

The Regular Meeting of the West Milford Township Council was called to order by Council President William Gervens.

Council President William Gervens advised that in accordance with Chapter 231, Public Laws of 1975 of New Jersey, adequate advance notice of this regular meeting was advertised in the Aim Community News in its issues of December 14, 2003 and December 21, 2003; copies were provided to the Record, North Jersey Herald & News, Greenwood Lake News and Suburban Trends and posted continuously on the bulletin board in the main corridor of the Town Hall and on file in the Office of the Township Clerk.

Pledge of Allegiance

Invocation

Roll Call

Present: Township Councilmen Paul Bailey, Joseph Elcavage, William Gervens, Dennis Kirwan, Patricia Lotz-Moore, and Carmelo Scangarello.

Absent: Mayor Joseph DiDonato.

Also Present: Acting Township Administrator Kevin J. Byrnes, Township Attorney William DeMarco and Assistant Municipal Clerk Denise M. Loeffel.

Reading of or Approval of Unapproved Minutes

None.

Bids & Awards

None.

Proclamations

None.

Presentations

None.

Unfinished Business, Final Passage of Ordinances

None.

New Business, Introduction of Ordinances, Resolutions

The Township Council proceeded to take action on the following resolutions and ordinances:

Agenda No. F 1
RESOLUTION NO. 2004 - 25

RESOLUTION AUTHORIZING THE RENEWAL OF INACTIVE PLENARY RETAIL CONSUMPTION

LICENSE NO. 1615-33-028-004 RICHARD FARHAT FOR THE 2003 - 2004 LICENSE YEAR

WHEREAS, an application for renewal of Plenary Retail Consumption License 1615-33-028-004 Richard Farhat for the 2003 - 2004 License year has been received and reviewed; and

WHEREAS, the Mayor and 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 dated April 14, 1980; and

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

1. The submitted application is complete in all respects.
2. The applicant is qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. laws and regulations.
3. The applicant has disclosed to the issuing authority the source of all additional financing obtained in the previous license year (July 1, 2002 - June 30, 2003).
4. Ruling to Permit Renewal of Inactive License Pursuant to N.J.S.A. 33:1-12.39 has been received from Jerry Fisher, Director Division of Alcoholic Beverage Control.
5. Licensee must file an amendment to the current license application, pages 1, 2 and 11 of the 12 page application, within ten days before or after the opening of the business to receive current license certificate.

WHEREAS, the Police Department has recommended that the license be renewed to the current owner as a pocket license - no licensed premise.

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

LICENSE/LICENSEE/T/A

Richard Farhat
606 7th. Avenue
Belmar, NJ 07719
License No. 1615-33-028-004

Adopted: January 21, 2004

Moved: Lotz-Moore Seconded: Scangarello
Voted Aye: Bailey, Elcavage, Gervens, Kirwan, Lotz-Moore, Scangarello.
Voted Nay: None.

WHEREAS, all claims of payment by the Township of West Milford, County of Passaic, State of New Jersey, are required to be first submitted to the Township of West Milford Council for consideration before payment, and

WHEREAS, due to the nature of certain claims and timing of the particular meeting involved, certain claims should be paid when presented which are statutory and regular in nature, rather than held for the next council meeting of the Township of West Milford due to the nature of said claims.

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

1. The Township of West Milford does hereby approve the payment between meetings of the following encumbered claims for payment, when the same are presented to the Township of West Milford Mayor and Council and Chief Financial Officer of the Township of West Milford.

- a. Township of West Milford payroll obligations.
- b. Township of West Milford required payments to the Board of Education.
- c. Required County tax payments to the County Treasurer.
- d. Banks for investment purposes, internal transfers, and debt service obligations.
- e. State of New Jersey - Application Fees
 - Permit Fees
 - DEP
 - License Fees
 - State Surcharges
 - Marriage License Fees
 - Rabies Control Fees
- f. Miscellaneous disbursements approved by specific resolutions.
- g. Reissue of lost or mutilated checks after stop payment has been enforced.
- h. Ten percent (10%) Bid Bond Returns (Clerk's Office).
- i. Certain emergencies at only the discretion of the Township of West Milford Mayor or Administrator by the Mayor's designation.

2. The Chief Financial Officer is hereby authorized and directed to prepare the proper vouchers for payment of the above recited accounts when same is properly presented to him/her for payment, and thereafter said claim shall be transcribed on the next scheduled Bill list to be approved by the Township of West Milford Council.

Agenda No. F 5
RESOLUTION NO. 2004 - 29

**RESOLUTION APPROVING THE ISSUANCE OF FIREARMS RANGE PERMIT
NO. 2004 - 1 TO MEADOWBROOK RIFLE AND PISTOL CLUB
WITH STIPULATION OF IMPROVEMENTS TO BE COMPLETED BY APRIL 1, 2004**

WHEREAS, an application has been made by Meadowbrook Rifle and Pistol Club for the renewal of a Firearms Range Permit for the year 2004; and

WHEREAS, reports have been received from the Police and other Township Departments recommending the issuance of a Firearms Range Permit with certain improvements to be completed before April 1, 2004;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford does hereby approve the issuance of *Firearms Range Permit No. 2004 - 1* to Meadowbrook Rifle and Pistol Club located at 88 Van Orden Road, West Milford, New Jersey 07480, being Lot No. 7 in Tax Block 15102 with the stipulation of the following improvements to be made by the Meadowbrook Rifle and Pistol Club, inspected by the West Milford Police Department, and a report submitted to the Mayor and Township Council regarding the inspection by the April 1, 2004 Council Workshop:

1. New or additional high visibility flagging tape should be installed on two strand perimeter wire to enhance the visibility of the wire prior to April 1, 2004.
2. Shotgun/Trap Range. The right Orange Marker is obstructed by brush, cutting of the brush and/or raising the marker will correct the problem.

Adopted: January 21, 2004

Moved: Lotz-Moore Seconded: Scangarello
Voted Aye: Bailey, Elcavage, Gervens, Kirwan, Lotz-Moore, Scangarello.
Voted Nay: None.
Resolution adopted.

Agenda No. F 6
RESOLUTION NO. 2004 - 30

**RESOLUTION AUTHORIZING THE SUBMITTAL AND ACCEPTANCE
OF A PASSAIC COUNTY CULTURAL HERITAGE COUNCIL RE-GRANT
FOR THE DEVELOPMENT OF A SERIES OF CULTURAL EVENTS DURING 2004**

WHEREAS, the Mayor and Township Council of the Township of West Milford has determined that there is a need for cultural events for residents of all ages and abilities; and

WHEREAS, the Passaic County Cultural and Heritage Council has grant monies available that may be used to assist the Township in realizing this goal; and

Transportation for aid in the financing of the administration,
capital and/or operating assistance.

Adopted: January 21, 2004

Moved: Lotz-Moore Seconded: Bailey
Voted Aye: Bailey, Elcavage, Gervens, Kirwan, Lotz-Moore, Scangarello.
Voted Nay: None.
Resolution adopted.

Agenda No. **F 9**
RESOLUTION NO. 2004 - 33

**RESOLUTION AUTHORIZING PROFESSIONAL SERVICE CONTRACT
LAUFER, KNAPP, TORZEWSKI & DALENA, LLC - LABOR RELATIONS**

WHEREAS, there exists a need for legal services for labor related matters to be performed for the Township; and

WHEREAS, the Township Administrator recommends that a professional services contract be awarded to Laufer, Knapp, Torzewski & Dalena, LLC based on the proposal submitted and the professional qualifications of the firm; and

WHEREAS, funds are available for these services; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, *et seq.*) requires that a resolution authorizing employment for "Professional Services" without competitive bids must be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED by the Township of West Milford, New Jersey as follows:

1. That a contract be awarded at a rate of \$130.00 per hour for legal services to:

LAUFER, KNAPP, TORZEWSKI & DALENA, LLC
23 Cattano Avenue
At Chancery Square
Morristown, NJ 07960
973-285-1444

2. This contract is awarded without competitive bidding as "Professional Services" under the provisions of the Local Public Contracts Law because these services are professional services and it is not possible to obtain competitive bids.
3. 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


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Agenda No. **G1 b**  
RESOLUTION NO. 2004 - 37

**RESOLUTION AUTHORIZING REFUND OF OVERPAYMENTS**

**WHEREAS**, there appears on the tax records overpayments as shown below; and

**WHEREAS**, the overpayments were created by reasons stated below and the Collector of Taxes recommends the refund of such overpayments; and

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

REASONS: 1. Incorrect Payment                      4. Homestead Rebate  
          2. Duplicate Payment                      5. Tax Appeal  
          3. Senior Citizen/Veteran Deduction

| <b>Block/Lot</b> | <b>Name</b>                                                      | <b>Amount</b> | <b>Year</b> | <b>Reason</b> |
|------------------|------------------------------------------------------------------|---------------|-------------|---------------|
| 1206-2           | Robert Drakeford<br>14 Barnegat Road<br>Hewitt, NJ 07421         | \$ 250.00     | 2003        | 3             |
| 1404-5.01        | Allan Scott<br>828 Warwick Tpke.<br>Hewitt, NJ 07421             | 250.00        | 2003        | 3             |
| 2403-14          | Jean C. Schmidt<br>PO Box 677<br>Hewitt, NJ 07421                | 250.00        | 2003        | 3             |
| 3006-11          | Andrew Peyton<br>59 Kushaqua Train North<br>Hewitt, NJ 07421     | 250.00        | 2003        | 3             |
| 3506-3           | Patrick H. Faircloth<br>49 Lakeside Road<br>Hewitt, NJ 07421     | 250.00        | 2003        | 3             |
| 3610-3           | Albert L. Alfieri<br>44 Tintle Avenue<br>West Milford, NJ 07480  | 250.00        | 2003        | 3             |
| 3704-10          | Rafaella Corsaro<br>10 Tangerine Court<br>West Milford, NJ 07480 | 250.00        | 2003        | 3             |
| 4301-39          | Glen Gayder<br>29 Forest Lake Drive<br>Hewitt, NJ 07421          | 250.00        | 2003        | 3             |
| 5302-2           | Leonard E. Brooks<br>PO Box 533                                  | \$ 250.00     | 2003        | 3             |

West Milford, NJ 07480

5311-2.27 Lucille Haskins 250.00 2003 3  
2 Richmond Road Suite 227  
West Milford, NJ 07480

**Block/Lot Name Amount Year Reason**

5311-3.11 Andrew Wood 500.00 2003 3  
2 Richmond Road Suite 311  
West Milford, NJ 07480

5315-4.16 Kenneth Peck 500.00 2003 3  
7416 Richmond Road  
West Milford, NJ 07480

5317-2.06 Raymond Farrell 500.00 2003 3  
6206 Richmond Road  
West Milford, NJ 07480

5317-3.21 Charlotte Degrado 250.00 2003 3  
6321 Richmond Road  
West Milford, NJ 07480

6714-3 Douglas Wilhelmy 250.00 2003 3  
41 Aspen Lane  
West Milford, NJ 07480

7003-18 William Post 250.00 2003 3  
5 Gwyneth Road  
West Milford, NJ 07480

7508-6 Marjorie Holmberg 250.00 2003 3  
27 Bushwick Lane  
West Milford, NJ 07480

7801-21.04 Eleanor Massimi 250.00 2003 3  
21D Plymouth Avenue  
West Milford, NJ 07480

7903-13 Edna Finn 250.00 2003 3  
1472 Union Valley Road  
West Milford, NJ 07480

9702-10 John Nemeth 250.00 2003 3  
9 Warren Place  
West Milford, NJ 07480

11501-27 Martha Riemer 250.00 2003 3  
11 Hightop Road  
West Milford, NJ 07480

|          |                                                                |        |      |   |
|----------|----------------------------------------------------------------|--------|------|---|
| 13807-9  | Chanola Alston<br>7 Nelson Place<br>West Milford, NJ 07480     | 250.00 | 2003 | 3 |
| 14001-14 | William Genader<br>715 Macopin Road<br>West Milford, NJ 07480  | 250.00 | 2003 | 3 |
| 16302-9  | Walter R. Wilhelm<br>326 Oak Ridge Road<br>Oak Ridge, NJ 07480 | 250.00 | 2003 | 3 |

**TOTAL \$ 6,750.00**

Adopted: January 21, 2004

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Agenda No. **G1 c**
RESOLUTION NO. 2004 - 38

RESOLUTION AUTHORIZING REFUND OF OVERPAYMENTS

WHEREAS, there appears on the tax records overpayments as shown below; and

WHEREAS, the overpayments were created by reasons stated below and the Collector of Taxes recommends the refund of such overpayments; and

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

- REASONS: 1. Incorrect Payment 4. Homestead Rebate
 2. Duplicate Payment 5. Tax Appeal
 3. Senior Citizen/Veteran Deduction

Block/Lot	Name	Amount	Year	Reason
102-31	John & Priscilla Laski 1983 Clinton Road Hewitt, NJ 07421	\$ 1,806.00	2002	1
509-3	Brian & Sandra Long 20 Hamilton Drive Hewitt, NJ 07421	19.07	2002	1
903-1	Anthony Crisafulli, Sr. PO Box 838 West Caldwell, NJ 07006	696.00	2002	1
1701-35	E. Ronald Tostevin 48 Delaware Road Hewitt, NJ 07421	670.00	2003	1
1802-9	John & Jeanne Montelone 12 Belford Drive	493.95	2001	1

Hewitt, NJ 07421

1902-3	Joyce Morgan 32 Fairlawn Drive Hewitt, NJ 07421	940.85	2001	1
2303-2	Gregory & Donna Cook 124 Riverside Road Hewitt, NJ 07421	764.00	2002	1
2303-7	Ronald & Catherine A. Scheetz 37 Raritan Court Hewitt, NJ 07421	761.40	2001	1
2508-2	Johnson, Murphy, Hubner, Mc Keon, Wubbenhorst and Appelt Riverdale South 51 Route 23 South PO Box 70 Riverdale, NJ 07457	1,406.00	2002	1
2605-12	Jeffrey Dale Birdsill 24 Point Breeze Drive Hewitt, NJ 07421	240.65	2001	1
2702-3	George Nassor 199 Lakeshore Drive Hewitt, NJ 07421	76.00	2002	1
3001-9	Lawrence & Lynn La Corte 9 Twin Oaks Trail Hewitt, NJ 07421	826.05	2001	1
4601-21	Lembo Research & Dev. Co. 235 Mc Lean Blvd. Rte 20 Paterson, NJ 07504	59.00	2002	1
4801-14	George & Birgit Hellen 34 Skyview Road West Milford, NJ 07480	36.00	2002	1
4901-18	Scott Levy and Cynthia L. Paul 98 Kitchell Lake Drive West Milford, NJ 07480	2,692.00	2003	2

Block/Lot	Name	Amount	Year	Reason
5311-3.22	Joseph & Elizabeth DeGange Ste 322 2 Richmond Road West Milford, NJ 07480	\$ 50.00	2002	1
5504-2.14	Raymond F. Dovovan 197 Cahill Crossroads Apt. #250	991.00	2002	1

West Milford, NJ 07480

7801-6.03	Joseph & Debra Acquaviva 6C New Bedford Road West Milford, NJ 07480	957.00	2002	1
7801-43.01	Lorraine Gallucci and Vincent Menonna 48 Hiawatha Blvd. Oakland, NJ 07436	1,215.00	2002	1
8302-3	Joseph & Sherri Hahn 14 King Arthur Court West Milford, NJ 07480	353.54	2001	1
8302-4	David Carrazzone 20 King Arthur Court West Milford, NJ 07480	1,576.00	2002	1
8602-14	Paul & Susan Lenci 25 Orleans Lane West Milford, NJ 07480	2,467.00	2002	1
8901-32	Edward & Lori Tompkins 88 Vreeland Road West Milford, NJ 07480	248.06	2002	1
10204-5.03	Steven Lowe and Anne L. Rudik-Lowe 21 Maple Road West Milford, NJ 07480	8,691.47	2003	5
10901-18	Fairbanks Capital Corporation Refund Department 4910 Rivergrade Road Irwindale, CA 91706	2,579.11	2003	1
11002-25	Aileen Gilbert & Kevin Rimasse 73 Broadway West Milford, NJ 07480	28.00	2002	1
12304-3	Eric & Suzanne Unger 202 Otterhole Road West Milford, NJ 07480	1,295.08	2002	1
12402-3	Kelly Majury 270 Weaver Road West Milford, NJ 07480	913.00	2003	1
12404-13.02	Russell Mantione 188 Otterhole Road West Milford, NJ 07480	183.00	2002	1
16307-13	Brian & Lori Bernascone	1,309.00	2002	1

3 Whitty Road
Kinnelon, NJ 07405

17201-18 Howard E. Jr. & Janet Otton 203.95 2001 1
8 South Lynn Street
Warwick, NY 10990

TOTAL \$34,547.18

Adopted: January 21, 2004

Agenda No. **G1 d**
RESOLUTION NO. 2004 - 39

RESOLUTION AUTHORIZING REFUND OF OTHER LIENS

Pursuant to the facts as stated therein, I respectfully request the adoption of the following resolution:

WHEREAS, the Collector of Taxes has reported receiving the amounts shown below for the redemption of the respective lien, and

NOW, THEREFORE, BE IT RESOLVED that the proper officers be and they are hereby authorized and directed to pay the indicated amount to the holder of the lien certificate as hereinafter shown below:

For the Received From	Redemption of Date Lien Cert. #	of Sale	Block/Lot	Pay to the Amount	Lienholder
Countrywide Home Loans	01-022	4-23-01	1612-017	\$15,946.39	Wachovia-Cust. for Phoenix Funding Tax Lien Services 123 South Broad St. PA 1328P Philadelphia, PA 19109
Washington Mutual	03-049	4-07-03	6404-013	\$18,442.56	Wachovia-Cust. for Premium Phoenix Funding \$ 2,100.00 Tax Lien Services 123 South Broad St. PA 1328P Philadelphia, PA 19109
Paul A. Dykstra, Attorney	03-064	4-07-03 12.01	10301- 86 Krattiger Court	\$ 1,189.31	Frank & Carol LoGioco West Milford, NJ 07480
Paul A. Dykstra, Attorney	03-065	4-07-03 12.02	10301- 86 Krattiger Court	\$ 5,283.88	Frank & Carol LoGioco West Milford, NJ 07480

TOTAL \$ 42,962.14

Adopted: January 21, 2004

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Agenda No. **G1 e**  
RESOLUTION NO. 2004 - 40

**RESOLUTION AUTHORIZING REFUND OF RECREATIONAL FEES**

**RESOLVED**, that the following Recreational fees upon the report of the Recreation Director be refunded:

| <u>Name &amp; Address</u>                                    | <u>Reason</u>                     | <u>Amount Refunded</u> |
|--------------------------------------------------------------|-----------------------------------|------------------------|
| Denise Willis<br>3 Cherbourg Drive<br>West Milford, NJ 07480 | Withdrawal from<br>Violin Classes | \$ 90.00               |

Adopted: January 21, 2004

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Agenda No. **G1 f**
RESOLUTION NO. 2004 - 41

RESOLUTION AUTHORIZING REFUND OF PERFORMANCE GUARANTEE

RESOLVED, that upon the report and request of the Township's Engineering Department the following Performance Guarantee be refunded:

<u>Name & Address</u>	<u>Block & Lot</u>	<u>Amount Refunded</u>	<u>Pg. No.</u>
Braemar at High Crest 50 Route 46 Suite 100 Parsippany, NJ 07054	13003/5	\$ 200.00	69

Adopted: January 21, 2004

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Agenda No. **G1 g**  
RESOLUTION NO. 2004 - 42

**RESOLUTION AUTHORIZING PARTIAL REFUND OF PERFORMANCE GUARANTEES**

**RESOLVED**, that upon the report and request of the Township's Engineering Department the following Performance Guarantees be partially refunded:

| <u>Name &amp; Address</u>                                             | <u>Blk - Lot</u> | <u>Amount Refunded</u> | <u>Pg. No.</u> |
|-----------------------------------------------------------------------|------------------|------------------------|----------------|
| Braemar @ High Crest<br>50 Route 46 Suite 100<br>Parsippany, NJ 07054 | 13001/1          | \$ 1,200.00            | 69             |

Adopted: January 21, 2004

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Agenda No. **G1 h**
RESOLUTION NO. 2004 - 43

RESOLUTION AUTHORIZING REFUND OF PERFORMANCE GUARANTEES

RESOLVED, that upon the report and request of the Township's Engineering Department the following Performance Guarantees be refunded:

<u>Name & Address</u>	<u>Block & Lot</u>	<u>Amount Refunded</u>	<u>Pg. No.</u>
Pasdel, Inc. 5 Cathy Ann Ct. Wayne, NJ 07470	1004/15	\$ 550.00	63
Pasdel, Inc. 5 Cathy Ann Ct. Wayne, NJ 07470	1004/14	\$ 550.00	62

Adopted: January 21, 2004

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Agenda No. **G1 i**  
RESOLUTION NO. 2004 - 44

**RESOLUTION AUTHORIZING PARTIAL REFUND OF PERFORMANCE GUARANTEES**

**RESOLVED**, that upon the report and request of the Township's Engineering Department the following Performance Guarantees be partially refunded:

| <u>Name &amp; Address</u>                          | <u>Blk - Lot</u> | <u>Amount Refunded</u> | <u>Pg. No.</u> |
|----------------------------------------------------|------------------|------------------------|----------------|
| Pasdel, Inc.<br>5 Cathy Ann Ct.<br>Wayne, NJ 07470 | 1004/16          | \$ 300.00              | 63             |

Adopted: January 21, 2004

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Approval of Expenditures

Agenda No. **H 1**
RESOLUTION NO. 2004 - 45

RESOLUTION APPROVING THE PAYMENT OF BILLS

Motion carried.

Council President William Gervens announced the appointment of Councilman **Dennis Kirwan** to serve as a **Council Liaison** to the **Heritage Committee** for a term ending December 31, 2004.

Council President William Gervens announced the appointment of **Harold Blumberg** to serve as a **Citizen Member** of the **Heritage Committee** for a term ending December 31, 2005.

Council President William Gervens announced the appointment of **Cathy Mosher** to serve as a **Citizen Member** of the **Heritage Committee** for a term ending December 31, 2005.

Parks & Recreation Committee

Councilman Elcavage nominated **Chris Rahey** to serve as the **Board of Education Member** to the **Parks and Recreation Committee** for a term ending December 31, 2005.

Council President William Gervens endorsed the nominations.

There being no further nominations, nominations were closed and confirmed.

Moved: Bailey

Seconded: Scangarello

Voted Aye: Bailey, Elcavage, Gervens, Kirwan, Lotz-Moore, Scangarello.

Voted Nay: None.

Motion carried.

Council President William Gervens announced the appointment of **Chris Rahey** to serve as the **Board of Education Member** to the **Parks and Recreation Committee** for a term ending December 31, 2005.

Presentations of Communications, Petitions

None.

Petitions & Requests of Public

Several residents addressed the Council regarding matters of concern and in support of the new Council.

Councilman Elcavage moved to close the Petitions & Requests of Public.

Moved: Elcavage Seconded: Scangarello

Voted Aye: Bailey, Elcavage, Gervens, Kirwan, Lotz-Moore, Scangarello.

Voted Nay:None.

Motion carried.

Executive Session

None.

Adjournment

There being no further business to come before the Council, the Township Council adjourned the meeting at 9:00 P.M.

Moved: Elcavage

Seconded: Bailey

Voted Aye: Bailey, Elcavage, Gervens, Kirwan, Lotz-Moore, Scangarello.
Voted Nay: None.
Meeting adjourned.

COUNCIL PRESIDENT WILLIAM GERVENS
PRESIDING OFFICER

KEVIN J. BYRNES
TOWNSHIP CLERK