any person remove or cause the removal of any soil from any premises in the Township of West Milford for use on other premises or fill or cause the placement of any soil on any premises in the Township of West Milford whether such removal or fill be for sale, gift or otherwise, unless a permit therefor is first secured from the Township Engineer or the Township Planning Board as hereinafter provided. A permit shall not be required for the removal, fill or moving of less than 100 cubic yards of soil.

Any person seeking a permit pursuant to this Chapter shall be required to provide proof of compliance with the statutory A-901 licensing requirements.

**§ 460-4 Exceptions and exemptions.**

- A. The provisions of this chapter shall not apply to excavations for building foundations, septic tanks or sanitary installations, provided that no excavation or construction of any kind shall take place until a site plan or permit has been approved by the Construction Official and/or Department of Health as required by law.
- B. Nothing in this chapter shall be construed to affect or apply to any person engaged in the moving of soil in and upon lands enrolled in the Soil Conservation Program of the Hudson, Essex and Passaic Soil Conservation District of the United States, Department of Agriculture National Resource Conservation Service, or for which lands an approved farm plan has been established by said agency. All soil moving and removal operations and fill operations in and upon such lands shall be performed in accordance with said approved plan and provided further that a copy of said approved plan is placed on file with the Township Engineer prior to any soil moving, removal operations or fill operations.
- C. A separate soil permit under this chapter shall not be required for individual lot development plans approved pursuant to Chapter 110-4, Site Plan Review for Detached Single-Family Dwellings, or subdivisions and/or site plans approved pursuant to Chapter **470**, Subdivision of Land and Site Plan Review, of the Land Development Ordinance:
  - (1) By the Planning Board;
  - (2) By the Board of Adjustment;
  - (3) By the Township Engineer; or
  - (4) Administrative review and approval.
- D. Nothing in this chapter shall be construed to affect or apply to any person engaged in a state-mandated cleanup plan; provided that all soil moving, removal operations and fill operations are performed in accordance with said cleanup plan and provided further that notice of the state-mandated cleanup plan is placed on file with the Township Engineer prior to any soil moving, removal operations or fill operations.
- E. The provisions of this chapter shall not apply to the storage of sand, soil, stone, topsoil, mulch or other similar materials on lawfully existing landscaping and contractor yards provided that the outdoor storage of materials on said property has previously been established and does not require site plan approval pursuant to this chapter.
- F. This chapter does not regulate the movement and placement of soil fill directly related to agricultural uses on farm properties within the Township and does not supersede any rights granted under the Right to Farm Act.

**§ 460-5 Application for permit.**

- A. Application for a minor soil removal or soil fill permit shall be filed with the Township Engineer, who shall issue the permit based upon substantial compliance with the provisions of §§ **460-10** and **460-12** of this chapter; provided, however, that the Township Engineer shall have the authority to deny a permit if he determines that the removal or fill would be detrimental to the health, welfare or safety of the general public. The denial shall be in writing setting forth reasons for same. Any party denied a permit shall have the right to an appeal as set forth in N.J.S.A. 40:55D-70(a).
- B. Application for a major soil removal or soil fill permit shall be filed with the Township Planning Board and shall be accompanied by a fee prescribed in § **460-8**. Five copies of the application shall be submitted on forms prescribed by the Township Planning Board and supplied by the Secretary to the Board. The application shall set forth the following:
  - (1) Name and address of the applicant.
  - (2) Name and address of the owner, if other than the applicant.
  - (3) The description and location of the land in question, including the tax map block and lot numbers.
  - (4) The purpose or reason for moving, filling, or removal of the soil.

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- (5) The nature and quantity, in cubic yards, of soil to be removed or filled.
  - (6) The place to which the soil is to be removed or placed.
  - (7) The proposed date of completion of the soil removal or fill.
  - (8) The name and address of the person having direct charge or supervision over the soil removal, filling operation movement operation.
  - (9) Supporting documentation as required to adequately address and comply with the purpose and the provisions of this chapter.
  - (10) An approved soil conservation permit.
  - (11) Environmental and community impact statement in conformance with § 470-17, Environmental and community impact statement, of the Land Development Ordinance.
  - (12) Proof of compliance with statutory A-901 licensing requirements.
- C. The application for a permit pursuant to either (A) or (B) above shall be accompanied by the ACCEPTABLE SOIL/FILL MATERIAL CERTIFICATION FORM found at §460-26, to be completed as follows:

**\*By the soil/fill material supplier**

Part 1: The date the form is completed, the soil/fill supplier's name, title, company name, address, telephone number, and email contact information.

Part 2: The site name(s), address(es), and block/lot of the property(ies) supplying the soil/fill material.

Brief history of the source property(ies), including current or past use of the property.

Answers to questions 1 through 3.

A date soil/fill material was subject to analytical testing.

Analytical data shall include documentation consistent with the Township's requirements.

Certification (signature) from the soil/fill supplier that the soil/fill being imported meets the definition of acceptable soil/fill.

**\*By the person receiving or placing acceptable soil/fill material**

Part 3: The date the form is completed, the name, title, company name, address, telephone number, and email contact information.

The address of the location where soil/fill placement will be.

Answers to questions 1 through 5.

Certification (signature) from the person receiving or placing the soil/fill material.

**§ 460-6 Referral.**

Upon receipt of an application for a major soil removal or soil fill permit, the Planning Board Secretary shall forthwith send a copy of same to the Planning Director, Construction Official, Township Engineer, Township Health Officer and Environmental Commission who shall review the application, and they shall submit their reports and recommendations, and their reasons, to the Township Planning Board within 30 days of receipt of the application. Failure to file such a report within the required time period shall be deemed an approval of the application by such department, officials and commissions.

**§ 460-7 Action by Planning Board; notice of hearing on major soil removal or fill applications.**

- A. The Township Planning Board shall grant or deny the application within 45 days after receipt of the reports and recommendations of the Planning Director, Construction Official, Township Engineer, Township Health Officer, and Environmental Commission. On an application for a major soil removal or soil fill permit, the Planning Board shall schedule a public hearing and shall notify the applicant of the date of such hearing. The applicant shall notify in writing all property owners within 200 feet of the extreme limits of the property, as their names appear on the Township tax records, at least 10 days prior to the date of the hearing in the application. The notice shall be given in person or by registered mail and shall state the reason for the hearing; the time and place of the hearing as fixed by the Township Planning Board; a brief description of the property; and that a copy of the application and map has been filed with the Township Clerk for public inspection. The applicant shall also cause notice of the hearing to be published in the official newspaper of the Township, at least 10 days prior to the date of the hearing.
- B. At the hearing, the applicant shall present to the Township Planning Board the following:
  - (1) Certification, in the form of an affidavit, signed and sworn by the applicant, affirming that he has notified all property owners, as required in Subsection A of this section.
  - (2) Proof of publication of the newspaper notice required in Subsection A of this section.

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**§ 460-8 Permit fees; inspections.**

- A. The fees for a minor or major soil removal or soil fill permit are set forth in Chapter **414**, Fees, Land Development.
- B. Inspections. On an annual basis or upon request, the Township Engineer may require the submission of a topographic map and quantity estimates prepared by a professional engineer or land surveyor, or any other method approved by the Township Engineer, on behalf of the application and at the applicant's expense, in order to determine the quantity of soil removed, filled or moved. For a major soil permit should the original quantity estimates be exceeded at any time, the fee shall be increased accordingly and the matter will be reviewed by the Township Planning Board, which shall have the discretion to award credit for any fee paid as to any increase noted due to exceeding the original quantity estimate.

**§ 460-9 Supporting documentation for major soil removal or fill permits.**

- A. In addition to the application forms submitted to the Township Planning Board, the applicant shall submit reports and maps as required which will address the following points:
  - (1) Procedures and measures that will be taken by the applicant to ensure that noise and dust problems will be held to a minimum.
  - (2) Procedures and measures that will be taken by the applicant to assure lateral support of remaining soil and the prevention of erosion, floods and siltation of watercourses during the active life of the operation and after the soil removal operation ceases.
  - (3) Procedures and measures that will be taken by the applicant that will protect adjoining and downstream properties from the effects of the soil removal or fill operation.
  - (4) The routes over which the material will be transported, the method of traffic control and the ability of the road network to handle the amount and type of traffic generated by the soil removal or fill operation.
  - (5) Procedures and measures that will be taken by the applicant to ensure that the land in question can be used as intended by the Land Development Ordinance of the Township.
  - (6) The type, capacity and description of each piece of equipment to be used during the soil removal, fill, and movement operation.
- B. The application for a major soil removal or soil fill permit shall be accompanied by a topographical map of the lands on question. Said map shall be prepared and certified by a professional engineer or land surveyor. Same shall be prepared at a scale of not smaller than 50 feet to the inch and shall show the following:
  - (1) The present grades on a one-hundred-foot grid layout, using two-foot contour intervals.
  - (2) The proposed finished grades using ten-foot contour intervals.
  - (3) The quantity, in cubic yards, of soil to be moved.
  - (4) The grades of all streets and lots within 100 feet of the property in question.
  - (5) Proposed sloped and lateral supports.
  - (6) Present and proposed surface water drainage.
  - (7) A plan for the restoration of the site when soil removal or fill operations cease.
  - (8) Key map.
  - (9) All existing structures, all existing roads and drainage within 200 feet of the property.
  - (10) Location of all property lines.
  - (11) Location of any wetlands, streams, or other environmentally sensitive areas on the property.
  - (12) Location of any topsoil storage areas.

**§ 460-10 Standards governing the issuance of permits.**

In considering and reviewing applications for soil removal or fill permits, the Township Planning Board and Township Engineer shall be guided by the general purpose of municipal planning and shall take into consideration the following factors:

- A. Soil erosion by water, sand and wind.
- B. Surface water drainage (no sharp declivities to be formed) and water pollution.
- C. Soil fertility.
- D. Public health and safety.
- E. Lateral support slopes and grades of abutting streets and land.
- F. Land values and uses.
- G. Contours, both existing and proposed.
- H. Existing contours and topographic character of the land prior to the placement of any soil and proposed contours which will result subsequent to the placement of soil in accordance with the soil fill application.
- I. Whether the proposed placement of soil is necessary and incidental to the development of the property for its intended use or whether the proposed placement of fill constitutes primarily a commercial activity.
- J. Such other factors as may bear upon or relate to the coordinated, adjusted and harmonious physical development of the Township.

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**§ 460-11 Bond requirements.**

Prior to the issuance of a major soil removal or soil fill permit, the applicant shall have posted with the Township a performance bond conditioned upon full compliance with all the terms and conditions of approval, including the provisions of this chapter. The amount of such bond shall be fixed by the Township Planning Board and shall be submitted in the form required by Chapter **470**, Article **IX**, Off-Tract Improvements, Guarantees and Inspections, of the Land Development Ordinance. The performance bond shall not be canceled or released until all conditions set forth in the permit have been met. The bond is to assure compliance with this chapter, restoration work, minor road repair and street cleanup. Neither the bond nor permit shall be transferable to another party without the prior approval of the Township Planning Board.

**§ 460-12 Soil removal, fill and movement restrictions.**

- A. The soil removal, fill operations, and movement operations shall be so conducted that there shall be no sharp declivities pits or depressions and in such a manner that the area shall be properly leveled off, cleared of debris and graded to conform to the finished contour lines and grades as required and shown on the approved plan.
- B. The developer or excavator shall not remove or move from the premises or take away the top layer of arable soil for a depth of four inches, but such top layer of soil shall be set aside on the premises and shall be respread over the premises when the rest of the soil has been removed in conformity with the contour lines approved by the Township Planning Board.
- C. The grading of slopes shall not exceed the maximum allowable grades permitted by the most current revised *The Standards for Soil Erosion and Sediment Control in New Jersey*. Benching, as may be required by the Township Engineer, shall be provided for by the applicant. Grading of slopes in quarry operations shall be as determined by the Township Engineer.
- D. On weekdays, work shall commence no sooner than 7:00 a.m. and shall end no later than 7:00 p.m. except that on weekends, work shall commence no sooner than 8:00 a.m. and shall end not later than 7:00 p.m.
- E. A one-hundred-foot buffer shall be retained from each property line wherein the soil operation is adjacent to developed residential uses. A fifty-foot buffer shall be retained from each property line in all other areas. When compliance with buffer requirements is impracticable because of the physical configuration of the property of preexisting uses, the distance requirements may be waived upon the recommendation of the Township Engineer if:
  - (1) Natural screening is to be preserved by the applicant.
  - (2) Additional screening of fencing as may be required by the Township Engineer shall be provided by the applicant.
- F. Dust is to be controlled by water or calcium chloride or as may be directed by the Township Engineer.
- G. Noise shall be controlled as per Chapter **226**, Noise, of the Township Code.
- H. Sedimentation ponds shall be installed and maintained as may be required by the Township Engineer.
- I. Restoration will include replacing topsoil, seeding, fertilizing, mulch and crown vetch on slopes as may be directed by the Township Engineer or Township Planning Board.
  - (1) The applicant shall file an as-built plan and restoration plan with the Township Engineer or Township Planning Board upon completion of soil removal, fill, and movement operations containing and complying with all requirements of this chapter. Upon completion of any operation delineated on the approved plan, said area shall be properly leveled off, cleared of debris, and graded to conform to the contours and grades as approved by the Township Engineer or Township Planning Board.
  - (2) The pit shall be left in a condition without holes and completely stabilized.
  - (3) No trash, junk or debris may be stored in any area, and no safety hazards will be permitted, either during or after completion of operations.
- J. Soil removal, fill operations and movement operations shall be allowed only in zoning districts where such an operation is a permitted use or on a site that has been the subject of a use variance approval.
- K. All new site plans and all new soil removal, fill operations or movement operations must show and install soil erosion controls, including:
  - (1) Stone blanket for wheel cleaning to be 30 feet in length and consist of 2 1/2 inches stone and be 12 inches in depth.
  - (2) Stockpile and land disturbance controls shall be installed and shown on all new site plans and consist of fabric fence or hay bales staked in place.
  - (3) For new site plans, soil erosion controls shall be in place prior to commencement of any soil removal, fill, or movement operations.
  - (4) With respect to open bed inspections, stone beds must be in place prior to any excavation of the site.
  - (5) All disturbed lands must be stabilized prior to a certificate of occupancy for new site plans or 30 days, whichever occurs first, unless an extension is approved in writing by the Township Engineer.

**§ 460-13 Enforcing officer; duty to make inspections.**

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The Township Engineer is hereby designated as the officer whose duty it shall be to enforce the provisions of this chapter. He shall, from time to time, upon his own initiative, or whenever directed by the Township Administrator, inspect the premises for which permits have been granted to ensure compliance with the terms of the permit and of this chapter. The Engineer shall have the right to enter upon any lands for the purpose of examination and inspection of the operation without advance notice.

**§ 460-14 Enforcement**

- A. The Township Engineer, or other official designated by the Township Council, shall have the authority to enforce the provisions of this chapter and to issue summonses to any person importing soil without a permit.
- B. The Township Engineer, or other official designated by the Township Council, shall have the authority to enforce the provisions of this chapter with respect to persons importing soil with a permit. The Township Engineer, or other designated official, shall, from time to time, upon their own initiative, and whenever directed by the Township, inspect the premises for which permits have been granted to ensure compliance with the terms of the permit and this chapter. The Township Engineer, or other designated official, shall have the right to enter upon any lands for the purpose of examination and inspection of the operation without advance notice.
- C. After notice and an opportunity to be heard before the Township Engineer, or other designated official, the permit of any person may be revoked or suspended for such period as may be determined for any violation of the terms hereof or the terms and conditions of any permit granted hereunder. In addition to the revocation provided for herein, any person who violates this chapter or any director or officer of a corporation who participates in a violation of this chapter shall, upon conviction thereof, be subject to a minimum fine of \$2,000, or imprisonment for a period not to exceed 90 days, or both. Each and every day that such violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense.
- D. In addition to the penalties set forth above, the Township shall have the right, but not the obligation, to pursue injunctive relief in the Superior Court of New Jersey, Passaic County, including but not limited to requiring the removal of any soil imported without a permit, testing to ensure no presence of contaminated soil, and site restoration.

**§ 460-15 Use of streets for soil transportation.**

In the removal of soil or fill operation, only such streets of the Township shall be used for transportation as may be designated for that purpose by the Township Planning Board upon the recommendation of the Township Engineer. The applicant shall cause such streets to be kept free from dirt and debris resulting from such soil removal or fill operation.

**§ 460-16 Conformance with Land Development Ordinance; conflicts.**

Nothing contained herein shall be deemed to modify or repeal any of the provisions of the Land Development Ordinance of the Township of West Milford. In the event of any inconsistency between the provisions of this chapter and the provisions of Chapter **500**, Zoning, of the Land Development Ordinance, such inconsistency shall be resolved in favor of the enforcement of Chapter **500**, Zoning.

**§ 460-17 Violations and penalties.**

- A. Any person, firm or corporation violating any of the provisions of this chapter shall be subject to a fine of not less than \$100, and not exceeding the maximum penalty as provided in Chapter 1, Article III, General Penalty, as may be amended from time to time, in the discretion of the Judge before whom such conviction shall be had. Each and every violation and nonconformance of this chapter, or each day that any provision of this chapter shall have been violated, shall be construed as a separate and distinct violation thereof.
- B. In addition to the penalty set forth herein, the Township may institute an action to enjoin or take any other appropriate action or proceeding in order to enforce the provisions of this chapter.

**§ 460-18 Other permits.**

Nothing contained in this chapter shall be construed to affect the owner's application for a soil conservation service permit or a water policy permit (if necessary) or to affect any other state or federal regulations or permits as required.

**§ 460-19 Preexisting soil removal and movement operations.**

- A. Soil removal, fill and movement operations are of such public concern that its control is deemed necessary for the protection of the environment, public health, welfare and safety. The Township Council deems it necessary that all existing soil removal, fill and movement operations within the Township of West Milford must comply with the provisions of this chapter.

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- B. Requirements of § 460-9 for supporting documentation of applications for a soil removal or fill permit should be waived by the Township Planning Board for the review of existing soil removal, fill and movement operations.
- C. The Township Planning Board, in the interest of the protection of the health, safety or welfare of the public, may require that existing soil removal, fill and movement operations comply with all of the provisions of this chapter.

**§ 460-20 Regulation of operation**

No soil shall be placed nor shall any operation be conducted so as to violate any of the regulations contained in this chapter after a permit is granted.

**§ 460-21 Deposit of soil on adjoining property or public roads**

Soil fill shall not be deposited or in any way thrown or placed upon adjoining property or public roads. Any soil or material resulting from any such operation accumulating on any adjoining property or public road shall be removed there from immediately upon notice to the permittee of such accumulation.

**§ 460-22 Compliance with other standards and terms of permit**

All operations shall be conducted in strict accordance with any state law, other ordinances of the Township, and the terms and conditions of any permit granted for such operations. Prior to the issuance of any permit, the applicant shall provide a copy of an approval for any project that disturbs more than 5,000 square feet or exemption by the Hudson-Essex-Passaic Soil Conservation District.

**§ 460-23 Nuisances and unsafe conditions**

The operation shall be so conducted as to not constitute a nuisance, and in no event shall said operation create any hazardous or unsafe condition with regard to any person or persons. Natural screening is to be preserved by the applicant.

**§ 460-24 Storage limitations**

The material stored shall not exceed a height of 20 feet, and the maximum storage slope shall be 45°.

**§ 460-25 Expiration**

- A. Upon issuance of an approved Minor Soil Permit, the permit shall expire six months after the start of work or one year after the approval, whichever is later.
- B. All Major Soil Permits shall expire three years after the date of approval. The applicant shall submit to the Planning Board a status report annually on the anniversary date of the approval. Determinations and approvals made by the Planning Board may supersede the expiration date noted previously.

**§ 460-26 ACCEPTABLE SOIL/FILL MATERIAL CERTIFICATION FORM**

Instructions: The supplier shall make the acceptability determination at the site of soil/fill origin and will complete Parts 1 and 2 of this form. Part 3 will be completed by the person receiving the material to be used as acceptable soil/fill material.

Part 1: Supplier of soil/fill material information

Date: \_\_\_\_\_

Name (print): \_\_\_\_\_

Title: \_\_\_\_\_

Company Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone #: \_\_\_\_\_ Email Address: \_\_\_\_\_

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Part 2: Source of acceptable soil/fill material site information

Source Site Name: \_\_\_\_\_

Past Site Name(s) if known: \_\_\_\_\_

Street Address: \_\_\_\_\_

Block: \_\_\_\_\_ Lot: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Brief history of the source property, including all property uses:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1. Has the source property ever been known or suspected to be contaminated?

\_\_\_\_\_

2. Do historical operations at the property reflect or suggest the potential for radiological contaminants?

\_\_\_\_\_

3. Are there naturally occurring radiological materials known or suspected at the source property?

\_\_\_\_\_

Date soil/fill material was subject to analytical testing (provide copies):

\_\_\_\_\_

Justification for not providing test results: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

CERTIFICATION

I, the undersigned, certify under penalty of law, that the information provided in Parts 1 and 2 of this form is true to the best of my knowledge and that the soil/fill material meets the definition of acceptable soil/fill as identified in Chapter 460. I also certify, based upon visual inspection, that the soil material does not contain solid waste, and free liquid other than water, obvious signs of staining or discoloration, and that it will not create a public nuisance such as, but not limited to, odors.

Signature: \_\_\_\_\_

Part 3: Person receiving or placing acceptable soil/fill material

Date: \_\_\_\_\_

Name (print): \_\_\_\_\_

Title: \_\_\_\_\_

Company Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

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City: State: Zip:

Phone #: Email Address:

Physical address of soil/fill placement:

Block: Lot:

City: State: Zip:

1. Purpose for importing soil/fill:

2. Quantity, in cubic yards, of acceptable soil/fill material to be imported or placed:

3. Anticipated date of placement:

4. Anticipated date of final grading:

5. Anticipated date of securing the deposited fill (seeding, Macadam, etc.):

CERTIFICATION

I, the undersigned, certify under penalty of law, that the information provided above is true and correct to the best of my knowledge, information and belief. I also certify, based upon visual inspection, that the soil material does not contain solid waste, and free liquid other than water, obvious signs of staining or discoloration, and that it will not create a public nuisance such as, but not limited to, odors.

Signature:

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: May 19, 2021
Adopted:
Effective Date:

Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for July 14, 2021. Notice of this public hearing shall be published in the Herald News on or about June 15, 2021.

Councilman Marsden brought page 7 to the attention of the Council as it would need to be amended per the new noise ordinance.

Mayor Dale requested Councilwoman Erik amend her vote to move to include the amendments.

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



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Motion carried:

Agenda No. XII 2

~ Ordinance 2021 – 026 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST MILFORD AND REGULATING THE USE OF ICE RETARDANT SYSTEMS AT GREENWOOD LAKE - AMENDED

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

SECTION 1. The Revised General Ordinances of the Township of West Milford are hereby amended and supplemented with a new Chapter 159 entitled "Use of Ice Retardant Systems at Greenwood Lake", which shall read in its entirety as follows:

Chapter 159: Use of Ice Retardant Systems at Greenwood Lake

§159.1. Purpose.

It is the intent of this Chapter to regulate the installation and use of the ice retardant systems on Greenwood Lake properties within the Township of West Milford for the protection of persons and property and to provide for the public health, safety and welfare of the Township of West Milford and its inhabitants.

§159.2. Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

AFFECTED AREA OF ICE:

The area of water body or ice surface disturbed by the operation of an ice retardant system. Said disturbed or affected area includes open water, weakened ice (excessively cracked), thin ice (less than four inches in depth) and area where adjacent ice is covered by a film of water.

ICE RETARDANT SYSTEM:

A mechanical devise(s) or a series of mechanical devices designed to retard or prevent the formation of ice in or around lakefront structures. Said devices utilize as their mode of operation one or more of the following mechanisms: pumped air, artificial water turbulence or the addition of heat to the water body.

OWNER or OPERATOR:

The owner of record of a tract of land according to the tax rolls of the Township of West Milford or any person occupying said premises or utilizing the property.

PERSON:

Any individual, association or individuals, corporation or partnership.

PIERHEAD LINE:

A line running parallel to the bulkhead line and extending not more than 40 feet from said bulkhead line beyond which no dock, pier, marina, or other structure, permanent or temporary, floating or affixed to shore or lake bottom, may be located.

PROTECTED STRUCTURE:

Any lakefront or within-lake structure which the ice retardant system is designed to protect. Such protected structures include but are not limited to docks, piers, bulkheads, catwalks, seawalls and boathouses.

§159.3. Authorization for Use; compliance required.

Utilization of ice retardant systems is hereby authorized within the municipal limits of the Township of West Milford from November 1 of each year through April 15 of the following year for Greenwood Lake.

§159.4 Operation Requirements.

- A. The affected area of ice, under normal operating conditions, shall not extend to within 10 feet of a side property line. Said requirements may be waived if the owner and/or operator of the ice retardant system obtains written permission from the adjacent property owner.
B. Unless the ice retardant system has been designed and approved in accordance with this Chapter, no system shall be designed or operated in such a way as to prevent ingress or egress to any portion of the water body or to foreclose the formation of ice across a channel.

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**§159.5. Waiver of requirement.**

The Township Council may, by resolution, waive the requirements of this Chapter in situations of hardship or exceptional public necessity. "Exceptional public necessity" shall include but not be limited to a necessity to maintain an open channel of water for access to island lakefront homes. In adopting the resolution, the Township Council may specify requirements as to markings and lighting. Such requirements can include but are not limited to requiring buoys to be placed in the frozen water body to clearly mark the approach, requiring nighttime illumination or fishing lights to indicate that open water is present, limiting the size of the affected ice area to the minimal levels of insurance requirements.

**§159.6. Enforcement, violations and penalties.**

- A. The Construction Official and/or another municipal official designated by the Township Administrator are hereby designated as the enforcement officers under the terms of this Chapter for the use of an ice retardant system that is inconsistent with the provisions set forth in this Chapter.
- B. A violation of the terms of this Chapter, including the operational requirements, shall be punishable by a fine of not less than \$250.00, nor more than \$2,000, or by imprisonment for a term not to exceed fifteen (15) days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this article shall constitute, for each day the offense is continued, a separate and distinct offense hereunder

**§159.7. Liability.**

Compliance and/or noncompliance with the requirements of this Chapter shall not preclude any civil action for damages arising from injuries incurred through the operation of an ice retardant system.

**§159.8. Signage and Flags.**

No less than six (6) signs shall be created and posted around Greenwood Lake at regular intervals, noting this Township's regulation of the use of ice retardant systems at Greenwood like, and including citation to Chapter. There shall also be a requirement for at least six (6) flags at the shoreline reflecting "Danger—Thin Ice."

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

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

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

**SECTION 5.** This Ordinance may be renumbered for codification purposes.

Introduced: May 19, 2021  
Adopted:  
Effective Date:

Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for July 14, 2021. Notice of this public hearing shall be published in the Herald News on or about June 15, 2021.

Clarification was needed regarding who was to be responsible for the flags. There will be signage so people know what the flags mean and the person using the device will be responsible for the flags. Councilman Gross indicated that he felt the ordinance was over-reaching.

Mayor Dale requested Councilwoman Erik amend her vote to move to include the amendments.

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

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Agenda No. XII 3

~ Ordinance 2021 – 027 ~

**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY REPEALING, PART I, ADMINISTRATIVE LEGISLATION, CHAPTER 15, ARTICLE XII DEPARTMENT OF COMMUNITY SERVICES AND RECREATION, §15-68 DIVISION OF PARK MAINTENANCE SERVICES AND §15-69 DIVISION OF RECREATION BUILDING MAINTENANCE, AND AMENDING ARTICLE XI DEPARTMENT OF PUBLIC WORKS § 15-58, TO ADD A NEW**

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

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**ARTICLE § 15-58 (C) ENTITLED "PARK MAINTENANCE SERVICES" OF THE CODE OF THE TOWNSHIP OF WEST MILFORD**

**WHEREAS**, the current Township Code contains § 15-68 "Division of Park Maintenance Services," which provides that within the Department of Community Services and Recreation, there shall be a division called "Park Maintenance Services," which shall be under the supervision of the Director of Community Services and Recreation. This Division shall consist of members who will maintain all park facilities; and

**WHEREAS**, the current Township Code also contains a § 15-69 "Division of Recreation Building Maintenance," which provides that within the Department of Community Services and Recreation, there shall be a division called "Recreation Building Maintenance," which shall be under the supervision of the Director of Community Services and Recreation. This Division shall consist of members who provide daily maintenance and repairs to recreation buildings as well as provide support to programs offered in those facilities; and

**WHEREAS**, the Township Administration has reviewed the Code, and recommended changes to streamline the Code and promote the efficient operation of Parks Maintenance Services and Recreation Building Maintenance; and

**WHEREAS**, in the interest of operational efficiency, § 15-68 "Park Maintenance Services," and § 15-69 "Recreation Building Maintenance," shall be repealed their entirety and a new article, § 15-58 (C), herein entitled "Park Maintenance Services" shall be created, under the supervision of Department of Public Works, the Director of Public Works, and the Division of Public Property; and

**WHEREAS**, the Township Council has also reviewed the current Code, and determined that it is necessary to so update and amend the Code.

**NOW THEREFORE BE IT ORDAINED**, by the Mayor and Township Council of the Township of West Milford, Passaic County, New Jersey, that Part I, Administrative Legislation, Chapter 15, Article XII Department of Community Services and Recreation, §15-68 Division of Park Maintenance Services is hereby repealed in its entirety; and

**NOW THEREFORE BE FURTHER ORDAINED**, by the Mayor and Township Council of the Township of West Milford, Passaic County, New Jersey, that Part I, Administrative Legislation, Chapter 15, Article XII Department of Community Services and Recreation, §15-69 Division of Recreation Building Maintenance, is hereby repealed in its entirety; and

**NOW THEREFORE BE IT FURTHER ORDAINED**, by the Township Council of the Township of West Milford, Passaic County, New Jersey, that a new ARTICLE § 15-58 (C) ENTITLED "PARK MAINTENANCE SERVICES" of the Code of the Township of West Milford be and is hereby adopted to read as follows:

**SECTION 1.**

§ 15-58 Division of Public Property.

Within the Department of Public Works there shall be a Division of Public Property. Under the direction and supervision of the Director of Public Works, the Division of Public Property shall:

- A. Operate, maintain and repair Township-owned buildings and properties and provide custodial and janitorial services therefor.
- B. Control the care, use and disposition of motor vehicles and automotive equipment, and shall:
  - (1) Operate or supervise the operation of a garage or garages, road depots, and other convenient places for the storage, servicing, repair and maintenance of Township-owned motor vehicles and equipment.
  - (2) Supervise any work done by contract for the storage, repair, servicing and maintenance of Township-owned motor vehicles or equipment.
  - (3) Control the maintenance of motor vehicles or equipment owned by the Township by maintaining individual vehicle records of mileage, costs of operation and maintenance and replacement schedules.
- C. Conduct Park Maintenance Services and operate, support, maintain and repair all park facilities.

**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.

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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: June 9, 2021
Adopted:
Effective Date:

Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for July 14, 2021. Notice of this public hearing shall be published in the Herald News on or about June 15, 2021.

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

Agenda No. XII 4

~ Ordinance 2021 – 028 ~

ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY REPEALING, PART I, ADMINISTRATIVE LEGISLATION, CHAPTER 15, ADMINISTRATION OF GOVERNMENT, ARTICLE X, DEPARTMENT OF HEALTH, §15-55 DIVISION OF ANIMAL CONTROL, AND AMENDING PART I, ADMINISTRATIVE LEGISLATION, CHAPTER 15, ADMINISTRATION OF GOVERNMENT, ARTICLE IX, DEPARTMENT OF PUBLIC SAFETY, TO CREATE ARTICLE § 15-50.1, TO BE ENTITLED "DIVISION OF ANIMAL CONTROL" OF THE CODE OF THE TOWNSHIP OF WEST MILFORD - AMENDED

WHEREAS, the current Township Code contains § 15-55 "Division of Animal Control" which is under the authority of the Township Health Officer within the Department of Health; and

WHEREAS, the Township Administration has reviewed the Code, and recommends that due to the subject matter and daily function of the Division of Animal Control, such oversight and control is more appropriately placed within the Department of Public Safety, and under the authority of the Director of Public Safety; and

WHEREAS, the Township Administration has reviewed the Code, and recommended this change, in an effort to streamline the Code and the promote the efficient operation of the Division of Animal Control; and

WHEREAS, in the interest of operational efficiency, § 15-55 "Division of Animal Control" shall be repealed in its entirety, and a new article, § 15-50.1, to be entitled "Division of Animal Control" shall be created under the supervision of the Director of Public Safety; and

WHEREAS, the Township Council has also reviewed the current Code, and determined that it is necessary to so update and amend the Code.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Township Council of the Township of West Milford, Passaic County, New Jersey, that Part I, Administrative Legislation, Chapter 15, Administration of Government, Article X, Department of Health, §15-55 "Division of Animal Control" is hereby repealed in its entirety; and

NOW THEREFORE BE FURTHER ORDAINED, by the Mayor and Township Council of the Township of West Milford, Passaic County, New Jersey, that Part I, Administrative Legislation, Chapter 15, Administration of Government, Article IX, Department of Public Safety, be amended to create a new Article §15-50.1, entitled "Division of Animal Control" of the Code of the Township of West Milford, and is hereby adopted to read as follows:

SECTION 1.

§ 15-50.1 Division of Animal Control.

Within the Department of Public Safety, there shall be a Division of Animal Control, the head of which shall be the Animal Control Officer, who shall be appointed by the Council, for a term of one year, commencing with July 1 of the year in which such appointment is to be effective, and until the Animal Control Officer's successor is appointed and qualified. The Animal Control Officer shall receive such compensation as shall be provided by ordinance. This Division shall perform all the duties and have such powers as provided by general law, charter and code for animal control officers. The Animal Control Officer shall act as the dog warden of the Township. This Division, in conjunction with the Division of Health, shall cooperate in any

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

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program which relates to animals, dogs and cats in accordance with general law, ordinances, code and state regulations.

**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: June 9, 2021

Adopted:

Effective Date:

Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for July 14, 2021. Notice of this public hearing shall be published in the Herald News on or about June 15, 2021.

The motion was amended to have the wording indicate he/she not just he.

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

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Agenda No. XII 5

~ Ordinance 2021 – 029 ~

**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING THE TOWNSHIP CODE CHAPTER 500 ENTITLED “ZONING” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST MILFORD TO PERMIT THE CULTIVATION, MANUFACTURING, WHOLESALE, DISTRIBUTION, RETAIL AND DELIVERY OF CANNABIS WITHIN THE TOWNSHIP**

**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 Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and

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- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

**WHEREAS**, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

**WHEREAS**, section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

**WHEREAS**, section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (i.e., by August 22, 2021); and

**WHEREAS**, pursuant to section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

**WHEREAS**, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

**WHEREAS**, the Mayor and Township Council of the Township of West Milford find that Cannabis Cultivation is a viable and valuable commercial enterprise that should be promoted within the Township of West Milford; and

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

**SECTION 1.**

**Article XVII Cannabis Cultivation, Manufacturing, Wholesale, Distribution, Retail and Delivery**

**§ 500-191 Definitions.**

**Cannabis**

All parts of the plant *Cannabis sativa* L., whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant, which are cultivated and, when applicable, manufactured in accordance with P.L. 2016, c. 16 for use in cannabis products as set forth in this act, but shall not include the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. “Cannabis” does not include: medical cannabis dispensed to registered qualifying patients pursuant to the “Jake Honig Compassionate Use Medical Cannabis Act,” P.L.2009, c.307 (C.24:6I-1 et al.) and P.L.2015, c.158 (C.18A:40-12.22 et al.); marijuana as defined in N.J.S.2C:35-2 and applied to any offense set forth in chapters 35, 35A, and 36 of Title 2C of the New Jersey Statutes, or P.L.2001, c.114 (C.2C:35B-1 et seq.), or marihuana as defined in section 2 of P.L.1970, c.226 (C.24:21-2) and applied to any offense set forth in the “New Jersey Controlled Dangerous Substances Act,” P.L.1970, c.226 (C.24:21-1 et al.); or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the “New Jersey Hemp Farming Act,” P.L.2019, c.238 (C.4:28-6 et al.).

**Cannabis Cultivator**

Any licensed person or entity that grows, cultivates, or produces cannabis in this State, and sells, and may transport, this cannabis to other cannabis cultivators, or usable cannabis to cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers.

**Cannabis Delivery Service**

Any licensed person or entity that provides courier services for consumer purchases of cannabis items and related supplies fulfilled by a cannabis retailer in order to make deliveries of the cannabis items and related supplies to that consumer, and which services include the ability of a consumer to purchase the cannabis items directly through the cannabis delivery service, which after presenting the purchase order to the cannabis retailer for fulfillment, is delivered to that consumer.

**Cannabis Distributor**

Any licensed person or entity that transports cannabis in bulk intrastate from one licensed cannabis cultivator to another licensed cannabis cultivator, or transports cannabis items in bulk intrastate from any one class of licensed cannabis establishment to another class of licensed cannabis establishment, and

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may engage in the temporary storage of cannabis or cannabis items as necessary to carry out transportation activities.

**Cannabis Establishment**

A cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, a cannabis retailer or a cannabis distributor.

**Cannabis Manufacturer**

Any licensed person or entity that processes cannabis items in this State by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers.

**Cannabis Retailer**

Any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers. A cannabis retailer shall also accept consumer purchases to be fulfilled from its retail store that are presented by a cannabis delivery service which will be delivered by the cannabis delivery service to that consumer.

**Cannabis Wholesaler**

Any licensed person or entity that purchases or otherwise obtains, stores, sells or otherwise transfers, and may transport, cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers.

**Cannabis Licensed Marketplace**

A license issued under relevant State law including a license that is designated as either a:

- A. Class 1 Cannabis [Grower] Cultivator license
- B. Class 2 Cannabis [Processor] Manufacturer license
- C. Class 3 Cannabis Wholesaler license
- D. Class 4 Cannabis Distributor license
- E. Class 5 Cannabis Retailer license
- F. Class 6 Cannabis Delivery license

The term includes a conditional license for a designated class, except when the context of the provisions of relevant State law otherwise intend to only apply for a license and not a conditional license.

**Manufacture**

The drying, processing, compounding, or conversion of usable cannabis into cannabis products or cannabis resins. "Manufacture" does not include packaging or labeling.

**Microbusiness**

A person or entity license by the Cannabis Regulatory Commission as a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service that may only, with respect to its business operations, and capacity and quantity of product:

1. Employ no more than 10 employees;
2. Operate a cannabis establishment occupying an area of no more than 2,500 square feet, and in the case of a cannabis [grower] cultivator, grow cannabis on an area no more than 2,500 square feet measured on a horizontal plane and grow above that plane not higher than 24 feet;
3. Possess no more than 1,000 cannabis plants each month, except that a cannabis distributor's possession of cannabis plants for transportation shall not be subject to this limit;
4. Acquire and process each month, in the case of a cannabis [processor] manufacturer, no more than 1,000 pounds of usable cannabis [in dried form];
5. Acquire for resale each month, in the case of a cannabis wholesaler, no more than 1,000 pounds of usable cannabis [in dried form], or the equivalent amount in any [other] form of manufactured cannabis product or cannabis resin, or any combination thereof; and
6. Acquire for retail sale each month, in the case of a cannabis retailer, no more than 1,000 pounds of usable cannabis [in dried form], or the equivalent amount in any [other] form of manufactured cannabis product or cannabis resin, or any combination thereof.

**Wholesale Trade**

Shall mean establishments or places of business primarily engaged in selling merchandise to other businesses, including retailers, industrial, commercial, institutional, or professional business users, other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

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**§ 500-192 Cannabis Cultivator, Manufacturer, Wholesaler and Distributor**

A. Cannabis Cultivator, Manufacturer, Wholesaler and Distributors shall be a conditional use in all industrial zones (Office Research, Limited Manufacturing and Industrial and Special Economic District) and subject to the following:

- (1) Eligible Locations: Facilities shall be at least 500 feet from any parks and 1,000 feet from any schools.
- (2) Lot Area: The minimum lot area shall be one (1) acre.
- (3) Setback: The minimum front yard setback shall be 50 feet or the minimum zone standard, whichever is greater.
- (4) Buildings: All facilities shall be enclosed in heated/air-conditioned buildings, not in greenhouses, hoop houses or outdoors.
- (5) Odor Control: The facility shall provide an air treatment system with sufficient odor absorbing ventilation and exhaust systems such that and odor generated inside the facility is not detectable by a person of reasonable sensitivity at the property line of the subject property. Odor from the facility shall be monitored on an annual basis at the discretion of the Township by a licensed, qualified contractor chosen by the Township.
- (6) Signage: Signs shall be limited to the address, name of the company and emergency contact information located on one (1) ground sign not to exceed 24 square feet
- (7) State License: The facility must have a valid license to operate from the State of New Jersey.
- (8) Any cannabis facility is subject to compliance with all State laws, regulations and guidelines with respect to cannabis licenses issued by the State of NJ.

**§ 500-193 Cannabis Retailer**

A. Cannabis Retailer shall be a conditional use in all commercial and retail zones (Lake Commercial, Neighborhood Commercial, Highway Commercial, Community Commercial, Village Commercial and Office Transition) and subject to the following:

- (1) Eligible Locations: Facilities shall be at least 500 feet from any parks and 1,000 feet from any schools.
- (2) Location: Cannabis Retailers shall be separate and distinct from growing operations.
- (3) Buildings: All Cannabis Retailers shall be enclosed in heated/air-conditioned permanent buildings, not trailers, outdoors, movable kiosks, etc.
- (4) Signage: Signs shall be limited to location identification/name of business. Signage shall not promote consumption of any cannabis products.
- (5) Site Plan Approval: When seeking site plan approval, the Applicant for Cannabis Retailers shall submit a safety and security plan and emergency services access plan.
- (6) Accessibility: Any Cannabis Retailer shall only have one primary public access point, which shall be directly adjacent to the right-of-way or parking area of the building. Access should not be through common entrances with other uses.
- (7) Hours of Operation: Hours of operation for Cannabis Retailers shall be limited generally to daytime and early evening hours.
- (8) Interior Security: Cannabis Retailers interiors shall provide a secure location for storage of products with minimum products in any customer service area.
- (9) Exterior Loitering and Security: People shall not be permitted to congregate outside of a Cannabis Retailer, loiter or wait in line to access the Cannabis Retailer. The facility shall have a plan in place if interior capacity is exceeded, i.e., numbers are given and customers wait in their vehicles until called.
- (10) Product Consumption. No products shall be permitted to be consumed on-site.
- (11) State License: The facility must have a valid license to operate from the State of New Jersey.
- (12) Any cannabis facility is subject to compliance with all State laws, regulations and guidelines with respect to cannabis licenses issued by the State of NJ.

**§ 500-194 Cannabis Delivery**

A. Cannabis Delivery shall be a conditional use in all commercial and retail zones (Lake Commercial, Neighborhood Commercial, Highway Commercial, Community Commercial, Village Commercial and Office Transition) and subject to the following:

- (1) Eligible Locations: Facilities shall be at least 500 feet from any parks and 1,000 feet from any schools.
- (2) Location: Cannabis Delivery shall be separate and distinct from growing operations.
- (3) Buildings: All Cannabis Delivery services shall be enclosed in heated/air-conditioned permanent buildings, not trailers, outdoors, movable kiosks, etc.
- (4) Signage: Signs shall be limited to location identification/name of business. Signage shall not promote consumption of any cannabis products.
- (5) Site Plan Approval: When seeking site plan approval, the Applicant for Cannabis Delivery services shall submit a safety and security plan and emergency services access plan.
- (6) Interior Security: Cannabis Delivery services interiors shall provide a secure location for storage of products.
- (7) Exterior Loitering and Security: Customers shall not be permitted to pick up products from a Cannabis Delivery service.
- (8) Product Consumption. No products shall be permitted to be consumed on-site.
- (9) State License: The facility must have a valid license to operate from the State of New Jersey.
- (10) Any cannabis facility is subject to compliance with all State laws, regulations and guidelines with respect to cannabis licenses issued by the State of NJ.



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All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 3.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4.

The Township Clerk is directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. The Township Clerk is further directed to refer this Ordinance to the Township Planning Board, pursuant to N.J.S.A. 40:55D-64. Upon the adoption of this Ordinance, after public hearing, the Township Clerk is further directed to publish notice of the passage and to file a copy of this Ordinance, as finally adopted, with the Passaic County Planning Board, as required by N.J.S.A. 40:55D-16

SECTION 5.

This Ordinance shall take effect after publication and passage according to law.

Introduced: June 9, 2021
Adopted:
Effective Date:

Second reading and public hearing for this Ordinance is set for the Regular Meeting of the Township Council scheduled for July 14, 2021. Notice of this public hearing shall be published in the Herald News on or about June 15, 2021.

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

Mayor Dale asked to move resolutions 2021-218 through 2021-234 including resolution 2021-244.

Agenda No. XII 6

~ Resolution 2021 – 218 ~

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

WHEREAS, the Upper Greenwood Lake Property Owner’s Association wishes to hold a display of fireworks on August 21, 2021 (rain date August 28, 2021) at the Upper Greenwood Lake launch area; and

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

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

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

- 1. Based upon the review of the application and report submitted by the Township Fire Marshal and Chief of Police, it does hereby approve the application submitted by the Upper Greenwood Lake Property Owner’s Association and Garden State Fireworks to conduct a fireworks display on August 21, 2021 (rain date August 28, 2021) at the Upper Greenwood Lake launch area, between the hours of 8:30 p.m. and 9:30 p.m.
2. The Upper Greenwood Lake Property Owner’s Association will arrange for police traffic and crowd control in advance with the Township’s Police Department and said policing shall be determined by the Police Department.
3. Police Officers must be hired for security by the Upper Greenwood Lake Property Owner’s Association, and the cost for Police Officers shall be paid by the Upper Greenwood Lake Property Owner’s Association in advance.

Adopted: June 9, 2021

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

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~ Resolution 2021 – 219 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A CONTRACT FOR GUIDE RAIL THROUGH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL - CONTRACT #26: BEAM GUIDE RAIL & SAFETY ENDS (INSTALLED) TO ROAD SAFETY SYSTEMS, LLC**

**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**, the Township Supervising Engineering Aide has reviewed the Morris County Cooperative Pricing Council's contract and related specifications and has submitted a written recommendation that the Township of West Milford award a contract for Guide Rail to Road Safety Systems, LLC, utilizing the Morris County Cooperative Pricing Council - Contract #26: Beam Guide Rail & Safety Ends (Installed); and

**WHEREAS**, the Chief Financial Officer has certified the availability of funds for this purchase, said funds of \$23,418.63 and \$19,581.37 are to be encumbered from accounts numbered 19-295-56-120-505 and 04-215-55-829-002, respectively; and

**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 award of a contract through the Morris County Cooperative Pricing Council - Contract #26: Beam Guide Rail & Safety Ends (Installed) to Road Safety Systems, LLC in an amount not to exceed \$43,000.00.
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: June 9, 2021

Agenda No. XII 8

~ Resolution 2021 – 220 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF AN EMERGENCY CONTRACT FOR ANIMAL CONTROL SERVICES TO TYCO ANIMAL CONTROL SERVICE**

**WHEREAS**, the existing Animal Control Officer resigned from the Township effective May 31, 2021; and

**WHEREAS**, the Township of West Milford Police Department needs Certified Animal Control Officers to provide animal control services to the Township; and

**WHEREAS**, the Township of West Milford Police Department is seeking to outsource animal control services with Tyco Animal Control Service which requires a Request for Proposal and the appropriate time for advertising; and

**WHEREAS**, Tyco Animal Control Service shall provide emergency services in the interim for a one month period for a cost of \$6,500.00 Monday through Friday 8:00 a.m. to 7:00 p.m.; and

**WHEREAS**, a call shall be deemed an emergency between the hours of 7:00 p.m. and 8:00 a.m. and will be charged an additional \$60.00 per call.

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds and encumbrances for this purchase shall come from account number 01-201-20-161-450; and

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

1. The Mayor and Township Council hereby approve the actions of the Administrator and Chief to award an emergency contract retroactively to June 7, 2021 to Tyco Animal Control Service, 1 Stouts Lane, Ho-Ho-Kus, NJ 07423 for a one-month period in an amount not to exceed \$20,000.00.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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- 2. The Mayor and Township Clerk are hereby authorized and directed to execute an emergency contract with service in accordance to the emergency proposal of services from Tyco Animal Control Service for animal control services to the Township.
3. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

This Resolution will take effect immediately.

Adopted: June 9, 2021

Agenda No. XII 9

~ Resolution 2021 – 221 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING AN INCREASE IN THE EXPENDITURE OF FUNDS FOR THE PURCHASE AND INSTALLATION OF RIGID VINYL FLOORING FROM BE CREATIVE TILE, MARBLE & CARPET LLC FOR AN AMOUNT NOT TO EXCEED \$10,000

WHEREAS, by virtue of Resolution 2020-332 adopted November 4, 2020 the Township Council did authorize the purchase and installation of rigid vinyl flooring from Be Creative Tile, Marble & Carpet, LLC; and

WHEREAS; due to the poor condition of the floors in Town Hall and the Police Department additional work was needed before the new floors could be installed, and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds and encumbrances for this purchase shall come from account number 19-295-56-120-506; and

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

- 1. The Township Council hereby authorizes an additional \$10,000 to be expended to Be Creative Tile, Marble & Carpet, LLC for the additional work necessary thereby increasing the not to exceed amount from \$80,000 to \$90,000.
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 Municipal Clerk.

Adopted: June 9, 2021

Agenda No. XII 10

~ Resolution 2021 – 222 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE PURCHASE FROM EAGLE POINT AMMUNITION AS A VENDOR THAT HOLDS A STATE CONTRACT PURSUANT TO N.J.S.A. 40A:11-12 (A) IN ACCORDANCE WITH THE TOWNSHIP'S PURCHASING POLICIES AND PAY-TO-PLAY LAW N.J.S.A. 19:44A-20.5 ET SEQ.

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

WHEREAS, 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 quotations; and

WHEREAS, the Township of West Milford has a need on a timely basis to purchase goods and services utilizing the State Division of Purchase contract for Police Ammunition awarded to Eagle Point Ammunition which expenses would exceed the threshold of \$17,500.00; and

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

WHEREAS, pursuant to N.J.A.C. 5:30-5.5 (b), no orders of 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 vendor within the budget appropriation established for this purpose.

Adopted: June 9, 2021

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

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Agenda No. XII 11

~ Resolution 2021 – 223 ~

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

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

**WHEREAS**, 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 quotations; and

**WHEREAS**, the Township of West Milford has a need on a timely basis to purchase goods and services utilizing the State Division of Purchase contract for Police Software and Police IT Support awarded to LawSoft which expenses would exceed the threshold of \$17,500.00; and

**WHEREAS**, the above referenced vendor has complied with State pay-to-play regulations by completing and submitting a Business Entity Disclosure Certification; and

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

**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.

Adopted: June 9, 2021

Agenda No. XII 12

~ Resolution 2021 – 224 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT TO G ENVIRONMENTAL SERVICES FOR LSRP SERVICES FOR 30 MARHILL ROAD (DPW SITE ON LYCOSKY DRIVE)**

**WHEREAS**, there exists a need for Licensed Site Remediation Professional (LSRP) services in connection with the 30 Marhill Road site (DPW site on Lycosky Road) in response to compliance notices from the NJ Department of Environmental Protection; and

**WHEREAS**, G Environmental GECP Inc. successfully provided LSRP services for remediation activities at the this site per Resolution 2019-371; and

**WHEREAS**, the CFO has certified to the availability of funds, said funds to be encumbered from capital account number 01-201-20-161-452; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing the award of contracts for "professional services" and the contract itself, must be made available for public inspection.

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

1. The Mayor and Township Clerk be and are hereby authorized to execute a contract with G Environmental Services LLC, 52 South Hillside Road, Succasunna, N J 07876, for environmental consulting services in connection with Licensed Site Remediation Professional (LSRP) services to be performed at the site known as the West Milford DPW / Recycling Center, Lycosky Drive (formerly 30 Marhill Road) to prepare a remediation plan for the site including site investigation, remedial investigation, CEA groundwater reporting, public notice form, receptor evaluation, full data deliverable reporting for potable water samples from DPW, case inventory document, remedial action Report, field work, groundwater sampling, project management, NJDEP fees Cat 2 + groundwater and any other LSRP / NJDEP reporting regulations.

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

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2. This contract is awarded without competitive bidding as a professional service in accordance with the provisions of the Local Public Contracts Law because said services are performed by a person licensed under law to practice a recognized profession.
3. The total fee authorized for this contract shall not exceed \$13,270 without the prior written approval of the Township Council.
4. That a notice of this action shall be published in accordance with law, and said notice to provide that the contract awarded and this resolution authorizing same are available for public inspection in the office of the Township Clerk.
5. This award is subject to G Environmental submitting a Business Entity Disclosure Certification which certifies that his firm has not made any reportable contributions to a political or candidate committee in the Township of West Milford with the elected officials in the previous one year, and that the contract will prohibit the firm of G Environmental, Inc. from making any reportable contributions through the term of the contract.

Adopted: June 9, 2021

Agenda No. XII 13

~ Resolution 2021 – 225 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT TO G ENVIRONMENTAL SERVICES FOR LSRP SERVICES FOR 1480 UNION VALLEY ROAD (TOWN HALL SITE)**

**WHEREAS**, there exists a need for Licensed Site Remediation Professional (LSRP) services in connection with the 1480 Union Valley Road site (Town Hall) in response to compliance notices from the NJ Department of Environmental Protection; and

**WHEREAS**, G Environmental GECP Inc. successfully provided LSRP services for remediation activities at the this site per Resolution 2017-400; and

**WHEREAS**, the CFO has certified to the availability of funds, said funds to be encumbered from capital account number 01-201-20-161-452; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing the award of contracts for “professional services” and the contract itself, must be made available for public inspection.

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

1. The Mayor and Township Clerk be and are hereby authorized to execute a contract with G Environmental Services LLC, 52 South Hillside Road, Succasunna, N J 07876, for environmental consulting services in connection with Licensed Site Remediation Professional (LSRP) services to be performed at the site known as Town Hall, 1480 Union Valley Road, West Milford to conduct remediation work for the site including groundwater sampling, sample collection, surveying of wells, project management, groundwater reporting, cap inspection, NJDEP fee for soil/groundwater and any other LSRP / NJDEP reporting regulations.
2. This contract is awarded without competitive bidding as a professional service in accordance with the provisions of the Local Public Contracts Law because said services are performed by a person licensed under law to practice a recognized profession.
3. The total fee authorized for this contract shall not exceed \$10,930 without the prior written approval of the Township Council.
4. That a notice of this action shall be published in accordance with law, and said notice to provide that the contract awarded and this resolution authorizing same are available for public inspection in the office of the Township Clerk.
5. This award is subject to G Environmental submitting a Business Entity Disclosure Certification which certifies that his firm has not made any reportable contributions to a political or candidate committee in the Township of West Milford with the elected officials in the previous one year, and that the contract will prohibit the firm of G Environmental, Inc. from making any reportable contributions through the term of the contract.

Adopted: June 9, 2021

Agenda No. XII 14

~ Resolution 2021 – 226 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING AN INTERLOCAL SERVICE AGREEMENT WITH THE CITY OF PATERSON FOR COMMUNICABLE DISEASE SERVICES**

**WHEREAS**, the Township of West Milford provides health services for its residents through a locally funded and operated Health Department; and

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

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**WHEREAS**, state regulations require that local Health Department provide certain communicable disease treatment and prevention services; and

**WHEREAS**, the Township Council wishes to approve the 2021 interlocal services contract with the City of Paterson to provide tuberculosis communicable disease prevention and treatment services since the provision of these required services through the joint service arrangement is a cost effective means of providing the required services; and

**WHEREAS**, the cost of these services is \$300 per year and is provided for in the Township 2021 budget for health services.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of West Milford, County of Passaic, State of New Jersey that the Interlocal Service Agreement with the City of Paterson for health care services is hereby approved and the Mayor and Municipal Clerk are authorized to execute the contract on behalf of the Township.

Adopted: June 9, 2021

Agenda No. XII 15

~ Resolution 2021 – 227 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY REQUESTING APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION (NJDOT) FOR THE MILLING AND RESURFACING OF GERMANTOWN ROAD – SECTION 1 BETWEEN MACOPIN ROAD AND 0.8-MILES SOUTH**

**WHEREAS**, the NJDOT is accepting applications for the fiscal year 2022 Municipal Aid Program; and

**WHEREAS**, the Township's Engineering Division has recommended that the following application be submitted for the milling and resurfacing of Germantown Road – Section 1 between Macopin Road and 0.8-miles south; and

**WHEREAS**, the Township's Engineering Division submits the following application for consideration to the Township Council:

<b>ARTICLE I Project: Germantown Road – Section 1</b>	
Milling and resurfacing of Germantown Road between Macopin Road and 0.8-Miles South (0.8 miles)	
Grant Application:	\$332,000
Township Contribution:	\$163,000
Estimated Cost for Entire Project:	\$495,000
<b>Grant Application No.</b>	<b>MA-2022-Germantown Road-Section 1-00094</b>

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Township Council of the Township of West Milford formally approve the grant application for the above stated project; and

**BE IT FURTHER RESOLVED** that the Township Engineering Division Agency Administrator is hereby authorized to submit the grant application as identified above to the New Jersey Department of Transportation through S.A.G.E. (System for Administering Grants Electronically) on behalf of the Township of West Milford; and

**BE IT FURTHER RESOLVED** that the Mayor and Township Clerk are hereby authorized to sign the grant agreement on behalf of the Township of West Milford and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Approved: June 9, 2021

Agenda No. XII 16

~ Resolution 2021 – 228 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY REQUESTING APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION (NJDOT) FOR THE MILLING AND RESURFACING OF MORSETOWN ROAD – SECTION 3 BETWEEN WESTBROOK ROAD AND 1.2-MILES NORTH**

**WHEREAS**, the NJDOT is accepting applications for the fiscal year 2022 Municipal Aid Program; and

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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WHEREAS, the Township's Engineering Division has recommended that the following application be submitted for the milling and resurfacing of Morsetown Road between Westbrook Road and 1.2-miles north; and

WHEREAS, the Township's Engineering Division submits the following application for consideration to the Township Council:

Table with 2 columns: Description and Amount. Row 1: Grant Application: \$412,000. Row 2: Township Contribution: \$203,000. Row 3: Estimated Cost for Entire Project: \$615,000. Row 4: Grant Application No. MA-2022-Morsetown Road - Section 3-00092

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township Council of the Township of West Milford formally approve the grant application for the above stated project; and

BE IT FURTHER RESOLVED that the Township Engineering Division Agency Administrator is hereby authorized to submit the grant application as identified above to the New Jersey Department of Transportation through S.A.G.E. (System for Administering Grants Electronically) on behalf of the Township of West Milford; and

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized to sign the grant agreement on behalf of the Township of West Milford and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Approved: June 9, 2021

Agenda No. XII 17

~ Resolution 2021 - 229 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE SUBMISSION OF A STRATEGIC PLAN FOR THE WEST MILFORD MUNICIPAL ALLIANCE GRANT BY THE MUNICIPAL ALLIANCE COMMITTEE (CASA)

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

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

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

WHEREAS, the Township Council has applied for funding to the Walmart Local Community Grant.

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

- 1. The West Milford Town Council does hereby authorize submission of a strategic plan for the West Milford Municipal Alliance grant for the period of June 1, 2021 to December 31, 2021 in the amount of a \$5,000.00 grant.
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: June 9, 2021

Agenda No. XII 18

~ Resolution 2021 - 230 ~

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

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**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY SUPPORTING THE SUBMISSION OF HABITAT MODIFICATION FOR GEESE/NPS POLLUTION GRANT FUNDING: PLAN CONFORMANCE GRANT AGREEMENT**

**WHEREAS** phosphorus loading and other sources of Non-Point Source (NPS) pollution are a significant problem at Greenwood Lake due to the lack of riparian buffers, and

**WHEREAS**, restoring shorelines with native vegetation, a riparian buffer, mitigates NPS pollution; and

**WHEREAS**, revegetating and restoring shorelines promotes biodiversity and protects aquatic life; and

**WHEREAS**, restoring shorelines protects watersheds, and

**WHEREAS**, revegetating and restoring shorelines improves water quality; and

**WHEREAS**, revegetating and restoring shorelines deters Canada geese from coming ashore in areas frequented by humans, including but not limited to marinas, restaurants, and condominiums; and

**WHEREAS** similar projects in Philadelphia, New Jersey, and other local watersheds have documented improved water quality and have deterred geese by restoring the riparian buffers; and the Philadelphia Water Department has developed a successful model ("Green City Clean Water") that other regions have adapted, that includes riparian buffers as a major green tool to meet federal drinking water regulations and goals; and

**WHEREAS**, the Township of West Milford plans to hold community meetings to provide education; to develop educational materials; and to develop a riparian buffer planting model along the lakefront with the condominium's approval; and

**WHEREAS**, the New Jersey Highlands Council has grant monies available that may be used to assist the Township in Greenwood Lake, West Milford, New Jersey; and

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of West Milford hereby authorizes the submission of a Habitat Modification Grant in the amount of \$35,000-\$40,000 to Animal Protection League of New Jersey.

Adopted: June 9, 2021

Agenda No. XII 19

~ Resolution 2021 – 231 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SUBMISSION AND ACCEPTANCE OF A NEW JERSEY DEPARTMENT OF HEALTH, OFFICE OF LOCAL PUBLIC HEALTH STRENGTHENING LOCAL PUBLIC HEALTH CAPACITY PROGRAM 2022 GRANT IN THE AMOUNT OF \$291,042**

**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 support COVID-19 response initiatives, is providing a one-year, non-competitive, non-matching grant in the amount of \$291,042 to the West Milford Health Department 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 funding will enable the township to hire a full-time 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 submittal and acceptance of a grant application for the Strengthening Local Public Health Capacity Program 2022 grant in the amount of \$291,042.

Adopted: June 9, 2021



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

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~ Resolution 2021 – 232 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSES (ACTIVE) FOR 2021-2022 LICENSE YEAR**

**WHEREAS**, applications for renewal of Plenary Retail Consumption and Plenary Retail Distribution Licenses for the 2021-2022 license year have been processed on the ABC POSSE website and reviewed; and

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

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

1. The submitted applications are complete in all respects.
2. The applicants are qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. laws and regulations.
3. The applicants have disclosed to the issuing authority the source of all additional financing obtained in the previous license year.

**WHEREAS**, the Police Department has recommended that the licenses be renewed to the current owners.

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

<b>2021-2022 PLENARY RETAIL CONSUMPTION ACTIVE LICENSES</b>	
<b>PLAZA BAR &amp; LIQUORS INC.</b> t/a Plaza Bar & Liquors 1930 Union Valley Road, Hewitt, NJ 07421 <b>1651-33-010-003</b>	<b>FRANK &amp; SATINA LLC</b> t/a Jimmy Geez North Sports Bar & Grill 3219 Route 23 South, Oak Ridge, NJ 07438 <b>1615-33-034-009</b>
<b>2MOMEMTO2 INC.</b> t/a Momento restaurant 374 Morsetown Road, West Milford 07480 <b>1615-33-012-005</b>	<b>NEW VINELAND CORPORATION</b> t/a Uncorked Wines & Spirits 9 Marshall Road, West Milford, NJ 07480 <b>1615-33-003-007</b>
<b>JOSEF LANG HOLDINGS INC.</b> t/a The Lake Shore Inn Bar 399 Lakeshore Drive, Hewitt, NJ 07421 <b>1615-33-035-008</b>	<b>NTI LLC</b> t/a The New Jessie's Kettle 1555 Greenwood Lake Tpke, Hewitt, NJ 07421 <b>1615-33-024-013</b>
<b>2021-2022 PLENARY RETAIL DISTRIBUTION LICENSE</b>	
<b>HIGHLAND WINE &amp; LIQUOR LLC</b> t/a Highland Wine & Liquor 1926 Union Valley Road, Unit K, Hewitt, NJ 07421 <b>1615-44-038-001</b>	

Adopted: June 9, 2021

Agenda No. XII 21

~ Resolution 2021 – 233 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSES WITH CONDITIONS FOR THE 2021-2022 LICENSE YEAR**

**WHEREAS**, applications for renewal of Plenary Retail Consumption Licenses for the 2021-2022 License year have been processed on the ABC POSSE website and reviewed; and

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

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

1. The submitted applications are complete in all respects.
2. The applicants are qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. laws and regulations.
3. The applicants have disclosed to the issuing authority the source of all additional financing obtained in the previous license year.

**WHEREAS**, the Police Department has recommended that the licenses be renewed to the current owners as active licenses with conditions.

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

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

LICENSEE	CONDITIONS
<p><b>GRASSHOPPER IRISH PUB &amp; RESTAURANT LLC</b>                      t/a Grasshopper Irish Pub &amp; Restaurant                      2891 Route 23, Newfoundland, NJ 07435                      1615-33-005-005</p>	<ol style="list-style-type: none"> <li>Persons are not to leave the property of the licensed premise or the extended premise with alcoholic beverages.</li> <li>A written notice to advise patrons not to leave the extended premise with alcoholic beverages must be posted and the exit gate shall be alarmed.</li> <li>Outdoor deck approved as a smoking area for existing customers not as an additional dining area.</li> <li>A maximum occupancy for the outside deck area with tables and chairs is 42 patrons by NJAC 5:70-3.2(a)5, F-601.6 and the Township Building Construction Officials.</li> <li>If noise becomes an issue additional restriction will be applied.</li> </ol>
<p><b>J&amp;S INVESTMENTS LLC</b>                      t/a J&amp;S Road House                      17 Wooley Road, West Milford, NJ 07480                      1615-33-008-005</p>	<ol style="list-style-type: none"> <li>"No Alcohol Beyond This Point" signs at ALL gates.</li> <li>Gates to remain CLOSED with no entry from outside the venue unless there is an employee at each open gate checking ID's.</li> <li>Persons are not to leave the property of the license premises or the extended premises with alcoholic beverages.</li> <li>The outdoor bar under the pavilion is approved as a service bar with no drink preparation.</li> </ol>
<p><b>SUNWOO TRADE LLC</b>                      t/a Tuscany Brewhouse                      3055 Route 23 N/S, Oak Ridge, NJ 07438                      1615-33-016-007</p>	<ol style="list-style-type: none"> <li>Second floor occupancy load must be strictly adhered to.</li> </ol>
<p><b>4ZIP SQUARE CORPORATION</b>                      t/a Blini Restaurant &amp; Pizzeria                      216 Cahill Cross Road, West Milford, NJ 07480                      1615-33-023-006</p>	<ol style="list-style-type: none"> <li>No food, drinks or alcoholic beverages served on porch area or patio area prior to resolution of Township Zoning and Site Plan requirements.</li> <li>ADA parking to be in compliance with State requirements.</li> </ol>
<p><b>HAVANA NIGHTS TAPAS &amp; BAR LLC</b>                      t/a Havana Nights Tapas &amp; Bar                      350 Warwick Turnpike, Hewitt, NJ 07421                      1615-33-028-008</p>	<ol style="list-style-type: none"> <li>Re-inspection by Police, Health, Fire, Building, Zoning before reopening.</li> <li>Occupancy loads must be adhered to.</li> <li>Exits are not to be blocked.</li> </ol>
<p><b>WEST MILFORD BAR &amp; LIQUORS INC.</b>                      t/a Westbrook Hootch Hut                      717 Otterhole Road, West Milford, NJ 07480                      1615-33-033-002</p>	<ol style="list-style-type: none"> <li>License Certificate must be properly displayed.</li> <li>Copy of most recent long form license application must be kept on licensed premises.</li> </ol>
<p><b>HPLAY WEST MILFORD LIQUORS LLC</b>                      t/a Island of Spirits                      3025 Route 23 Oak Ridge, NJ 07438                      1615-33-019-002</p>	<ol style="list-style-type: none"> <li>The owner is to consider parking limitations when scheduling advertised special events.</li> <li>Occupant loads must be adhered to.</li> </ol>
<p><b>SPIRITS OF VREELAND LLC</b>                      t/a The Vreeland Store                      1383 Macopin Road, West Milford, NJ 07480                      1615-33-022-003</p>	<ol style="list-style-type: none"> <li>The front porch area is not licensed.</li> </ol>

Adopted: June 9, 2021

Agenda No. XII 22

~ Resolution 2021 – 234 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF POCKET (INACTIVE) PLENARY RETAIL CONSUMPTION LICENSES FOR THE 2021- 2022 LICENSE YEAR**

**WHEREAS**, applications for renewal of Plenary Retail Consumption License for the 2021- 2022 License year have been processed on the ABC POSSE website and reviewed; and

**WHEREAS**, these licenses have received a Tax Clearance Certificate and if applicable a Special Ruling for the 2021-2022 year; and

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

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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

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

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

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

Table with 2 columns: LICENSEE and CONDITIONS. Rows include FAMILY ASSETS LLC, THREE SHEETS LLC, LAKE FRONT LIQUORS LLC, SAGAR BEVERAGE LLC, and JAY BHOLE LIQUOR CORPORATION.

Adopted: June 9, 2021

Agenda No. XII 23

~ Resolution 2021 - 244 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD REITERATING ATTORNEY-CLIENT PRIVILEGE AND WORK PRODUCT

WHEREAS, on March 19, 2019, West Milford's former labor attorney prepared a legal report for West Milford, which was transmitted to West Milford's Township attorney; and

WHEREAS, the legal report has been subject to attorney-client privilege since its transmittal; and

WHEREAS, West Milford has previously informed its former labor attorney, through the Township attorney, that West Milford continues to invoke attorney-client privilege for the legal report and all work product and mental impressions related to it; and

WHEREAS, West Milford has the right, as the client, to invoke the attorney-client privilege and work product doctrine and such privilege/doctrine may not be waived by any individual current or former councilmember, official, or officer of West Milford; and

NOW, THEREFORE, BE IT RESOLVED, that the West Milford Governing Body continues to assert the attorney-client privilege and work product doctrine, as set forth above, and any disputes about the privilege or doctrine shall be resolved in favor of the privilege absent a decision of a court of competent jurisdiction to the contrary.

This Resolution shall take effect immediately.

Adopted: June 9, 2021

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

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Agenda No. XIII

Consent Agenda

~ Resolution 2021 – 235 ~

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) 2021-236 – Cancel Check Issued
b) 2021-237 – Reissue Check to Proper Party
c) 2021-238 – Release Performance Bond
d) 2021-239 – Refund of Overpayment
e) 2021-240 – Refund of Recreation Fees
f) 2021-241 – Refund Right of Way Bond
g) 2021-242 – Reinstatement of Taxes

Adopted: June 9, 2021

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

Agenda No. XIII a

~ Resolution 2021 – 236 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING RESOLUTION 2021-127 "REFUND OF OTHER LIENS" ADOPTED MARCH 24, 2021 TO CANCEL CHECK ISSUED TO INCORRECT LIEN HOLDER ON BLOCK 12307 LOT 007

WHEREAS, Resolution 2021-127 "Refund of Other Liens" adopted on March 24, 2021 as shown below issued a check to Cazenovia Creek Funding II; LLC on Block 12307-007; and

WHEREAS, the check issued was to the incorrect party; and

WHEREAS, upon the recommendation of the Collector of Taxes that Resolution 2021-127 be amended to cancel the check issued to Cazenovia Creek Funding II; LLC on Block 12307 Lot 007; and

NOW, THEREFORE, BE IT RESOLVED that the proper officers be and they are hereby authorized to cancel the check issued to Cazenovia Creek Funding II; LLC as crossed out and shown below.

Table with 5 columns: Certificate No., Certificate Date, Block/Lot/Qual, Reimbursement Amount, Pay to Lien Holder. It lists two entries for cancelled checks and a total amount of \$75,940.33.

Adopted: June 9, 2021

Agenda No. XIII b

~ Resolution 2021 – 237 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING RESOLUTION 2021-127 "REFUND OF OTHER LIENS" ADOPTED MARCH 24, 2021 TO REISSUE CHECK TO PROPER PARTY LIEN HOLDER ON BLOCK 12307 LOT 007

WHEREAS, Resolution 2021-127 "Refund of Other Liens" adopted March 24, 2021 was paid to Cazenovia Creek Funding II; LLC on Block 12307 Lot 007; and

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

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**WHEREAS**, upon the recommendation of the Collector of Taxes that Resolution 2021-127 be amended to cancel the check to Cazenovia Creek Funding II; LLC on Block 12307 Lot 007 and reissue to Trystone Capital Assets, LLC as listed below.

**NOW, THEREFORE BE IT RESOLVED**, that the proper officers be and they are hereby authorized to cancel the check issued to Cazenovia Creek Funding II; LLC and reissue a check to Trystone Capital Assets, LLC as listed below:

Certificate No.	Block/Lot	Pay To Lien Holder	Reimbursement Amount	Certificate Date	Reason
18-0046	12307-007	CAZENOVA CREEK FUNDING II; LLC PO BOX 54132 NEW ORLEANS, LA 70154	\$45,341.16	10/09/2018	Wrong Party
18-0046	12307 -007	Trystone Capital Assets, LLC P.O. Box 1030 Brick, NJ 08723	\$45,341.16	10/09/2018	Reissue payment to correct party
	<b>Total</b>		<b>\$45,341.16</b>		

This resolution shall take effect immediately.

Adopted: June 9, 2021

Agenda No. XIII c

~ Resolution 2021 – 238 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RELEASE OF A SOIL DISTURBANCE PERFORMANCE BOND RECEIVED FOR WORK PERFORMED AT 65 VREELAND ROAD, BLOCK 8802 LOT 49**

**WHEREAS**, Encore of NJ, LLC and Joshua Cutugno have requested a release of the soil disturbance performance bond issued by The Service Insurance Company, Inc, Bond No. 48713, submitted in connection with work performed at 65 Vreeland Road, Block 8802, Lot 49 in the Township of West Milford; and

**WHEREAS**, the Township Engineer has reviewed the request, performed an inspection of the work completed, and recommend by correspondence, dated May 25, 2021, that the soil disturbance performance bond held in connection with this project, which is in the amount of \$5,000.00, be released.

**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 hereby authorize that the soil disturbance performance bond held in connection with this project, which is in the amount of \$5,000.00, be released to Encore of NJ LLC and Joshua Cutugno.

This Resolution shall take effect immediately.

Adopted: June 9, 2021

Agenda No. XIII d

~ Resolution 2021 – 239 ~

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

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

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

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

Block/Lot	Name	Amount	Year	Reason
07801-058.08	Lawrence & Leslie Silverman 58h Bunker Hill Rd BLDG 58 West Milford, NJ 07480	\$2,137.00	2021	2
08802-017	Walter Lutchko 25 Sweetman Lane	\$941.03	2021	1

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

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	West Milford, NJ 07480			
05904-001	Patrick & Nancy Creighton 452 Morsetown Rd West Milford, NJ 07480	\$1,406.43	2021	2

Adopted: June 9, 2021

Agenda No. XIII e

~ Resolution 2021 – 240 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE REFUND OF RECREATION FEES**

**BE IT RESOLVED** that the following recreational fees upon the report of the Director of Community Services and Recreation be refunded:

<b>COED VOLLEYBALL</b>			
\$60.00	Jean Anderson 17 Peter Road West Milford, NJ 07480	\$30.00	Megan Dever 135 Awosting Road Hewitt, NJ 07421
\$40.00	Dan Fletcher 1004 Eagleview Terrace Lake Ariel, PA 18436	\$40.00	Michael Kalter 6 Kent Road Ringwood, NJ 07456
\$30.00	Natalia Moya 22 Walker Ave. West Milford, NJ 07480	\$40.00	JoAnne Oltmanns 25 Tulip Ave. Ringwood, NJ 07456
<b>SPRING REC SOCCER</b>			
\$80.00	Andy Sanchez Guevara 23 Oak Ridge Road Newfoundland, NJ 07435	\$150.00	Alyssa Davis 97 Center Street West Milford, NJ 07480
\$80.00	Denise Otto 89 Alpine Ridge Road West Milford, NJ 07480	\$65.00	Diego Romero 16 Rutgers Ave West Milford, NJ 07480
<b>LIFEGUARD RECERTIFICATION</b>			
\$170.00	Lisa Lynn 14 Tice Road Hewitt, NJ 07421		
<b>SENIOR BOB ROSS PAINTING-- MAY</b>			
\$35.00	Grace Faria-Matolyak 30 Cold Spring Road West Milford, NJ 07421	\$35.00	Patricia McGuinness 5305 Richmond Road West Milford, NJ 07480

Adopted: June 9, 2021

Agenda No. XIII f

~ Resolution 2021 – 241 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF RIGHT OF WAY OPENING BOND FEE**

**BE IT RESOLVED**, that the following street opening bond fee upon the recommendation of the Township Engineering Department be refunded:

Receipt No.	Refund Amount	Refund to	Street Excavation Project Permit No.
562032	\$600.00	Judy Kehr 65 Alpine Ridge Road West Milford, NJ 07480	11 Lenape Trail 2020-20

Adopted: June 9, 2021

Agenda No. XIII g

~ Resolution 2021 – 242 ~

**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

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

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

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

**REASON: INSUFFICIENT FUNDS**

<b>BLOCK/LOT</b>	<b>NAME</b>	<b>AMOUNT</b>	<b>YEAR</b>
05101-008	Laura Milne	\$2,637.00	2021
15401-055	James R. De Stephano	\$1,961.02	2021
01811-017	Jenny Ramos Glasser	\$1,415.00	2021
08201-008	Eugene Benklemann	\$2,414.00	2021

Adopted: June 9, 2021

Agenda No. XIV

**Approval of Expenditures**

~ Resolution 2021 – 243 ~

**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:

<b>Acct #</b>	<b>Account Name</b>	<b>Amount</b>
1	Current Account	\$459,837.99
3	Reserve Account	5,249.19
2	Grants	1,170.40
6	Refunds	1,863.00
1	General Ledger	144.25
26	Refuse	8,250.00
4	Capital	935.80
19	Animal Control	0.00
19	Heritage Trust	0.00
19	Open Space Trust	0.00
19	Trust	22,250.04
19	Scala Trust	0.00
16	Development Escrow	4,080.00
19	Tax Sale Trust	0.00
21	Assessment Trust	0.00
	Special Reserve	0.00
Total		\$503,780.67
Less Refund Resolution		-1,863.00
<b>Actual Bills List</b>		\$501,917.67
Other Payments		
Payroll		\$488,938.56
Treasurer, State of NJ permit		150.00
Enterprise Lease		22,074.32
<b>Total Expenditures</b>		<b>\$1,013,080.55</b>

Adopted: June 9, 2021

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

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

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Motion carried:

Agenda No. XV

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

Mayor Dale – Mentioned she will not be announcing Covid numbers anymore because there have been no cases. If a case is reported to the Mayor, she will post it on her page. A budget summary that goes with each tax bill, has been done and will be distributed. There was no tax increase. There will be fireworks to celebrate Independence Day.

Councilman Gross – No report.

Councilman Marsden – Councilman Marsden has been working with Mr. Senande to create a task force to improve the Zoning Permit process, and Councilman Marsden welcomes any comments, which he will review. He has been working on getting professional sports (boxing) in West Milford and the High School will be the venue and progress is being made.

Councilwoman Erik – Reported on the Beautification and Recycling Committee meeting. There will be a House Beautiful Contest, with nominations open until August 1, 2021, with garden inspections on or about August 15, 2021. The nomination form must be filled out and submitted, the garden cannot be done by a professional landscaper and must be visible from the road. Nominations go to the Township Clerk and are to be forwarded to the Committee.

Councilman Chazukow – The Citizen Emergency Response Team has met and will be in attendance at the fireworks display. The Heritage Committee is working on a variety of concert events for the Fall and details will follow.

Councilwoman Lichtenberg – Mentioned the first concert is July 13, 2021 at Bubbling Springs. Friends of Wallisch Homestead will be having a corn hole tournament August 28, 2021 at 1:00pm, rain date August 29, teams of two and anyone interested may sign up on the FriendsOfWallisch.org website. Camp Hope is still offering Covid 19 vaccines on Thursdays in June.

Councilman Goodsir – Veterans are given a free dinner at the Elks on the first Friday of every month. This month it will be on June 11, 2021.

Administrator Senande – No report.

Mr. Pasternak – No report.

Agenda No. XVI

**Appointments and Resignations**

The Council wished to make an appointment to the Community Services and Recreation Advisory Committee. Rob Matthews was nominated. Move to close and confirm.

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

The Council wished to make an appointment to a citizen vacancy for the Insurance Committee. Michael Hensley was nominated. Move to close and confirm.

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

Agenda No. XVII

**Adjournment**

There being no further business to come before the Council, the Governing Body adjourned the meeting at 8:39 p.m.

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



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

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Approved: July 14, 2021

Respectfully submitted:

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Deidre Ellis, Keyboarding Clerk II

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MICHELE DALE, MAYOR

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WILLIAM SENANDE, TOWNSHIP ADMINISTRATOR/CLERK