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

Minutes of: Township Council  
Date of Meeting: January 25, 2006  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 1 of 28

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The Regular Meeting of the West Milford Township Council was called to order by Mayor Joseph DiDonato.

**Adequate Notice Statement**

Mayor DiDonato 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 Herald News in its issues of January 23, and January 30, 2006; copies were provided to the Suburban Trends, the Record, Star Ledger, and Greenwood Lake News 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**

Webelos – Pack 159 led all in attendance in a Salute to the Flag. Mayor DiDonato welcomed the Cub Scout Pack for their attendance at tonight’s meeting and thanked them for their assistance. The audience applauded the Webelos after the Pledge of Allegiance as they exited the room.

**Roll Call**

Present: Councilmembers Philip Weisbecker, William Gervens, Robert Nolan,  
James Warden, Carmelo Scangarello.  
Mayor Joseph DiDonato.

Absent: None.

Also Present: Township Administrator Richard Kunze, Township Clerk Antoinette Battaglia, and  
Township Attorney Frederick Semrau.

**Reading of or Approval of Unapproved Minutes**

Mayor DiDonato referred the Council to the Clerk’s report wherein she advised that Councilman Nolan had called her earlier to pose some questions and make some minor edits to the minutes as presented. The Clerk advised that clarification has been provided in her memo and that, where the changes were warranted, they have been made and copies of the changes have been provided to Council.

Councilman Nolan moved to adopt the minutes of the February 2, 2005 Workshop Meeting as presented.

Moved: Nolan Seconded: Scangarello  
Voted Aye: Gervens, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Abstained: Weisbecker  
Motion carried.

Councilman Scangarello moved to adopt the minutes of February 5, 2005 Special Meeting as presented.

Moved: Scangarello Seconded: Nolan  
Voted Aye: Gervens, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Abstained: Weisbecker  
Motion carried.

Councilman Scangarello moved to adopt the minutes of February 9, 2005 Special Meeting as presented.

Moved: Scangarello Seconded: Nolan  
Voted Aye: Gervens, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Abstained: Weisbecker  
Motion carried.

Councilman Nolan moved to adopt the minutes of February 10, 2005 Regular Meeting as presented.

Moved: Nolan Seconded: Scangarello  
Voted Aye: Nolan, Warden, Scangarello.  
Voted Nay: None.  
Abstained: Weisbecker; Gervens  
Motion carried.  
Motion carried.

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Councilman Scangarello moved to adopt the minutes of February 12, 2005 Special Meeting as presented.

Moved: Scangarello Seconded: Nolan  
Voted Aye: Gervens, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Abstained: Weisbecker  
Motion carried.

Councilman Nolan moved to adopt the minutes of February 16, 2005 Workshop Meeting as presented.

Moved: Nolan Seconded: Gervens  
Voted Aye: Gervens, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Abstained: Weisbecker  
Motion carried.

Councilman Scangarello moved to adopt the minutes of February 16, 2005 Executive Session as presented.

Moved: Scangarello Seconded: Nolan  
Voted Aye: Gervens, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Abstained: Weisbecker  
Motion carried.

Councilman Nolan moved to adopt the minutes of September 21, 2005 Regular Meeting with the changes discussed earlier with the Clerk. The Clerk clarified that the changes have been made.

Moved: Nolan Seconded: Scangarello  
Voted Aye: Gervens, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Abstained: Weisbecker  
Motion carried.

Councilman Nolan moved to adopt the minutes of November 10, 2005 Workshop Meeting with the changes discussed earlier with the Clerk. The Clerk clarified that the changes have been made.

Moved: Nolan Seconded: Scangarello  
Voted Aye: Gervens, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Abstained: Weisbecker  
Motion carried.

Councilman Nolan moved to adopt the minutes of December 7, 2005 Regular Meeting as presented.

Moved: Nolan Seconded: Scangarello  
Voted Aye: Gervens, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Abstained: Weisbecker  
Motion carried.

Councilman Nolan moved to adopt the minutes of December 15, 2005 Workshop Meeting as presented.

Moved: Nolan Seconded: Scangarello  
Voted Aye: Nolan, Warden, Scangarello.  
Voted Nay: None.  
Abstained: Weisbecker, Gervens  
Motion carried.

Councilman Nolan moved to adopt the minutes of December 21, 2005 Regular Meeting as presented.

Moved: Nolan Seconded: Scangarello  
Voted Aye: Gervens, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Abstained: Weisbecker  
Motion carried.

Councilman Scangarello moved to adopt the minutes of January 4, 2006 Reorganization Meeting as presented.

Moved: Scangarello Seconded: Weisbecker  
Voted Aye: Weisbecker, Gervens, Nolan, Warden, Scangarello.

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Voted Nay: None.  
Abstained:  
Motion carried.

Councilman Scangarello moved to adopt the minutes of January 11, 2006 Workshop Meeting as presented.

Moved: Scangarello Seconded: Nolan  
Voted Aye: Weisbecker, Gervens, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Abstained:  
Motion carried.

Councilman Weisbecker moved to adopt the minutes of January 11, 2006 Executive Session as presented.

Moved: Weisbecker Seconded: Nolan  
Voted Aye: Weisbecker, Gervens, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Abstained:  
Motion carried.

**Bids & Awards**

The Council took action on the following resolutions which were read by title by Mayor DiDonato:

Agenda No. II 1  
- Resolution 2006-019 -  
**RESOLUTION AWARDING A CONTRACT TO ATLANTIC GRINDING SERVICES, LLC  
FOR TUB GRINDER SERVICES**

**WHEREAS**, the Township of West Milford advertised for the receipt of sealed competitive bids to be received by December 23, 2005 for Tub Grinder Services; and

**WHEREAS**, the Township of West Milford received three (3) bids for this contract; and

**WHEREAS**, Atlantic Grinding Services, LLC was the lowest responsible bidder with a bid amount of \$56,400.00; and

**WHEREAS**, said bid has been duly reviewed and analyzed by the Township Engineer; and

**WHEREAS**, the bid received from Atlantic Grinding Services, LLC has been found to be in proper form and in compliance with the provisions of N.J.S.A. 40A:11-23.5 and the specifications as written; and

**WHEREAS**, the Township Engineer has submitted a written recommendation for the award of this contract to Atlantic Grinding Services, LLC; and

**WHEREAS**, encumbrances for these services shall come from account number 6-26-55-500-408; and

**WHEREAS**, after careful consideration the Governing Body has found it to be in the best interest of the Township to award a contract to Atlantic Grinding Services, LLC for Tub Grinder Services.

**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 awards a contract to Atlantic Grinding Services, LLC in the amount of \$56,400.00 for Tub Grinder Services.
2. The Mayor or Administrator be and is hereby authorized and directed to execute a contract with Atlantic Grinding Services, LLC in accordance with its bid for said Tub Grinder Services.
3. The Township's Chief Financial Officer has certified the availability of funds for same.
4. This resolution and contract shall be available for public inspection in the office of the Municipal Clerk.

Adopted: January 25, 2006

Township Administrator, Richard Kunze, referred Council to a memorandum wherein he provided them with information about what is ground in the tub grinder. He also advised that this rental

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might need to be reviewed later in the year to determine if we should consider purchasing our own equipment or continue with renting. For now though, he recommends adopting this resolution and awarding the contract.

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Moved: Nolan Seconded: Scangarello  
Voted Aye: Weisbecker, Gervens, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Motion carried.  
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Agenda No. II 2  
- Resolution 2006-020 -  
**RESOLUTION AWARING A CONTRACT TO DELUXE INTERNATIONAL TRUCKS, INC.  
FOR A 6 CY DUMP TRUCK WITH PLOW AND CENTRAL HYDRAULICS**

**WHEREAS**, the Township of West Milford advertised for the receipt of sealed competitive bids to be received by December 23, 2005 for a 6 CY Dump Truck with Plow and Central Hydraulics; and

**WHEREAS**, the Township of West Milford received one (1) bid for this contract; and

**WHEREAS**, Deluxe International Trucks, Inc. was the sole bidder with a bid amount of \$105,864.00; and

**WHEREAS**, said bid has been duly reviewed and analyzed by the Township Engineer; and

**WHEREAS**, the bid received from Deluxe International Trucks, Inc. has been found to be in proper form and in compliance with the provisions of N.J.S.A. 40A:11-23.5 and the specifications as written; and

**WHEREAS**, the Township Engineer has submitted a written recommendation for the award of this contract to Atlantic Grinding Services, LLC; and

**WHEREAS**, encumbrances for this purchase shall come from account number C-04-05-940-315; and

**WHEREAS**, after careful consideration the Governing Body has found it to be in the best interest of the Township to award a contract to Deluxe International Trucks, Inc. for 6 CY Dump Truck with Plow and Central Hydraulics.

**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 accepts the bid of Deluxe International Trucks, Inc. in the amount of \$105,864.00 for 6 CY Dump Truck with Plow and Central Hydraulics.
2. The Mayor or Administrator be and is hereby authorized and directed to execute a contract with Deluxe International Trucks, Inc. in accordance with its bid for said Dump Truck with Plow & Central Hydraulics.
3. The Township's Chief Financial Officer has certified the availability of funds for same.
4. This resolution and contract shall be available for public inspection in the office of the Municipal Clerk.

Adopted: January 25, 2006

The Township Administrator, Richard Kunze, advised the Council that, while we only received one bid, we sent the "Notice to Bidders" to 58 companies in addition to the advertisement in the newspaper. Councilman Weisbecker suggested that we ought to review our specifications to determine if modifications would encourage more bidders to respond. Mr. Kunze advised that will research this option and noted that no one has contested the specifications.

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Moved: Nolan Seconded: Scangarello  
Voted Aye: Weisbecker, Gervens, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Motion carried.  
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Agenda No. II 3  
- Resolution 2006-021 -  
**RESOLUTION AWARING A CONTRACT TO MIKE FITZPATRICK & SON, INC.**

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**FOR PAVING, DRAINAGE AND ASPHALT CURBING IMPROVEMENTS TO  
WARWICK TURNPIKE, SECTION 7**

**WHEREAS**, the Township of West Milford advertised for the receipt of sealed competitive bids to be received by December 23, 2005 for Paving, Drainage and Asphalt Curbing Improvements to Warwick Turnpike, Section 7; and

**WHEREAS**, the Township of West Milford received five (5) bids for this contract; and

**WHEREAS**, Mike Fitzpatrick & Son, Inc. was the lowest responsible bidder with a bid amount of \$367,466.25; and

**WHEREAS**, said bid has been duly reviewed and analyzed by the Township Engineer; and

**WHEREAS**, the bid received from Mike Fitzpatrick & Son, Inc. has been found to be in proper form and in compliance with the provisions of N.J.S.A. 40A:11-23.5 and the specifications as written; and

**WHEREAS**, the Township Engineer has submitted a written recommendation for the award of this contract to Atlantic Grinding Services, LLC; and

**WHEREAS**, encumbrances for these services shall come from account numbers C-04-05-943-622 (\$270,000.00) and C-04-04-943-624 (\$97,466.25); and

**WHEREAS**, after careful consideration the Governing Body has found it to be in the best interest of the Township to award a contract to Mike Fitzpatrick & Son, Inc. for Paving, Drainage and Asphalt Curbing Improvements to Warwick Turnpike, Section 7.

**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 accepts the bid of Mike Fitzpatrick & Son, Inc. in the amount of \$367,466.25 for Paving, Drainage and Asphalt Curbing Improvements to Warwick Turnpike, Section 7.
2. The Mayor or Administrator be and is hereby authorized and directed to execute a contract with Mike Fitzpatrick & Son, Inc. in accordance with its bid for said road & curb improvements.
3. The Township's Chief Financial Officer has certified the availability of funds for same.
4. This resolution and contract shall be available for public inspection in the office of the Municipal Clerk.

Adopted: January 25, 2006

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Moved: Weisbecker Seconded: Nolan  
Voted Aye: Weisbecker, Nolan, Warden, Scangarello.  
Voted Nay: Gervens.  
Motion carried.  
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**Presentations**

The Mayor had planned to make a presentation to Eagle Scout, Jonathan Gabay. However, Mr. Gabay was not in attendance.

**Proclamations**

Mayor DiDonato presented a Proclamation declaring the month of February 2006 Radon Month and read the proclamation in full.

**Township of West Milford**  
Passaic County, New Jersey  
- Proclamation -  
**Radon Action Month**

**WHEREAS**, radon is a naturally occurring radioactive gas that is the second leading cause of lung cancer, causing as many as 500 lung cancer deaths annually in New Jersey; and

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**WHEREAS**, elevated radon levels are found in many homes and pose a serious health threat to families residing in these homes; and

**WHEREAS**, any home may have high levels of radon, even if neighboring homes do not; and

**WHEREAS**, radon testing is easy and inexpensive, and elevated levels of radon can be effectively reduced for the cost of a typical home repair; and

**WHEREAS**, by mitigating homes with radon concentrations at or above 4pCi/L in New Jersey, 140-250 lives are saved annually.

**NOW, THEREFORE, I, JOSEPH DiDONATO**, Mayor of the Township of West Milford, on behalf of the Township of West Milford Town Council and residents of the Township of West Milford, do hereby proclaim the month of February 2006 as

**RADON ACTION MONTH**

in the Township of West Milford and call upon all residents who have not yet tested to test their homes for radon and to reduce radon levels if elevated levels are found, to protect their families from the serious health risks of radon.

Signed this 25<sup>th</sup> day of **January, 2006**

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Joseph DiDonato, Mayor

**Unfinished Business, Final Passage of Ordinances**

None.

**Public Comments**

At 7:48 p.m. Mayor Joseph DiDonato asked if there are additional members of the public who wish to address the Council.

Carla Horton, 132 Bearfort Road, West Milford stated that Councilman Elcavage's resignation is an attempt to stop the investigation into this matter. Staling and cowardly behavior in cyber space cannot be tolerated. She opined that this behavior is despicable and stated that no person, especially those serving on the Council, should engage in this behavior.

Steve Torres, 546 Otterhole Road, West Milford advised that he read in a recent newspaper article that the Council is considering a resolution opposing the Patriot Act. He asked the Council to reconsider this position. He believes that this is a federal issue that has done a lot of good and continues to save lives. Many people are looking to kill Americans and this acts prevents problems and issues.

Martin O'Shea, 22 Greenbrook Drive, West Milford, stated that he took offense at comments made by Councilman Scangarello and Mayor DiDonato at the January 11<sup>th</sup> meeting. The comments referred to criticism that were made in the newspapers to which he signed his name. He advised that he, personally, has been subjected to criticisms on the internet and on websites to which people have not signed their name. Some comments made were despicable and accused him of belonging to a terrorist organization and being involved in murderous acts when he lived in Ireland. He does not know who is responsible for these comments. Mr. O'Shea would like to see the Council go forward with their investigation although he doubts they will. Mr. O'Shea remarked that there are fifteen sets of minutes being presented for approval at tonight's meeting. In June 2004 he filed a lawsuit that resulted in an order mandating that minutes be produced at least 48-hours before the next meeting. The Council is responsible to ensure that minutes are approved in a timely fashion. He requested that Councilman Gervens not seek reelection.

Jim Novack, 53 Larchmont Drive, Hewitt, commented that the adequate notice statement on the agenda must be inaccurate because it refers to an advertisement on January 30, 2006 which is a future date. He advised that the Christmas lights on the front door are still being lit and asked the Administrator to have them turned off. He stated that a fellow resident advised him that she

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recently won a lawsuit against Sprint and that this judgment affects a previous Council decision approving a cell tower. He heard that a Township foreman was suspended for a week for insubordination. He asked that this information be made public. He stated that other Township employees should be suspended or be sent back to school. At a minimum, he stated, the staff in the Clerk's office should be reprimanded for their failure to prepare minutes.

Wayne Gotlieb, 20S Richfield Road Hewitt, has read the newspapers and statements about events that occurred at last week's meeting. He urged the Council to support Councilman Warden in his efforts to present proof as to who posted this information on-line. He has since gone to the referenced website and noticed that he is a target on posing 450 wherein he has been accused of a breach of ethics under the education laws. Those assertions have no basis in fact but he would like to know who posted that stuff. The Council should assist in shedding light and determine who is making such postings. If the guilty party runs for office, the voters can then decide if these actions are acceptable. He asked that the Council assist in exposing the guilty parties in public.

Ada Erik, 1693 Macopin Road, West Milford, has no computer but commented that all these people must have a lot of time on their hands. She wanted to bring a dangerous situation to light. On Macopin Road by the pond, below the high school field many cars are sliding off the road into the ditch next to the pavement as a result of a low guardrail. She asked that this guardrail be replaced. Ms. Erik reminded all present that the blood drive is coming up again – the third Sunday of the month. She would like to see everyone there. West Milford is number one in the State and on the East Coast for blood donations. She wishes to improve our numbers. Ms. Erik stated that accountability must be assumed by some entity for enforcement of bicycle helmet laws. Over six months ago, a young resident sustained a near-fatal head injury because of failure to wear a helmet. We must enforce the law, not only for bikers but also for skaters. Related injuries hurt everyone by virtue of fundraiser and increased insurance costs. All adults must be held accountable.

Kathleen Caren, 16 Quince Tree Lane, West Milford, commended the brave young men who recently stood before the Council and spoke eloquently about the Patriot Act. She encouraged the Council to take action. She believes that the act was written years ago and held in abeyance to prey upon people's fears after 9/11. It is simply an excuse to take away our civil rights. She quoted Franklin Roosevelt and advised that she does not want to fear our own government. This is a local issue; this act can be used on any one of us. She advised that she has also been a target on the websites and stated that people should sign their names to their statements. It is very pathetic that we cannot work together to serve the best interests of the town. Petty, deliberate lies and misrepresentations are disgusting. She urged the Council to continue with the investigation. She opined that the partisan political system in town is not necessarily better.

Jim Geist, 57 Bayonne Drive, Hewitt, asked the Council to support a resolution condemning the Patriot Act. He worked in New York on 9/11 yet still feels that we should not surrender our liberty for the sake of safety. He quoted Benjamin Franklin.

Bob Pawlo, 7 Madelyn Avenue, West Milford, stated that the Smart Growth Committee met for about 10 months when it was established. In July 2002 they had a meeting to approve smart growth policies for the town. Mr. Elcavage was not at that meeting, rather he was in front of Shop Rite garnering signatures on a petition to have the Township's form of government changed. He asked the Council to continue with the investigation of fleecingwestmilford.com because, in his opinion, the cowards behind this keep getting bolder. Everyone is being attacked. The democratic co-chair keeps asking for debates to no avail. For years, West Milford had debates, but last year there were none. Mr. Pawlo has known Bettina for years. She had dedicated many hours to the animal shelter and the attacks being leveled against her are absurd. Former Councilman Elcavage's comments in the paper about Councilman Nolan and the Hatch Act and his attacks on Councilman Warden are contrary to the concept of being involved in politics serving the public good. Councilmen Warden and Nolan want to do the best for the entire town. He urged that the investigation proceed.

Celeste Byrne, 1114 Macopin Road, West Milford, stated that she has criticized both the Mayor and Council on many occasions about their actions on open space matters. She stated that longstanding volunteers were fired because of political disagreements. She has attacked on issues, not on private lives. She provided instances where people who had contributed to this community were subjects of attacks on fleecingwestmilford.com. Ms. Byrne conveyed how she met Bettina Bieri and commended her for her work in town. She advised that Ms. Bieri's personal life is no-one's concern. If partisan politics means that West Milford volunteers can be subject to

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such attacks, then it is not good for this town. The Council should expect attacks on their policies and decisions but their personal lives and the personal lives of volunteers should be left alone.

Councilman Nolan moved to close the Public Comments portion of the meeting.  
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Moved: Nolan Seconded: Scangarello  
Voted Aye: Weisbecker, Gervens, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Motion carried.  
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**Council Comments**

Mayor DiDonato asked for Council comments at this time. There being no comments from the dais, the Council moved to the next order of business.

**New Business, Introduction of Ordinances, Resolutions**

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

Agenda No. VIII

Ordinance for Introduction

Mayor DiDonato noted that an ordinance Prohibiting Left Turns onto Eisenhower Drive from Lincoln Avenue was scheduled for introduction tonight. However, that introduction has been postponed because the Township Attorney has counseled that we must seek DOT approval before introducing this ordinance.

Agenda No. VIII 2  
~ Resolution 2006-022 ~

**A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY IN SUPPORT OF AN AGREEMENT WITH THE PEQUANNOCK RIVER COALITION TO INSTALL A BYPASS PIPING MECHANISM ON THE WESTBROOK POND**

**WHEREAS**, the Pequannock River Coalition is an organization that the Township Mayor and Council appreciates and supports its efforts to protect watersheds and water quality within the Township of West Milford; and

**WHEREAS**, water temperature problems have been the subject of a long-term cooperative effort between the NJDEP and the Pequannock River Coalition; and

**WHEREAS**, the Pequannock River Coalition has conducted extensive assessment of stream and river temperatures throughout the Wanaque and Pequannock River watersheds; and

**WHEREAS**, this research has great importance to said watersheds due to the prevalence of wild trout populations and their sensitivity to temperature; and

**WHEREAS**, the Pequannock River Coalition has proposed a project to increase sunlight and release heated surface water over spillway outlets to reduce temperature problems downstream from the West Brook pond located within the Township of West Milford; and

**WHEREAS**, in order to proceed with this project, the Pequannock River Coalition has requested that the Township provide for an agreement to permit the piping mechanism to be installed in West Brook pond; and

**WHEREAS**, said system will be funded by the NJDEP, professionally engineered and installed by a licensed contractor at no cost to the Township; and

**WHEREAS**, no assistance or support is required from the Township on this project other than an agreement to leave the piping mechanism in place, barring any unforeseen need to remove same; and

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**WHEREAS**, the responsibility and the cost to remove said piping mechanism shall be that of Pequannock River Coalition; and

**WHEREAS**, maintenance of said system will be the sole responsibility of the Pequannock River Coalition; and

**WHEREAS**, the Mayor and Township Council supports the Pequannock River Coalition and its efforts to protect the water quality element in the Wanaque and Pequannock River watersheds.

**THEREFORE, BE IT RESOLVED** that the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey hereby support an Agreement between the Township of West Milford and the Pequannock River Coalition permitting the installation of the piping mechanism on the West Brook pond, barring any unforeseen need to remove same; and

**BE IT FURTHER RESOLVED**, that any such agreement shall be reviewed and approved by the Township Attorney; and

**BE IT FURTHER RESOLVED**, that at the end of a five year period, the feasibility of said piping mechanism will be re-examined for the purpose of renewing said Agreement; and

**BE IT FURTHER RESOLVED**, that the installation and maintenance of said piping mechanism shall be at no cost to the Township of West Milford and that no other assistance or support is required from the Township in connection with this project.

Adopted: January 25, 2006

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Moved: Weisbecker Seconded: Scangarello  
Voted Aye: Weisbecker, Gervens, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Motion carried.  
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Agenda No. VIII 3  
- Resolution 2006-023 -

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD ACCEPTING THE 2006 CONTRACT WITH POMPTON LAKES FOR LOCAL PUBLIC HEALTH SERVICES**

**WHEREAS**, the Township of West Milford can increase the services of the Department of Health with funding support being available through the State Health Priority Funding Program; and

**WHEREAS**, such State Health Priority Funding can be procured when there is agreement between the Township and other municipalities for the use of the Township Health Officer and other Health Department personnel; and

**WHEREAS**, a contract has been submitted for such joint use wherein the Township of West Milford is the provider of the services from the Health Officer, and Pompton Lakes Borough is the Recipient of those services.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of West Milford, that the proposed contract (copy attached) for the Township of West Milford and Pompton Lakes Borough be and the same is approved for the period January 1, 2006, through December 31, 2006, the Administrator and Township Health Officer be and they are hereby authorized and directed to sign and/or attest to said contract for and in behalf of the Township of West Milford.

Adopted: January 25, 2006

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Moved: Nolan Seconded: Scangarello  
Voted Aye: Weisbecker, Gervens, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Motion carried.  
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Agenda No. VIII 4  
- Resolution 2006-024 -  
**RESOLUTION PROVIDING FOR AN AGREEMENT FOR PROFESSIONAL SERVICES  
CHILTON MEMORIAL HOSPITAL**

**WHEREAS**, there exists a need for certain Community Health Education services to the West Milford Health Department; and

**WHEREAS**, the Township received a proposal to provide these services from Chilton Memorial Hospital; and

**WHEREAS**, the Township Health Officer has submitted a written recommendation for the award of this contract to Chilton Memorial Hospital; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1, *et seq.*) requires that a resolution authorizing the award of a contract be available for public inspection; and

**WHEREAS**, the Chief Financial Officer has certified the availability of funds for this contract, said encumbrances to be taken from account number

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

1. That the proper Township Officials are hereby authorized and directed to execute a contract (attached) for two years in a total amount not to exceed \$14,552.00 in full or \$7,276.00 in 2006 and \$7,276.00 in 2007 for community health education services with:

**CHILTON MEMORIAL HOSPITAL**  
97 West Parkway, Pompton Plains, New Jersey 07444

2. This contract is awarded without competitive bidding as a "Professional Service" in connection with N.J.S.A. 40A: 11-5 (1) (a).
3. That a notice of this action shall be published once in the *Herald News*.

Adopted: January 25, 2006

Councilman Weisbecker moved to have resolution 2006-024 adopted.  
Seconded by Councilman Scangarello.

Councilman Nolan noted that the certification of funds does not agree with the contract and the resolution. The Administrator advised that he would have this corrected. Councilman Nolan noted that the contract is for a two-year term and questioned if that is unfairly binding next year's council to this contract and he asked how the CFO can certify funds at this time for 2007. The Administrator noted that there is a provision in the law that allows for municipalities to enter into two-year contracts. This allows for price stability. In the past, the Township has enjoyed a successful relationship with Chilton. The certification of funds for 2007 is contingent upon appropriations. There is also a clause in the contract which allows the Township to terminate the relationship on 90-days notice.

Councilman Weisbecker amended his motion to adopt the resolution subject to the amendment of the CFO's certification of funds.

-----  
Moved: Weisbecker Seconded: Scangarello  
Voted Aye: Weisbecker, Gervens, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Motion carried.  
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Agenda No. VIII 5  
- Resolution 2006-025 -  
**RESOLUTION ACCEPTING NOMINATIONS FOR  
VOLUNTEER OF THE YEAR  
FOR 2004 AND 2005**

**WHEREAS**, while serving on a Committee to review nominations for Volunteer of the Year for 2004 and 2005, Councilmembers Nolan, Warden, and Scangarello reviewed nominations for six (6) very worthy candidates; and

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

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**WHEREAS**, although these Committee Members found the task difficult, they made nominations to the Council at the Workshop Meeting on January 11, 2006; and

**WHEREAS**, the Council concurred with said nominations.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of West Milford, in the County of Passaic and State of New Jersey, that they do hereby accept the Nominations for Volunteer of the Year for 2004 and 2005 as follows:

**Jim Gilligan, Volunteer of the Year for 2004 for his work on the  
Community Blood Drive,  
and  
Mark Lynch, Volunteer of the Year for 2005 for his work with the  
Recreation Advisory Committee**

**BE IT FURTHER RESOLVED**, that the Township Council will schedule a date on which said nominees will be honored for their accomplishments.

Adopted: January 25, 2006  
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Moved: Weisbecker Seconded: Scangarello  
Voted Aye: Weisbecker, Gervens, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Motion carried.  
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Agenda No. VIII 6  
- Resolution 2006-026 -

**RESOLUTION OF THE GOVERNING BODY OF THE TOWNSHIP OF WEST MILFORD,  
IN THE COUNTY OF PASSAIC, NEW JERSEY,  
RATIFYING AND CONFIRMING THE SALE OF AN OFFERING OF \$5,166,000 GENERAL  
BONDS OF 2006 OF THE TOWNSHIP OF WEST MILFORD**

**BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST  
MILFORD, IN THE COUNTY OF PASSAIC, NEW JERSEY, AS FOLLOWS:**

Section 1. The award by Arthur Magnotti, as the Chief Financial Officer of the Township of West Milford, in the County of Passaic, New Jersey, of the offering of \$5,166,000 General Bonds of 2006 (the "Bonds"), of said Township, dated January 15, 2006, to Roosevelt & Cross, Inc., as the low bidder thereof, at the net interest rate of 3.7645% per annum at the price of \$5,166,192.03 is hereby approved, ratified and confirmed in every respect. The Bonds were awarded pursuant to authority of the resolution of the governing body of the Township adopted December 7, 2005 and entitled: "Resolution determining the form and other details of \$5,166,000 General Bonds of 2006 of the Township of West Milford, in the County of Passaic, New Jersey, and providing for their sale".

Section 2. This resolution shall take effect immediately.

Adopted: January 25, 2006  
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Moved: Nolan Seconded: Scangarello  
Voted Aye: Weisbecker, Gervens, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Motion carried.  
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Agenda No. VIII 7  
- Resolution 2006-027 -

**RESOLUTION AUTHORIZING THE SUBMISSION AND ACCEPTANCE OF AN APPLICATION  
TO N.J. TRANSIT CORPORATION AND THE DEPARTMENT OF TRANSPORTATION  
UNITED STATES OF AMERICA, ON BEHALF OF THE TOWNSHIP OF WEST MILFORD  
FOR A GRANT UNDER THE FEDERAL TRANSIT ACT**

**WHEREAS**, the Secretary of Transportation is authorized to make grants for a mass transportation program of projects in other than urbanized areas under Section 5310 of the Federal Transit Act, as amended; and

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

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**WHEREAS**, it is required by the U.S. Department of Transportation in accordance with the provisions of Title VI of the Civil Rights Act of 1965, that in connection with the filing of an application for assistance under the Federal Transit Act, as amended, the Recipient give an assurance that it will comply with Title VI and EEO requirements of the Civil Rights Act of 1964 and the U.S. Department of Transportation requirements thereunder; and

**WHEREAS**, the Recipient is required to adhere to the requirements as specified in the U.S. Department of Transportation's Minority Business Enterprise (MBE) regulation set forth in 49 C.F.R. Part 23, Subpart D.

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

1. That the Recreation Director is authorized to execute and file an application on behalf of the Township of West Milford with the U.S. Department of Transportation for two (2) eleven
2. passenger senior citizen/handicapped citizen equipped extended vans with the estimated price of \$49,820.00/ per van for the total of \$99,640.00.
3. That the Recreation Director is authorized to execute and file with such applications and assurance or any other document required by the U.S. Department of Transportation effectuating the purposes of Title VI and EEO requirements of the Civil Rights Act of 1964.
4. That the Recreation Director is authorized to set forth and execute affirmative minority business policies pursuant to 47 C.F.R. Part 23, Subpart D.
5. That the Recreation Director is authorized to furnish such additional information as the U.S. Department of Transportation may require in connection with the application.
6. That Richard J. Kunze, Township Administrator is authorized to execute grant agreements on behalf of the Township of West Milford Transportation for aid in the financing of the administration capital and/or operating assistance.

Adopted: January 25, 2006

Councilman Gervens moved to adopt resolution 2006-027.  
Seconded by Councilman Scangarello.

Administrator Kunze advised that this item was not on the Workshop Agenda nor in the Council's packets prior to tonight because news of this grant opportunity just came to Town Hall this week. The Administrator outlined the advantages of such a grant to the town and stated that there is no cash-match requirement to the town. He also advised that there is generally a two-year cycle from application to approval of such grant funds. Councilman Weisbecker asked if the resolution should reflect that these vans would be used to replace current vehicles and will not add to the fleet. The Mayor advised that this action is not necessary now because the resolution is simply authorizing application for the grant.

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Moved: Gervens Seconded: Scangarello  
Voted Aye: Gervens, Nolan, Warden, Scangarello.  
Voted Nay: Weisbecker.  
Motion carried.  
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Agenda No. VIII 8  
- Resolution 2006-028 -

**A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD,  
COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING  
THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR THE POSITION  
OF LABOR COUNSEL FOR THE TOWNSHIP**

**WHEREAS**, the Township of West Milford has a need to appoint Labor Counsel as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4 or 20.5 as appropriate*; and,

**WHEREAS**, the Chief Financial Officer has determined and certified that the value of the acquisition will exceed \$17,500; and,

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

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**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 without competitive bids and the contract itself must be available for public inspection, and,

**WHEREAS**, the term of a contract for this service is one year from January 1, 2006 through December 31, 2006; and,

**WHEREAS**, Fred Knapp, Esq. has submitted a proposal indicating the firm will provide legal services as sought by the Township of West Milford; and

**WHEREAS**, compensation for these services shall be paid at an hourly rate of \$135.00 said compensation not to exceed \$45,000.00 without further action from the Council; and

**WHEREAS**, Fred Knapp, Esq. must complete and submit a Business Entity Disclosure Certification which certifies that their 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 Laufer, Knapp, Torzewski & Dalena, L.L.C. from making any reportable contributions through the term of the contract, and,

**WHEREAS**, the Chief Financial Officer has certified availability of funds pursuant to *N.J.A.C. 5:30-5.4* and payments shall be made from account number 6-01-155-502; and,

**NOW THEREFORE, BE IT RESOLVED** that the Mayor and Township Committee of the Township of West Milford, County of Passaic, State of New Jersey authorizes the Township Administrator and the Municipal Clerk to enter into a contract with Laufer, Knapp, Torzewski & Dalena, L.L.C. as described herein to the satisfaction of the Township Administrator; and,

**BE IT FURTHER RESOLVED** that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and,

**BE IT FURTHER RESOLVED** that a notice of this action shall be printed once in the Township's legal newspaper.

Adopted: January 25, 2006

Councilman Weisbecker moved to adopt resolution 2006-028.  
Seconded by Councilman Nolan.

Councilman Nolan noted that the certificate of compliance with the campaign contribution law is incorrect in that it refers to Sussex County. The Administrator advised that he will get a revised copy. Councilman Nolan asked if we are currently using Mr. Knapp's services to which the Administrator responded that he has been holding off on some work in anticipation of this resolution being acted upon.

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Moved: Weisbecker Seconded: Nolan  
Voted Aye: Weisbecker, Gervens, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Motion carried.  
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Agenda No. VIII 9  
- Resolution 2006-029 -

**RESOLUTION FOR RENEWAL OF A MOTOR VEHICLE JUNKYARD LICENSE  
FOR THE 2006 LICENSE YEAR WEST MILFORD AUTO RECYCLERS, INC.  
BLOCK 12501 LOTS 18 & 19, 112 WEAVER ROAD**

**WHEREAS**, an application for renewal of a Motor Vehicle Junkyard license for the 2006 License year for West Milford Auto Recyclers, Inc. premises located at 112 Weaver Road (Block 12501, Lots 18 & 19) has been received and reviewed; and

**WHEREAS**, as a result of that review it has been determined as follows:

1. The submitted application is complete in all respects.
2. The applicant is qualified to be licensed according to local governmental laws and regulations.

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

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3. West Milford Zoning Board of Adjustment Resolution No. 7 - 2005 provides findings of fact and conclusions of law regarding the height of fence surrounding Lots 18 & 19, in Block 12501, West Milford Auto Recyclers, Inc.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Township Council of the Township of West Milford do hereby authorize the renewal of the Motor Vehicle Junkyard License of West Milford Auto Recyclers, Inc. for the 2006 license year with the following condition: Frank Kasabri, owner of Block 12501, Lots 18 & 19 and West Milford Auto Recyclers, Inc. must comply with the West Milford Zoning Board of Adjustment Resolution No. 7 - 2005 and maintain the fence height surrounding the premises. at 8 ft. per West Milford Zoning Board of Adjustment Resolution No. 7 - 2005

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

Adopted: January 25, 2006

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Moved: Weisbecker Seconded: Scangarello  
Voted Aye: Weisbecker, Gervens, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Motion carried.  
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Agenda No. VIII 10  
- Resolution 2006-030 -

**RESOLUTION APPROVING THE ISSUANCE OF FIREARMS RANGE PERMIT  
NO. 2006 - 1 TO MEADOWBROOK RIFLE AND PISTOL CLUB  
WITH STIPULATION OF PROVISIONS AND RESTRICTIONS**

**WHEREAS**, an application has been made by Meadowbrook Rifle and Pistol Club for the renewal of a Firearms Range Permit for the year 2006; and

**WHEREAS**, reports have been received from the Police and other Township Departments recommending the issuance of a Firearms Range Permit with stipulations of provisions and restrictions of previous permits and/or licenses maintained;

**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. 2006 - 2* 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 to be inspected by the West Milford Police Department:

1. New or additional high visibility flagging tape should be installed on two-strand perimeter wire to enhance the visibility of the wire.
2. That all three ranges have rules posted. An additional sign shall be posted at each range "Alcoholic Beverages Permitted at the Range House **AFTER** Shooting Only".
3. Trees blown down on wire fencing shall be removed.
4. A program of planting pine trees continue. Trees 18" to 30" in height are to be planted in a five (5) year program to eventually cover the top of the 100 yard impact berm.
5. A copy of the Meadowbrook Rifle and Pistol Club's N.R.A. Liability Insurance policy is to be provided to the Township of West Milford.

Adopted: January 25, 2006

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Moved: Weisbecker Seconded: Gervens  
Voted Aye: Weisbecker, Gervens, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Motion carried.  
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Agenda No. VIII 11  
- Resolution 2006-031 **TABLED** -

**A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY  
OF PASSAIC AND STATE OF NEW JERSEY RATIFYING A RESOLUTION MOVED FROM  
THE DAIS ON DECEMBER 21, 2005 TO AUTHORIZE  
BILLING JERSEY CENTRAL POWER & LIGHT COMPANY  
FOR POWER OUTAGE COSTS TO THE TOWNSHIP**

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

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**WHEREAS**, at the Regular Meeting of the Township Council on December 21, 2005, Councilman Elcavage made a motion from the dais to adopt a resolution authorizing the billing of Jersey Central Power & Light Company for power outages; and

**WHEREAS**, at the meeting of December 21, 2005, action was taken by the Council without the benefit of a resolution outlining the specifics of the motion; and

**WHEREAS**, the ensuing text of this resolution outlines those specifics; and

**WHEREAS**, the Township of West Milford has been experiencing an inordinate amount of blackouts and brownouts in recent months; and

**WHEREAS**, the portions of the Township where the blackouts and brownouts are occurring are in the areas where the power is being provided by Jersey Central Power & Light ("JCP&L"); and

**WHEREAS**, due to these blackouts and brownouts, the Township of West Milford has been caused to expend extraordinary amounts of money to compensate the Township Police Department and other various Township departments for their time and effort in alleviating the problems associated with these blackouts and brownouts; and

**WHEREAS**, the Township of West Milford and its citizens should not be endangered, financially burdened or inconvenienced for these consistent blackouts and brownouts caused by the JCP&L power lines; and

**WHEREAS**, in order to protect the health and safety of its residents, the Township of West Milford demands that JCP&L immediately address this serious and recurring problem.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Township Council of the Township of West Milford that the Township of West Milford shall submit an invoice to JCP&L for all of the Township's expenses associated with the recent blackouts and brownouts that JCP&L's power lines have caused and demand reimbursement for the inordinate amount of times that this utility has caused financial harm to the Township.

**BE IT FURTHER RESOLVED** that the Township of West Milford shall invite representatives of JCP&L for a formal meeting to discuss the recent power outages and ways in which JCP&L can immediately and effectively remediate the situation.

Adopted: January 25, 2006

Administrator Kunze advised that he spoke with the local manager at JCP&L. He has agreed to come to sit and discuss this matter and address the concerns of the Council. Discussion ensued among the Council, the Township Attorney, and the Administrator.

Councilman Warden made a motion to table resolution 2006-031 indefinitely.  
Councilman Nolan seconded the motion.

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Moved: Warden Seconded: Nolan  
Voted Aye: Weisbecker, Gervens, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Motion carried.  
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Agenda No. VIII 12  
- Resolution 2006-032 -

**RESOLUTION FOR RENEWAL OF A MOTOR VEHICLE JUNKYARD LICENSE FOR THE 2006 LICENSE YEAR VICTOR L. MARCHIAFAVA, BLOCK 12501 LOT 22, 110 WEAVER ROAD**

**WHEREAS**, an application for renewal of a Motor Vehicle Junkyard license for the 2006 License year for Victor L. Marchiafava, for premises located at 110 Weaver Road (Block 12501, Lots 22) has been received and reviewed; and

**WHEREAS**, as a result of that review it has been determined as follows:

1. The submitted application is complete in all respects.
2. The applicant is qualified to be licensed according to local governmental laws and regulations.

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

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**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Township Council of the Township of West Milford do hereby authorize the renewal of the Motor Vehicle Junkyard License of Victor L. Marchiafava for the 2006 license year.

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

Adopted: January 25, 2006  
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Moved: Weisbecker Seconded: Gervens  
Voted Aye: Weisbecker, Gervens, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Motion carried.  
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Motion from the Dais

**MOTION TO ADD A COUNCIL LIAISON TO THE GREENWOOD LAKE BI-STATE COMMISSION AND REMOVE SAID LIAISON FROM THE GREENWOOD LAKE WATER MANAGEMENT DISTRICT**

Adopted: January 25, 2006  
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Moved: Weisbecker Seconded: Scangarello  
Voted Aye: Weisbecker, Gervens, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Motion carried.  
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**Consent Agenda**

Agenda No. IX 1  
~ Resolution 2006-033 ~

**RESOLUTION 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 and Applications; and

**NOW, THEREFORE, BE IT RESOLVED**, that the following Resolutions and Applications on the Consent Agenda are hereby approved:

- Resolution 2006-034 – Ratify appointments made on January 4, 2006
- Resolution 2006-035 – Refund overpayment to Empire Medicare Services
- Resolution 2006-036 – Refund enrollment fee to Fred Gemski
- Resolution 2006-037 – Refund Overpayments
- Resolution 2006-038 – Reinstate Taxes
- Resolution 2006-039 - Cancel Property Taxes
- Resolution 2006-040 - Refund Recreation Fees

Adopted: January 25, 2006

Mayor DiDonato asked the Council if they wished to have any item removed from the consent agenda for individual consideration. No items were removed from the consent agenda.

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Moved: Nolan Seconded: Gervens  
Voted Aye: Weisbecker, Gervens, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Motion carried.  
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Included in and adopted by the Resolution Authorizing Passage of the Consent Agenda were the following resolutions:

Agenda No. IX 2  
~ Resolution 2006-034 ~

**RESOLUTION RATIFYING APPOINTMENTS  
MADE AT THE REORGANIZATION MEETING OF JANUARY 4, 2006**

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

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**WHEREAS**, the Mayor of the Township of West Milford made various appointments with the advise and consent of the Council at the annual reorganization meeting on January 4, 2006; and

**WHEREAS**, the Mayor and Council wishes to formally ratify these appointments by virtue of resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of West Milford, in the County of Passaic and State of New Jersey, that they do hereby ratify the following appointments made at the Annual Reorganization Meeting held on January 4, 2006:

- Tax Collector, Rita DeNito**, 4 year term to expire Dec. 31, 2009
- Chief Financial Officer, Arthur Magnotti**, 4 year term said term being a tenure appointment
- Deputy Fire Commissioner, George Koerner**, 2 year term to expire Dec. 31, 2007
- Municipal Engineer, Richard McFadden**, 3 year term to expire Dec. 31, 2008
- Township Clerk, Antoinette Battaglia**, 3 year term to expire Dec. 31, 2008

Adopted: January 25, 2006

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Agenda No. **IX 3**  
~ Resolution 2006-035 ~

**RESOLUTION AUTHORIZING REFUND OF OVERPAYMENTS**

**WHEREAS**, Empire Medicare Services made an overpayment to the Township of West Milford in the amount of \$19.19 for services rendered.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Township of West Milford that the appropriate officials be and are hereby authorized to issue a refund check in the amount of \$19.19 to Empire Medicare Services to refund the aforementioned overpayment.

Adopted: January 25, 2006

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Agenda No. **IX 4**  
~ Resolution 2006-036 ~

**RESOLUTION AUTHORIZING REFUND OF ENROLLMENT FEE**

**WHEREAS**, Fred Gemski paid requisite enrollment fees in the amount of \$80.00 to the Township's Parks and Recreation Department for Bag Pipe Classes and subsequently cancelled his enrollment in said classes warranting a refund of the fees paid.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Township of West Milford that the appropriate officials be and are hereby authorized to issue a refund check in the amount of \$80.00 to Fred Gemski of 1 Poplar Grove Terrace, West Milford, NJ 07480 to refund the aforementioned enrollment fee.

Adopted: January 25, 2006

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Agenda No. **IX 5**  
~ Resolution 2006-037 ~

**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.

**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
- 2. Duplicate Payment
- 3. Senior Citizen/Veteran Deduction
- 4. Homestead Rebate
- 5. Tax Appeal

<u>Block/Lot</u>	<u>Name</u>	<u>Amount</u>	<u>Year</u>	<u>Reason</u>
202-10	Lake Lookover Prty Owner Assoc.	\$219.00	2006	1

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

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	P.O. Box 503 Hewitt, NJ 07421			
611-1	Salatore Stracci 333 East 79 <sup>th</sup> Street New York, NY 10021	\$167.00	2006	1
1202-4	Alfredo Chacon 128 County Road Hewitt, NJ 07421	\$161.76	2006	5
1202-11	Alfredo Chacon 128 Banker Road Hewitt, NJ 07421	\$42.92	2006	5
1206-5	James J. & Toni Brady 17 Mettle Lane Wharton, NJ 07885	\$15.16	2006	1
1701-60	Lawrence & Raeann Wood 780 Warwick Turnpike Hewitt, NJ 07421	\$13.04	2006	1
1803-4	Anthony & Ruth Russo 5 Hawthorne Road Hewitt, NJ 07421	\$11.12	2006	1
1809-1.01	Frank & Domenica Giorgianni 1832 Radcliff Avenue Bronx, NY 10462	\$38.00	2006	1
1809-1.02	Frank & Domenica Giorgianni 1832 Radcliff Avenue Bronx, NY 10462	\$46.00	2006	1
1816-20	Alfred & Jane Corsini % Jan Dutko 14 Fox Hedge Road Saddle River, NJ 07458	\$12.56	2006	1
2012-2	Frank & Anna Zingone % L Mazzola 67 Old Orchard Drive Hawthorne, NJ 07506	\$22.00	2006	1
2303-1	Ken & Debra Zona 120 Riverside Road Hewitt, NJ 07421	\$117.42	2006	1
2402-13	Neil & Stacey Miller 14 Robert Court Verona, NJ 07044	\$102.24	2006	1
2402-41	Raymond & Rose Hennessy 303 Lakeshore Drive Hewitt, NJ 07421	\$387.13	2005	5
2405-20	Louise Cole 5464 N W 65 Place Ocala , Florida 34482	\$72.32	2006	1
2511-3	James & Linda LaPlaca 70 Plauderville Avenue Garfield, NJ 07026	\$15.07	2006	1
2712-4	Meredith Williams 10 Greenwich Road Hewitt, NJ 07421	\$1314.40	2005	1
2713-6	Gary & Mary Sadosky 16 Secaucus Road Hewitt, NJ 07421	\$230.72	2006	1
2715-7	G. Magliaro & M. Donnelly 182 Lakeshore Drive Hewitt, NJ 07421	\$209.84	2005	5
3107-21	William & Catherine Murphy 32 Somerville Road Hewitt, NJ 07421	\$36.56	2006	1
3503-59	John & Lenore Decker P.O. Box 124 Hewitt, NJ 07421	\$13.68	2006	1
3705-9	Bradford N. Scharf Inc. 1880 Greenwood Lake Tpk. Hewitt, NJ 07421	\$31.56	2006	1
3705-14	R Kramer & K O'Neill 14 Olcott Road Hewitt, NJ 07421	\$11.96	2006	2

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

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3802-1.1	R. Sengstacken % Secara 222 Riverside Dr. Apt. 16-D New York, NY 10025	\$54.07	2005	5
4008-1	Christopher & Jate Perillo 193 Long Pond Road Hewitt, NJ 07421	\$40.65	2005	5
4012-4	W & S Small 5 Forge Road Hewitt, NJ 07421	\$12.20	2005	5
4015-3	Donald & Jane Webb 8 Shephard Road Hewitt, NJ 07421	\$46.64	2006	1
4401-25	Kenneth & Nancy Brock 793 East Shore Road Hewitt, NJ 07421	\$11.60	2006	1
4801-1	Lawrence & Margaret Mitchell 5 Skyview Drive West Milford, NJ 07480	\$18.96	2006	1
6204-2	Michael & Debra Van Brunt 37 Moore Road West Milford, NJ 07480	\$11.36	2006	1
6704-1.02	M. Petroski & S. Stopper 6 Palmetto Lane West Milford, NJ 07480	\$18.30	2005	5
7005-12	Stephen & Rebecca Wattley 54 Edgecomb Road West Milford, NJ 07480	\$12.64	2006	1
7206-4	John Colla-Negri 200 W 79 <sup>th</sup> Street New York, NY 10024	\$16.25	2005	5
7308-9	Peter Spinelli 95 Bearfort Road West Milford, NJ 07480	\$15.68	2006	1
7401-3	Denise M. Bove 162 Bearfort Road West Milford, NJ 07480	\$14.48	2006	1
7801-32.01	Melisa Sepe 32A Concord Road West Milford, NJ 07480	\$16.86	2006	1
7801-39.02	Brian J. Fitzpatrick 39 B Lexington Lane West Milford, NJ 07480	\$67.32	2006	1
7801-39.05	Judy & Rafael Aciego 39 E Lexington Lane West Milford, NJ 07480	\$11.36	2006	1
8706-14.02	Dariusz Baba 4 Rolling Ridge West Milford, NJ 07480	\$687.69	2005	5
8801-17	James & Judith Davidson 1596 Macopin Road West Milford, NJ 07480	\$104.92	2005	5
9404-3	Patrick & Mary Brennan 117 Wesley Drive West Milford, NJ 07480	\$20.72	2006	1
9601-1	Mary Elizabeth Lynyak Little River, Digby County Nova Scotia, Bovic Canada	\$20.00	2006	1
10601-15	Eileen Miraglio 19 Post Brook Road South West Milford, NJ 07480	\$11.92	2006	1
10703-49	William & Cynthia Liverance 28 Plumridge Road West Milford, NJ 07480	\$14.25	2006	5
11001-14	Patrick & Margaret Bagarozza 13 Mary Street West Milford, NJ 07480	\$266.00	2006	1
11001-60	Joseph, Jeff, & Eva Glociewicz 32 Dudley Street	\$68.44	2006	1

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	West Milford, NJ 07480			
12001-2	C. & Linda Helms 241 Weaver Road West Milford, NJ 07480	\$33.53	2006	1
12303-1	H. Paus % B Hoat 1310 N. E. 27 <sup>th</sup> Terrace Pompano Beach, Florida	\$27.64	2006	1
12307-35	Bradley J & Mary L Hunt 1310 N. E. 27 <sup>th</sup> Terrace Pompano Beach, Florida 33062	\$25.80	2006	1
13102-26	Todd Irvine 111 Upper High Crest Road West Milford, NJ 07480	\$14.24	2006	1
13809-1	Wonder Lake Prop., Inc. ANJ Corp. P.O. Box 388 Butler, NJ 07405	\$16.00	2006	1
13812-11	J & Leola Mason 8 Ridgewood Terrace Poughkeepsie, NY 12603	\$48.65	2006	1
14113-15	Paul & Mieke Nielsen 227 Overlook Avenue Leonia, NJ 07605	\$2752.32	2005	5
14201-14	Tree Market Landscaping Inc 350 Germantown Road West Milford, NJ 07480	\$41.00	2006	1
14301-2	Theodore J. Leo 256 Broad Street Box 1489 Bloomfield, NJ 07003	\$18.32	2006	1
16005-6	William Fulton 72 Grove Street Oak Ridge, NJ 07438	\$21.96	2006	5
5702-9	Adelaine Perez 650 Ridge Road West Milford, NJ 07480	\$1020.00	2006	2
9713-9	West Milford Building Department 1480 Union Valley Road West Milford, NJ 07480	\$50.00	2006	1
2416-11	Barbara & Mark Andrew Wright 3 Sade Terrace Hewitt, NJ 07421	\$250.00	2005	3
6002-7	William R. Berry, Ux 564 Morsetown Road West Milford, NJ 07480	\$250.00	2005	3
2416-11	Barbara, & Mark Andrew Wright 3 Sade Terrace Hewitt, NJ 07421	\$250.00	2005	3
3106-5	Charles & Suzanna Nissley 19 Somerville Road Hewitt, NJ 07421	\$250.00	2005	3
3404-3	Richard & Bonnie Gabriel 23 Old Lakeside Road South Hewitt, NJ 07421	\$250.00	2005	3
12307-18	Michael Buffalino 36 Evanstan Avenue West Milford, NJ 07480	\$250.00	2005	3
13701-28	Albert & Dorthe McCormick 34 Navajo Trail West Milford, NJ 07480	\$250.00	2005	3
15501-3	Mary & Kelly Crouthamel 45 Circle Boulevard West Newfoundland, NJ 07435	\$202.05	2005	3
	<b>TOTAL</b>	<b>\$10875.28</b>		

Adopted: January 25, 2006

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

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Agenda No. IX 6  
 ~ Resolution 2006-038 ~

**RESOLUTION AUTHORIZING REINSTATEMENT OF TAXES**

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

WHEREAS, the Collector of Taxes recommends the cancellation of receipt and 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: 1. Insufficient Funds

<u>BLOCK/LOT</u>	<u>NAME</u>	<u>AMOUNT</u>	<u>YEAR</u>	<u>Reason</u>
4001-2	Eugene Fata	\$6086.00	2006 First Half	1
<b>TOTAL</b>		<u>\$6086.00</u>		

Adopted: January 25, 2006

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 Agenda No. IX 7  
 - Resolution 2006-039 -

**RESOLUTION AUTHORIZING CANCELLATION OF PROPERTY TAX**

WHEREAS, there appears on the tax records balances as listed below; and

WHEREAS, the Collector of Taxes recommends the cancellation of taxes due to reasons listed below;

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

**REASON:**

1. FORECLOSED
2. TOTALLY DISABLED VETERAN
3. TOWNSHIP OWNED PROPERTY

<u>BLOCK/LOT</u>	<u>NAME</u>	<u>AMOUNT</u>	<u>YEAR</u>	<u>REASON</u>
5716-2	Township of West Milford	\$32.00	2006 First Half	1
2014-12	Township of West Milford	\$62.00	2006 First Half	1
2304-5	Township of West Milford	\$606.00	2006 First Half	1
2702-10	Township of West Milford	\$78.00	2006 First Half	1
2303-15	Township of West Milford	\$446.00	2006 First Half	1
6602-11	Township of West Milford	\$82.00	2006 First Half	1
1001-31	Township of West Milford	\$86.00	2006 First Half	1
1906-4	Township of West Milford	\$74.00	2006 First Half	1
2014-7	Township of West Milford	\$80.00	2006 First Half	1
2101-6	Township of West Milford	\$186.00	2006 First Half	1

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2608-12	Township of West Milford	\$32.00	2006 First Half	1
805-3	Township of West Milford	\$80.00	2006 First Half	1
1903-9	Township of West Milford	\$82.00	2006 First Half	1
2712-11	Township of West Milford	\$80.00	2006 First Half	1
3012-4	Township of West Milford	\$54.00	2006 First Half	1
2704-5	Arthur P. White	\$1952.00	2006 First Half	2
1808-10	Stuart & Catherine DeLeeuw	\$3120.00	2006 First Half	2
16601-1	John & Sue Ellen Lillis	\$3398.00	2006 First Half	2
10510-9	Rodman & Evelyn Marshall	\$2522.00	2006 First Half	2
3605-11.02	Township of West Milford	\$732.00	2006 First Half	2
3608-11	Township of West Milford	\$674.00	2006 First Half	2
3704-17	Township of West Milford	\$522.00	2006 First Half	2
10204-5.04	Township of West Milford	\$378.00	2006 First Half	2
	<b>TOTAL</b>	<b>\$15358.00</b>		

Adopted: January 25, 2006

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 Agenda No. IX 6  
 ~ Resolution 2006-038 ~

**RESOLUTION AUTHORIZING REINSTATEMENT OF TAXES**

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

WHEREAS, the Collector of Taxes recommends the cancellation of receipt and 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: 1. Insufficient Funds

| <u>BLOCK/LOT</u> | <u>NAME</u> | AMOUNT           | <u>YEAR</u>        | <u>Reason</u> |
|------------------|-------------|------------------|--------------------|---------------|
| 4001-2           | Eugene Fata | \$6086.00        | 2006<br>First Half | 1             |
|                  |             |                  |                    |               |
|                  |             |                  |                    |               |
| <b>TOTAL</b>     |             | <u>\$6086.00</u> |                    |               |

Adopted: January 25, 2006

**Payment of Bills**

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 Agenda No. X 1  
 ~ Resolution 2006-041 ~

**RESOLUTION APPROVING THE PAYMENT OF BILLS (AMENDED)**

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

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

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

<u>Acct #</u>	<u>Account Name</u>	Amount
1	Current Account. . . . .	\$ 49,764.85
	Reserve Account . . . . .	<del>263,746.91</del>
2	Amended to exclude Check #025847 for \$12,340.00	251,406.91
3	Animal Control Trust	1,315.00
6	Capital. . . . .	280,849.03
7	Grants. . . . .	833.22
8	Refuse. . . . .	104,548.74
9	Refunds. . . . .	11,010.28
12	General Ledger. . . . .	3,611.00
16	Heritage Trust. . . . .	
14	Open Space Trust	
17	Trust . . . . .	
18	Development Escrow. . . . .	810.00
19	LOSAP	
20	Special Reserve	<u>350.00</u>
	Total	\$ 716,839.03
	Less Refund Resolution	<u>(11,010.28)</u>
	<b>Actual Bill List</b>	<b><del>\$ 705,828.75</del></b>
	<b>Actual Bill List as Amended</b>	<b>\$ 693,488.75</b>
	Other Payments	254,710.70
	Less Refund Resolution	
	<b>Total Expenditures</b>	<b><del>\$ 960,539.45</del></b>
	<b>Total Expenditures as Amended</b>	<b>\$ 948,199.45</b>

Adopted: January 25, 2006

Councilman Nolan made a motion to adopt resolution 2006-041.  
 Councilman Weisbecker seconded the motion.

Councilman Nolan questioned the \$12,340 payment to Percepture to promote tourism. Administrator Kunze advised that this is a partial payment of an item approved by the Tourism Commission. The payment is for half of the total invoice with the other half due upon completion of the work. Councilman Nolan noted that the bill list and the invoice indicate that payment is being made for the full amount. Councilman Warden noted that the entire budget is \$14,000 and \$12,340 is being spent on a brochure. He also noted, for the record, that the Council did not make a funding allocation for weed harvesting but are approving an expenditure of \$12,340 for a brochure. Councilman Nolan asked for an explanation of the \$9,489 check for supplemental insurance for the Volunteer Fire Department. The Administrator advised that this bill is for required insurance not covered by the JIF. He will provide Councilman Nolan with a copy of the policy.

Councilman Nolan made a motion to amend the bill list, removing the Check #025847 in the amount of \$12,340 made payable to Percepture.

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 Moved: Nolan Seconded: Weisbecker  
 Voted Aye: Weisbecker, Gervens, Nolan, Warden, Scangarello.  
 Voted Nay: None.

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

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Abstained: Councilman Nolan abstained on the Valley Health invoice payment.  
Motion carried.

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

Mayor DiDonato thanked Mike Woch and the EMC members for their efforts on the Sunday before last during the high winds. These people worked very hard while trees were falling down and we were experiencing power outages. Also the Office of Emergency Management responded and opened Hillcrest as a staging area as a proposed shelter for any resident who may have needed it.

Administrator Kunze noted that the DPW also responded to the storm and thanked them for their efforts. He advised that trees knocked down power lines and poles. He noted that the Council will be asked to take action next week to amend a grant agreement for lake funding. We have been notified by the State that they will be increasing our grant funds. Mr. Kunze recommended March 1<sup>st</sup> as the date for acknowledging our Volunteer of the Year nominees as well as the nominees for the Lifetime Achievement Awards. He asked the Council to review the proposed budget meeting dates and advise him of any conflicts.

Proposed Budget Meeting Dates

Saturday February 4, 2006, 9:00 a.m. to 12:00 p.m.  
Saturday February 11, 2006, 9:00 a.m. to 12:00 p.m.  
Wednesday February 15, 2006, 7:00 p.m. to 10:00 p.m.  
Saturday February 4, 2006, 9:00 a.m. to 12:00 p.m.  
Saturday March 4, 2006, 9:00 a.m. to 12:00 p.m.

Mayor DiDonato stated that he may not be available of February 4<sup>th</sup>. However, if everyone else is available, he sees no reason to postpone the meeting.

Councilman Nolan expressed concern about having the final meeting on March 4<sup>th</sup> because it is too close to the State mandated cutoff date of March 10<sup>th</sup>. He would prefer having that meeting on another week night in February. Councilman Warden concurred.

There were no other conflicts.

Judicial Appointments

Mayor DiDonato, Councilman Warden, and Councilman Scangarello will schedule a meeting to move forward on this matter.

Councilman Weisbecker advised that he met with the Administrator to discuss a lakes committee and an energy committee. He advised Council that they should have a draft for next week. He thanked Mr. Woch, the OEM and Fire Company No. 5 for their response to the recent storm. He noted that most of the power was restored by 8:00 p.m. He noted that he had suggested some time ago that the Council consider appointing Council liaisons to speak with the Freeholders on matters of concern to the Township. Deadman's Curve, Marshall Hill Road, and Greenwood Lake Turnpike are matters that require such a discussion. Because these matters need to be addressed, he is asking the Council to consider this suggestion again. Administrator Kunze noted that we have dealt with these matters at least two times in the last few months. The Engineer met with the County and a Freeholder on site. The affected properties are county properties and private properties. The Township is actively trying to coordinate repairs.

Councilman Weisbecker reminded the Council that the Patriot Act will be re-debated at the Federal level in six months. He suggested waiting until those debates are completed before taking any action at the local level. Councilman Weisbecker voiced agreement with Ada Erik's earlier comments about bicycle helmets. He asked that the police department be urged to monitor this situation in parking lots and roads throughout the town. He recommended that we enforce the ordinance rather than issue warnings. Administrator Kunze advised that he has spoken with the police chief on this matter. The chief tries to issue warnings to first time offenders. He will apprise the chief of tonight's discussion on this matter. The Township is also working on an educational approach to this subject by virtue of joint efforts being made by the police and recreation departments.

Council President Gervens advised that bids have been received by the Freeholder Board for Deadman's Curve and that they are scheduled to award a contract on Tuesday. Tonight we

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

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voted on the tub grinder contract and Council President Gervens recommended that we review this situation. He noted that we currently allow landscapers to use our recycling facilities while most municipalities do not allow such use by commercial entities. We cannot control the origin of materials that are brought to our recycling center by landscapers. He recommended that we review this situation well in advance of renewal next year. Administrator Kunze concurred with this recommendation and reminded all present that we charge landscapers for such use. Council President noted that those charges are not sufficient.

Councilman Nolan outlined the dates for budget meetings. He advised that there is an opening on the insurance committee and several openings on the heritage committee. The heritage exhibit is coming in April, so look for the sign to come. He stated that an eagle scout candidate recently completed a project for the museum and we will hear more on that subject soon. He stated that he would like to see the Council accomplish closure on dialog with the Board of Education to resolve that issue. With the on-going unresolved Eagle Ridge issue hovering, Councilman Nolan would like to see proceeds from the redevelopment monies set aside in a trust account until this issue is resolved. He would also like to see the legal budget reduced and would like discussion on this subject scheduled for a Workshop meeting. He would also like to see a committee established to review and reduce the telecommunications budget. He recommended that West Milford set an example on pay-to-play by drafting an ordinance. Councilman Nolan noted that we are in the third year of partisan politics in this town. He asked the Township Attorney to research a change in our form of government. He recommended that the Council adopt a resolution that clearly emphasizes that they do not condone personal attacks. He urged the Council to move forward with the investigation because former-Councilman Elcavage continues to serve on many committees in town. Councilman Nolan asked that all these items be placed on a Workshop Agenda for discussion.

Councilman Warden noted that, despite all the controversy over the past few months, this Council has done good things. They have stalled the Eagle Ridge nightmare; had a resolution for water surcharge tax relief recognized by the NJLM; obtained a knowledgeable township attorney; and hired a new clerk. These acts have created a solid foundation for the upcoming year. Councilman Warden commended his son, Tyler, and Tyler's friend, Adam, for coming before the Council to state their well-educated opinions on the Patriot Act. He noted that these two young men spent a considerable amount of their vacation time researching this matter. He opined that the presentation clearly shows that the Patriot Act has eroded our civil liberties. He urged the Council to support a resolution showing that we do not support eroding civil liberties.

Councilman Warden stated that he would like to see the Council find out who is behind fleecingwestmilford.com. Questioning political beliefs and votes of elected officials is okay. People have the right to come before the Council and criticize any councilmember. Without such criticisms, one cannot have good government. He, personally, is willing to accept any face-to-face criticism. However, libelous, slanderous statements on anonymous faceless websites and forum discussion boards are another matter. They are not only cowardly, they are libelous. There is no anonymity on the web. In his opinion, if the Council does not take action on a resolution opposing such actions, then they are condoning them. He personally promised to bring the responsible parties to light.

Councilman Scangarello advised that there is an on-going problem on Ridge Road. The constant thawing and freezing is causing many incidents of black ice and thus leading to multiple accidents. For over twenty years there have not been enough guard rails on Ridge Road and this situation has been exacerbated because the road has not been repaired either. He asked the Administrator to look into this situation. Administrator Kunze advised that this area is slated for work as part of the bikeway project. He will look into the icing problem. Councilman Scangarello advised the Council that, at the Parks & Recreation Advisory meeting last Thursday, he learned that Bill Remia is starting a helmet safety course for kids and he is coordinating this educational initiative with the police department. Councilman Scangarello read from an article in Tuesday's *Star Ledger* pertaining to green acres and green dollars. That article indicates that the DEP has adopted regulations that codifies the practice of building affordable houses on open space. Every six years, every town gets a new quota. When there is no more private land, the fear is that new Mount Laurel housing will be built on public land. The Township Attorney, Fred Semrau, will look into this matter and brief the Mayor and Council.

**Appointments**

Councilman Nolan nominated Sheryl Fistal and Rodman Marshall to one-year terms on the Health Board, said terms to expire on 12/31/2006. He further nominated Denise DePalma-Farr,

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

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Marino Reffi, and Dr. Salvatore Schimmenti to two-year terms on the Health Board, said terms to expire on 12/31/2007.

Councilman Weisbecker moved to close and confirm.  
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Moved: Weisbecker Seconded: Warden  
Voted Aye: Weisbecker, Gervens, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Abstained:  
Mayor DiDonato announced the appointments to the Health Board as nominated.  
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Councilman Weisbecker nominated Stephen Sangle as a citizen member to the Municipal Utilities Authority for a five-year term, said term to expire on 01/31/2010.

Councilman Weisbecker moved to close and confirm.  
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Moved: Weisbecker Seconded: Scangarello  
Voted Aye: Weisbecker, Gervens, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Abstained:  
Mayor DiDonato announced Stephen Sangle's appointment to the MUA.  
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Councilman Weisbecker nominated Councilman Warden to serve as a Council Liaison to the Greenwood Lake Bi-State Commission.

Councilman Weisbecker moved to close and confirm.  
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Moved: Weisbecker Seconded: Nolan  
Voted Aye: Weisbecker, Gervens, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Abstained:  
Mayor DiDonato announced Councilman Warden's appointment as Council Liaison to the Greenwood Lake Bi-State Commission.  
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**Report of Township Clerk**

The Township Clerk announced that her office received the names of three candidates to fill the Council vacancy from the Republican County Committee. The names submitted are Joseph Smolinski, Daniel Jurkovic, and Sal Schimmenti. The Clerk advised the Council that they have until February 15<sup>th</sup> by statute to choose from this list. She further asked the Council if this item can be placed on the agenda for discussion at the February 1, 2006 Workshop meeting. The Council agreed and instructed the Clerk to invite all three candidates to the meeting. They will each be afforded an opportunity to make a five-minute presentation to the Council.

**Report of Township Attorney**

Fred Semrau, Esq. reminded the Council that they amended the municipal court violations fee ordinance last year. Recently, the legislature allowed for a \$2,000 fee amendment and he asked the Council to amend the ordinance again this year allowing the court fees to be raised to \$2,000.

Mr. Semrau advised that letters have been sent out to property owners whose properties are adjacent to the redevelopment property. Some of these property owners have built sheds and other structures on the redevelopment property. The state is withholding \$70,000 due the Township until all these structures are removed. The letters to the property owners asks them to remove any property from the redevelopment property and is the first step in the process. He advised the Council that he is continuing to work on the Health Department matter. The weed harvester agreement will be on a Workshop agenda in the near future. Mr. Semrau stated that he would generally speak to the Council on the next matter in executive session. However, because of the public nature of this situation, he is addressing them in the public forum. To the best of Mr. Semrau's knowledge, Mr. Warden has filed a lawsuit. Mr. Semrau recommended that Mr. Warden refrain from speaking on the issues surrounding the lawsuit without first consulting with his attorney. At the last meeting, Councilman Nolan moved a resolution which was seconded by Mr. Warden. As a result of that motion, the Council decided to investigate allegations about other Council members being involved in postings on websites. The request from Councilman Nolan is for censure. Censure is difficult to define. However, case law would indicate that censure is

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considered a formal reprimand of, usually, a sitting member in front of his/her colleagues to ensure actions will not happen again. Given that the person in question is no longer a member, it would be unusual to censure and such action does not fit the intent of the resolution presented. The facts are no longer the same. At this point, it is a moot issue, with all due respect, legally it is not applicable to move forward. He asked the Council to remember that there is a pending lawsuit that may have greater reach and the case may go to trial. He expressed concern that the facts may cross over and recommended, for the best interest of the Township, that the Council not proceed at this point.

Mr. Semrau reviewed the items scheduled for executive session discussion this evening and noted that Mr. Townsend will be participating in the executive session meeting to speak to the tax appeal matters.

**Presentations of Communications, Petitions**

None.

**Executive Session**

Agenda No. XIII  
~ Resolution No. 2006-042 ~

**MOTION FOR EXECUTIVE SESSION**

**BE IT RESOLVED** by the Township Council of the Township of West Milford on the **25th** day of **January**, 2006, that:

1. Prior to the conclusion of this **Regular Meeting**, the Township Council 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.
    - O'Shea v. West Milford GRC Complaint #2005-187
    - J.T. Mase Properties v. West Milford – Tax appeal – Docket Nos. 006439-2004 and 005202-2005, Block 15804 Lot 12
    - 3023 Route 23 Corp. v. West Milford – Tax appeal – Docket Nos. 004161-2003 and 006238-2004, Block 16001 Lot 9
    - West Milford v. Ronald Hook – Tax appeal – Docket No. 006029-2005, Block 15510 Lot 2
    - K. Hovnanian v. West Milford
  - ( ) 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: January 25, 2006

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Moved: Weisbecker Seconded: Scangarello  
Voted Aye: Weisbecker, Gervens, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Motion carried.

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The Council went into executive session at 10:04 p.m.

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

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Present: Councilmembers Philip Weisbecker, William Gervens, Robert Nolan,  
James Warden, Carmelo Scangarello.  
Mayor Joseph DiDonato.

Absent: None.

Also Present: Township Administrator Richard Kunze, Township Clerk Antoinette Battaglia,  
Township Attorney Frederick Semrau and, for a portion of the meeting, Township  
Tax assessor Brian Townsend.

Items for discussion at Executive Session were as follows:

- O'Shea v. West Milford GRC Complaint #2005-187
- J.T. Mase Properties v. West Milford – Tax appeal –  
Docket Nos. 006439-2004 and 005202-2005, Block 15804 Lot 12
- 3023 Route 23 Corp. v. West Milford – Tax appeal –  
Docket Nos. 004161-2003 and 006238-2004, Block 16001 Lot 9
- West Milford v. Ronald Hook – Tax appeal –  
Docket No. 006029-2005, Block 15510 Lot 2
- K. Hovnanian v. West Milford

Executive Session adjourned at 10:40 p.m.

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Moved: Scangarello Seconded: Gervens  
Voted Aye: Weisbecker, Gervens, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Motion carried.  
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**Adjournment**

There being no further business to come before the Council, the Township Council adjourned the meeting at 10:42 P.M.

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Moved: Nolan Seconded: Scangarello  
Voted Aye: Weisbecker, Gervens, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Motion carried.  
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APPROVED: February 8, 2006

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MAYOR JOSEPH DIDONATO  
PRESIDING OFFICER

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ANTOINETTE BATTAGLIA  
TOWNSHIP CLERK