

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

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 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**

Pastor Timothy Barnes, Living Word Church

### **Roll Call**

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

Absent:None.

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

### **Bids & Awards**

None.

### **Reading of or Approval of Unapproved Minutes**

None.

### **Proclamations**

None.

### **Presentations**

West Milford High School Play "Brigadoon"  
Gary Shaw, Cablevision presented a defibrillator to Fire Marshall Mike Woch  
Special Police Swearing-In  
Police Officer Swearing-In  
Police Chief James Dykstra presented a plaque to Jamie Fletcher

### **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 - 46

**RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN  
ISSUES OF BONDS OF THE TOWNSHIP OF WEST MILFORD, IN THE  
COUNTY OF  
PASSAIC, NEW JERSEY, INTO A SINGLE ISSUE OF GENERAL BONDS  
AGGREGATING \$2,860,000 IN PRINCIPAL AMOUNT**

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

Section 1. Pursuant to the provisions of Section 40A:2-26 of the Local Bond Law of New Jersey, particularly paragraph (f) thereof and in lieu of the sale of more than one issue of bonds as provided for in said Local Bond Law, the several issues of bonds of this local unit described in Section 2 hereof, authorized pursuant to bond ordinances of the local unit heretofore adopted, shall be combined into a single and combined issue of bonds in the principal amount of \$2,860,000.

Section 2. The principal amount of the bonds of the several issues of bonds to be combined into a single issue as above provided, the bond ordinance authorizing each of said several issues described by reference to its title and date of adoption, and the period or average period of usefulness determined in each of said bond ordinances are respectively as follows:

<b>Principal Amount of Bonds</b>	<b>Title of Ordinance and Date of Adoption</b>	<b>Period or Average Period of Usefulness (in Years)</b>
\$308,000 bonds	"Bond ordinance providing for improvement of No Name Dam #40 in and by the Township of West Milford, in the County of Passaic, New Jersey, appropriating \$700,000 therefor, directing a special assessment of part of the cost thereof, and authorizing the issuance of bonds or notes of the Township for financing the same", finally adopted on April 13, 1996 (#96-7)	15
\$52,000 bonds	"Bond ordinance making a supplemental appropriation of \$110,000 for improvement of no name dam #40 in and by the Township heretofore authorized to be undertaken by the Township of West Milford, in the County of Passaic, New Jersey, directing a special assessment of part of the cost thereof, and authorizing the issuance of \$104,700 bonds or notes of the Township	

for financing such supplemental  
appropriation", finally adopted on January  
6, 1999 (# 99-01) 15

\$180,000 bonds "Bond ordinance appropriating \$1,426,200,  
and authorizing the issuance of \$1,354,890  
bonds or notes of the Township, for various  
improvements or purposes authorized to be  
undertaken by the Township of West  
Milford, in the County of Passaic, New  
Jersey", finally adopted on June 21, 2000 (#  
00-08), as amended in October, 2000 (such  
amendment, among other things, reduced  
the authorized bond amount to \$1,117,390  
and the useful life to 12 years) 12

\$1,311,000 bonds "Bond ordinance appropriating \$1,604,000,  
and authorizing the issuance of \$1,311,300  
bonds or notes of the Township, for various  
improvements or purposes authorized to be  
undertaken by the Township of West  
Milford, in the County of Passaic, New  
Jersey", finally adopted on August 21, 2002  
(#02-27) 13.5

\$166,000 bonds "Bond ordinance providing for the  
construction of a new skating complex in  
and by the Township of West Milford, in the  
County of Passaic, New Jersey,  
appropriating \$175,000 therefor and  
authorizing the issuance of \$166,600 bonds  
or notes of the Township for financing the  
same", finally adopted on June 4, 2003  
(#03-23) 15

\$843,000 bonds "Bond ordinance appropriating \$2,860,000  
and authorizing the issuance of \$2,367,000  
bonds or notes of the Township, for various  
improvements or purposes authorized to be  
undertaken by the Township of West  
Milford, in the County of Passaic, New  
Jersey", finally adopted on September 17,  
2003 (#03-37) 10.23

Section 3. The following matters are hereby determined with respect to said  
combined issue of bonds:

(a) The average period of usefulness, taking into consideration the respective  
amounts of obligations presently authorized to be issued pursuant to each of said  
bond ordinances, respectively, is twelve (12) years.

(b) The bonds of said combined issue shall be designated "General Bonds of  
2004" and shall mature within the said average period of usefulness hereinabove  
determined.



Section 1. Terms of Bonds. The \$2,860,000 General Bonds of 2004 (the "General Bonds") of The Township of West Milford, in the County of Passaic, New Jersey (the "Township"), referred to and described in the resolution adopted pursuant to the Local Bond Law of the State of New Jersey, by the Township Council of the Township on February 4, 2004, entitled "Resolution providing for the combination of certain issues of bonds of the Township of West Milford, in the County of Passaic, New Jersey, into a single issue of general bonds aggregating \$2,860,000 in principal amount" and authorized by certain bond ordinances of the Township therein described, shall be dated February 15, 2004, shall bear interest payable semi-annually on February 15 and August 15 in each year, commencing August 15, 2004, expressed in a multiple of 1/8 or 1/20 of 1%, shall mature (subject to the option of the successful bidder to establish term bonds in accordance with the provisions of the notice of sale) in the principal amount of \$60,000 on February 15, 2005, \$85,000 on February 15 in each of the years 2006 and 2007, \$45,000 February 15 in each of the years 2008 and 2009, \$40,000 on February 15, 2010, \$110,000 on February 15, 2011, \$785,000 on February 15, 2012, \$810,000 on February 15, 2013 and \$795,000 on February 15, 2014, and shall each bear a distinctive number to distinguish it from all other General Bonds of said issue. The \$190,000 Assessment Bonds of 2004 (the "Assessment Bonds" and, together with the General Bonds, the "Bonds") of the Township, authorized by virtue of a bond ordinance entitled "Bond ordinance providing for improvement of Greenwich Road and Elizabeth Road in and by the Township of West Milford, in the County of Passaic, New Jersey, appropriating \$200,000 therefor, directing a special assessment of the cost thereof, and authorizing the issuance of \$190,000 bonds or notes of the Township for financing the same", finally adopted on October 23, 2001, shall mature (subject to the option of the successful bidder to establish term bonds in accordance with the provisions of the notice of sale) in the principal amount of \$20,000 on February 15 in each of the years 2005 to 2013, both inclusive and \$10,000 on February 15, 2014 and shall each bear a distinctive number to distinguish it from all other Assessment Bonds of said issue.

Section 2. Book Entry Only Bonds. The Bonds shall be issued by means of a book entry system with no physical distribution of bond certificates made to the public. The Bonds shall be issued in registered form and bond certificates for each maturity of each issue will be issued to The Depository Trust Company, New York, New York ("DTC"), registered in the name of its nominee Cede & Co., and immobilized in its custody. A book entry system will be employed, evidencing ownership of the Bonds in principal amount of \$5,000 or any \$1,000 increment in excess thereof, with transfers of ownership affected on the records of DTC and its participants pursuant to rules and procedures adopted by DTC and its participants.

The successful bidder, as a condition to the delivery of the Bonds, will be required to deposit the bond certificates with DTC, registered in the name of Cede & Co. So long as Cede & Co. is the registered owner of the Bonds, principal and redemption price, if any, of and interest on the Bonds will be payable by the Township or its agent to DTC or its nominee as registered owner of the Bonds. The Bonds shall be executed in the name of the Township by the manual or facsimile signatures of its Mayor and its Chief Financial Officer, under the seal of the Township affixed, imprinted or otherwise reproduced thereon and attested by the manual signature of its Township Clerk.

Section 3. Redemption. (A) The Bonds are not subject to redemption at the option of the Township prior to their stated maturities.

(B) The Bonds of each issue are subject to mandatory sinking fund redemption if the successful bidder specifies term Bonds in accordance with the provisions of the notice of sale for the Bonds. Any such term Bonds will be subject to mandatory sinking fund redemption at one hundred percent (100%) of the principal amount thereof, together with accrued interest to the date fixed for redemption, in the amounts and on the dates that would have been consecutive serial maturities had no term Bond designation been made.

(C) Notice of redemption shall be given by first-class mail, postage prepaid, to the registered owners of the Bonds or portions thereof to be redeemed, not less than thirty (30) days nor more than sixty (60) days prior to the redemption date, but such mailing shall not be a condition precedent to such redemption and failure so to mail any such notice shall not affect the validity of any proceedings for the redemption of Bonds. If notice of redemption shall have been given as aforesaid, the Bonds or portions thereof specified in said notice shall become due and payable at the redemption price on the redemption date therein designated and if, on the redemption date, moneys for payment of the redemption price of all the Bonds to be redeemed, together with interest to the redemption date, shall be available for such payment on said date, then from and after the redemption date interest on such Bonds shall cease to accrue and become payable. Less than all of a Bond in a denomination in excess of \$5,000 may be so redeemed, and in such case, upon the surrender of such Bond, there shall be issued to the registered owner thereof, without charge therefor, for the unredeemed balance of the principal amount of such Bond, Bonds of like series, designation, maturity and interest rate in any of the authorized denominations.

Section 4. Form of Bonds. The Bonds shall be in substantially the following form with such changes and modifications as may be required, necessary, convenient or desirable for delivery thereof (including the inclusion of mandatory sinking fund provisions if term Bonds are specified by the successful bidder):

**UNITED STATES OF AMERICA  
STATE OF NEW JERSEY  
THE TOWNSHIP OF WEST MILFORD,  
IN THE COUNTY OF PASSAIC**

**GENERAL BOND OF 2004**

Number: R-G  
Registered Owner: Cede & Co  
Principal Amount:  
Dated Date: February 15, 2004  
Interest Rate:  
Maturity Date: February 15,  
CUSIP Number:

**THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC** (the "Township"), a municipal corporation of the State of New Jersey, situate in said County of Passaic, hereby acknowledges itself indebted and for value received promises to pay to the above-stated Registered Owner or registered assigns, the above-stated Principal Amount on the above-stated Maturity Date upon presentation and surrender of this bond, and to pay to the registered owner hereof interest on such sum, from the date of this bond until it matures or is redeemed, at the above-stated Interest Rate per annum payable semi-annually on February 15 and August 15 in

each year, commencing August 15, 2004. Principal or redemption price, if any, of this bond will be paid in lawful money of the United States of America at the office of the Chief Financial Officer, Municipal Building, 1480 Union Valley Road, West Milford, New Jersey. Interest on this bond will be payable by check or draft mailed to the registered owner hereof whose name appears on the registration books of the Township on February 1 and August 1 next preceding each interest payment date.

This bond is transferable only upon the books of the Township kept for that purpose at the office of the Chief Financial Officer, Municipal Building, 1480 Union Valley Road, West Milford, New Jersey (the "Transfer Agent"), by the registered owner hereof in person or by his attorney duly authorized in writing, upon surrender hereof together with a written instrument of transfer satisfactory to the Transfer Agent duly executed by the registered owner or such duly authorized attorney, and thereupon the Township shall issue in the name of the transferee a new bond or bonds of the same aggregate principal amount and series, designation, maturity and interest rate as the surrendered bond. The Township, the Transfer Agent and any paying agent of the Township may treat and consider the person in whose name this bond is registered as the holder and absolute owner hereof for the purpose of receiving payment of, or on account of, the principal and interest due hereon and for all other purposes whatsoever.

This bond is one of an authorized issue of bonds and is issued pursuant to the Local Bond Law of the State of New Jersey, and as provided by resolution of the Township Council of the Township entitled "Resolution providing for the combination of certain issues of bonds of the Township of West Milford in the County of Passaic, New Jersey, into a single issue of general bonds aggregating \$2,860,000 in principal amount", adopted on February 4, 2004 and the bond ordinances referred to therein.

The bonds are not subject to redemption at the option of the Township prior to their stated maturities.

The full faith and credit of the Township are hereby irrevocably pledged for the punctual payment of the principal or redemption price, if any, and interest on this bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this bond exist, have happened and have been performed, and that the issue of bonds of which this is one does not exceed any limitation imposed thereon by said Constitution or statutes.

**IN WITNESS WHEREOF, THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC**, has caused this bond to be executed in its name by the manual or facsimile signatures of its Mayor and its Chief Financial Officer, and its corporate seal to be affixed, imprinted or reproduced hereon, and this bond and said seal to be attested by the manual signature of its Township Clerk and this bond to be dated the above-stated Dated Date.

(SEAL)

**THE TOWNSHIP OF WEST MILFORD,  
IN THE COUNTY OF PASSAIC**

**ATTEST:**

By \_\_\_\_\_  
Mayor

\_\_\_\_\_  
Township Clerk

\_\_\_\_\_  
Chief Financial Officer

The following abbreviations, when used in the inscription on the face of this bond, shall be construed as though they were written out in full according to applicable laws or regulations (additional abbreviations may also be used though not in the following list):

**TEN COM** - as tenants in common **UNIF GIFT MIN ACT**  
\_\_\_\_\_ Custodian \_\_\_\_\_

**TEN ENT** - as tenants by the entireties  
under Uniform Gifts to Minors Act

**JT TEN** - as joint tenants with right  
of survivorship and not as \_\_\_\_\_  
tenants in common State

ASSIGNMENT

**FOR VALUE RECEIVED** the undersigned hereby sells, assigns and transfers unto

**PLEASE INSERT SOCIAL SECURITY OR OTHER IDENTIFYING NUMBER OF ASSIGNEE**  
**(FOR COMPUTER RECORD ONLY)**

\*\*\*\*\*  
\* \*  
\*\*\*\*\*

\_\_\_\_\_  
\_\_\_\_\_  
(Please Print or Typewrite Name and Address of Transferee)

the within Bond, and all rights thereunder, and hereby irrevocably constitutes and appoints \_\_\_\_\_ Attorney, to transfer the within Bond on the books kept for the registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

**NOTICE:** The signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

**UNITED STATES OF AMERICA**  
**STATE OF NEW JERSEY**  
**THE TOWNSHIP OF WEST MILFORD,**  
**IN THE COUNTY OF PASSAIC**

## ASSESSMENT BOND OF 2004

Number: R-A  
Registered Owner: Cede & Co  
Principal Amount:  
Dated Date: February 15, 2004  
Interest Rate:  
Maturity Date: February 15,  
CUSIP Number:

**THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC** (the "Township"), a municipal corporation of the State of New Jersey, situate in said County of Passaic, hereby acknowledges itself indebted and for value received promises to pay to the above-stated Registered Owner or registered assigns, the above-stated Principal Amount on the above-stated Maturity Date upon presentation and surrender of this bond, and to pay to the registered owner hereof interest on such sum, from the date of this bond until it matures or is redeemed, at the above-stated Interest Rate per annum payable semi-annually on February 15 and August 15 in each year, commencing August 15, 2004. Principal or redemption price, if any, of this bond will be paid in lawful money of the United States of America at the office of the Chief Financial Officer, Municipal Building, 1480 Union Valley Road, West Milford, New Jersey. Interest on this bond will be payable by check or draft mailed to the registered owner hereof whose name appears on the registration books of the Township on February 1 and August 1 next preceding each interest payment date.

This bond is transferable only upon the books of the Township kept for that purpose at the office of the Chief Financial Officer, Municipal Building, 1480 Union Valley Road, West Milford, New Jersey (the "Transfer Agent"), by the registered owner hereof in person or by his attorney duly authorized in writing, upon surrender hereof together with a written instrument of transfer satisfactory to the Transfer Agent duly executed by the registered owner or such duly authorized attorney, and thereupon the Township shall issue in the name of the transferee a new bond or bonds of the same aggregate principal amount and series, designation, maturity and interest rate as the surrendered bond. The Township, the Transfer Agent and any paying agent of the Township may treat and consider the person in whose name this bond is registered as the holder and absolute owner hereof for the purpose of receiving payment of, or on account of, the principal and interest due hereon and for all other purposes whatsoever.

This bond is one of an authorized issue of bonds and is issued pursuant to the Local Bond Law of the State of New Jersey, and as provided by an ordinance of the Township entitled "Bond ordinance providing for the improvement of Greenwich Road and Elizabeth Road in and by the Township of West Milford, in the County of Passaic, New Jersey, appropriating \$200,000 therefor, directing a special assessment of the cost thereof, and authorizing the issuance of \$190,000 bonds or notes of the Township for financing the same," finally adopted on October 23, 2001 approved by the Mayor and published as required by law.

The bonds are not subject to redemption at the option of the Township prior to their stated maturities.



(Please Print or Typewrite Name and Address of Transferee)

the within Bond, and all rights thereunder, and hereby irrevocably constitutes and appoints \_\_\_\_\_ Attorney, to transfer the within Bond on the books kept for the registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

**NOTICE:** The signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

Section 5. Sale of Bonds and Publication of Notice. The Bonds shall be sold upon sealed proposals delivered to the Municipal Building in the Township or electric proposals submitted on either Grant Street Group's MuniAuction website or the Parity Electronic Bid System of i-Deal LLC (as shall be determined by the Chief Financial Officer of the Township after consultation with the Township auditor and bond counsel) on February 10, 2004 at 12:00 o'clock P.M. and the Township Clerk is hereby authorized and directed to (a) cause a notice of such sale to be published at least once, the first publication to be at least seven days prior to said sale in the "Aim Community News", a newspaper published in the County of Passaic, and circulating in the municipality, and (b) cause a summary of the notice of sale to be published at least once, the first publication to be at least seven days prior to said sale in "The Bond Buyer", a financial newspaper published and circulating in the City of New York, New York.

Section 6. Forms of Notices. Said notice of sale and said summary of notice of sale shall be in substantially the following forms, respectively, with such changes and modifications as may be approved by the Chief Financial Officer of the Township after consultation with the Township auditor and bond counsel:

NOTICE OF SALE

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

**\$3,050,000 BONDS  
consisting of  
\$2,860,000 General Bonds of 2004 and  
\$190,000 Assessment Bonds of 2004**

SEALED PROPOSALS will be received by the Chief Financial Officer of the Township of West Milford, in the County of Passaic, New Jersey (the "Township"), at the Municipal Building, 1480 Union Valley Road, West Milford, New Jersey 07480-1303, until 12:00 p.m., local time, and **ELECTRONIC PROPOSALS** will be received via Grant Street Group's MuniAuction Website ("MuniAuction"), in a closed auction, from 11:45 a.m. to 12:00 p.m., local time, on Tuesday, February 10, 2004 (all such proposals to be publicly opened, received and announced, as appropriate, at 12:00 p.m. local time), for the purchase of \$3,050,000 bonds, consisting of \$2,860,000 General Bonds of 2004 and \$190,000 Assessment Bonds of 2004 (collectively, the "Bonds") of the Township due on February 15 as follows,

either as serial Bonds or as term Bonds with sinking fund installments in accordance with this Notice of Sale:

<u>Year</u>	<u>General Bonds Principal Amount</u>	<u>Assessment Bonds Principal Amount</u>	<u>Combined Principal Amount</u>
2005	\$60,000	\$20,000	\$ 80,000
2006	85,000	20,000	105,000
2007	85,000	20,000	105,000
2008	45,000	20,000	65,000
2009	45,000	20,000	65,000
2010	40,000	20,000	60,000
2011	110,000	20,000	130,000
2012	785,000	20,000	805,000
2013	810,000	20,000	830,000
2014	795,000	10,000	805,000

The Bonds will be dated February 15, 2004, and will bear interest at the rate or rates per annum specified by the successful bidder therefor in accordance with this Notice of Sale, payable on February 15 and August 15 in each year until maturity or earlier redemption, commencing August 15, 2004. The record dates for the payment of principal of and interest on the Bonds will be the February 1 and August 1 next preceding each such payment date.

The Bonds will be issued in book-entry form only, initially in the name of Cede & Co., as nominee of The Depository Trust Company ("DTC"). Purchasers will not receive certificates representing their interests in the Bonds. Individual purchases will be in the principal amount of \$1,000 (with a \$5,000 minimum) and integral multiples thereof. Payments of principal or redemption price, if any, and interest will be made by the Township or its agent to DTC for subsequent disbursement to DTC participants to then be remitted to the beneficial owners of the Bonds.

The Bonds are not subject to redemption at the option of the Township prior to their stated maturities.

A bidder may aggregate consecutive principal maturities of the Bonds, for which such bidder bids the same interest rate, into term Bonds. Each such term Bond shall mature on the final maturity date of its consecutive maturities in an aggregate principal amount equal to the sum of the principal amounts of its consecutive maturities. Such term Bonds will be subject to mandatory sinking fund redemption at one hundred percent (100%) of the principal amount thereof, together with accrued interest to the date fixed for such redemption, in the amounts and on the dates that would have been consecutive serial maturities had no term Bond designation been made. Notice of redemption shall be given as provided in the resolution of the Township authorizing the Bonds.

The Bonds will be designated as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

Each proposal must specify in a multiple of 1/8 or 1/20 of 1% the rate or rates of interest which the Bonds are to bear. Not more than one rate of interest may be specified for the Bonds of the same maturity. There is no limitation on the number of rates of interest that may be specified. If more than one rate of interest is named, no rate of interest named for any maturity may be less than the rate of

interest named for any prior maturity, and the difference between the highest and the lowest rates of interest named shall not exceed three percent (3%).

The Bonds will be awarded to the bidder on whose bid the total loan may be made at the lowest net interest cost. Such net interest cost shall be computed, as to each bid, by adding to the total principal amount of Bonds bid for the total interest cost to maturity in accordance with such bid and by deduction therefrom of the amount of premium, if any, bid. No proposal shall be considered that offers to pay an amount less than the principal amount of Bonds offered for sale or under which the total loan is made at an interest cost higher than the lowest net interest cost to the Township under any legally acceptable proposal, and if two (2) or more such bidders offer to pay the same lowest net interest cost, then the Bonds will be sold to one (1) of such bidders selected by lot from among all such bidders. The purchaser must also pay an amount equal to the interest on the Bonds accrued to the date of payment of the purchase price. The right is reserved to reject all bids and any bid not complying with the terms of this Notice of Sale may be rejected.

Each bidder is required to deposit a certified or cashier's or treasurer's check payable to the order of the Township of West Milford, in the County of Passaic, New Jersey, for \$61,000 drawn upon a bank or trust company, and such check must be received by the Chief Financial Officer of the Township at or before 12:00 p.m., local time, on the bid date at the Municipal Building, 1480 Union Valley Road, West Milford, New Jersey 07480-1303. When the successful bidder has been ascertained, all such deposits will be promptly returned to the persons making the same, except the check of the successful bidder which will be applied in part payment for the Bonds or to secure the Township from any loss resulting from the failure of the bidder to comply with the terms of its bid. Award of the Bonds to the successful bidder, or rejection of all bids, is expected to be made promptly after opening of the bids, but the successful bidder may not withdraw its proposal until after 3:00 p.m., local time, of the day of such bid-opening and then only if such award has not been made prior to the withdrawal. The Bonds will be delivered and shall be paid for in immediately available funds on or about February 25, 2004, at such place in Newark, New Jersey, and on such business day and at such hour, as the undersigned shall fix on five (5) business days' notice to the successful bidder, or at such other place and time as may be agreed upon with the successful bidder.

Each sealed proposal must be enclosed in an envelope and should be marked on the outside "Proposal for Bonds" and, if mailed, addressed to or in care of the Chief Financial Officer of the Township at the Municipal Building, 1480 Union Valley Road, West Milford, New Jersey, 07480-1303.

Each electronic proposal must be submitted via MuniAuction ([www.GrantStreet.com](http://www.GrantStreet.com)). To the extent any instructions or directions set forth on MuniAuction conflict with this Notice of Sale, the terms of this Notice of Sale shall control. The Township may, but is not obligated to, acknowledge its acceptance in writing of any bid submitted electronically via MuniAuction.

To bid by MuniAuction, bidders must first visit MuniAuction where, if they have never registered with either MuniAuction or Grant Street Group, they can register and then request admission to bid on the Bonds. Bidders will be notified prior to the scheduled bidding time of their eligibility to bid. Only broker-dealers registered with the National Association of Securities Dealers or dealer banks with DTC clearing arrangements will be eligible to bid. Bidders who have previously

registered with MuniAuction may call MuniAuction at (412) 391-5555 for their Identification Number or password. No bidder will see any other bidder's bid, nor will any bidder see the status of its bid relative to other bids (e.g., whether its bid is a leading bid). The rules of MuniAuction can be viewed on MuniAuction and are incorporated in this Notice of Sale by reference. Bidders must comply with the rules of MuniAuction in addition to the requirements of this Notice of Sale. To the extent there is a conflict between the rules of MuniAuction and this Notice of Sale, this Notice of Sale shall control.

In the event that a bid for the Bonds is submitted via MuniAuction, the bidder further agrees that:

The Township may regard the electronic transmission of the bid via MuniAuction (including information about the purchase price of the Bonds, the interest rate or rates to be borne by the various maturities of the Bonds, the term Bonds, if any, specified, the initial public offering price of each maturity of the Bonds and any other information included in such transmission) as though the same information were submitted on the official "Proposal for Bonds" provided by the Township and executed by a duly authorized signatory of the bidder. If a bid submitted electronically via MuniAuction is accepted by the Township, the terms of the official "Proposal for Bonds" and this Notice of Sale and the information that is electronically transmitted via MuniAuction shall form a contract, and the successful bidder shall be bound by the terms of such contract.

MuniAuction is not an agent of the Township, and the Township shall have no liability whatsoever based on any bidder's use of MuniAuction, including but not limited to any failure by MuniAuction to correctly or timely transmit information provided by the Township or information provided by the bidder.

The Township may choose to discontinue use of electronic bidding via MuniAuction by issuing a notification to such effect via on MuniAuction, or by other available means, no later than 3:00 p.m., eastern time, on the last business date prior to the bid date.

Once the bids are communicated electronically via MuniAuction to the Township, each bid will constitute an official "Proposal for Bonds" and shall be deemed to be an irrevocable offer to purchase the Bonds on the terms provided in this Notice of Sale. For purposes of submitting all "Proposals for Bonds", whether electronically or sealed, the time as maintained on MuniAuction shall constitute the official time.

Each bidder shall be solely responsible to make necessary arrangements to access MuniAuction for purposes of submitting its bid in a timely manner and in compliance with the requirements of this Notice of Sale. The Township shall have no duty or obligation to provide or assure to any bidder, and the Township shall not be responsible for the proper operation of, or have any liability for any delays or interruptions of, or any damages caused by, MuniAuction. The Township is using MuniAuction as a communication mechanism, and not as the Township's agent, to conduct the electronic bidding for the Bonds. By using MuniAuction, each bidder agrees to hold the Township harmless for any harm or damages caused to such bidder in connection with its use of MuniAuction for bidding on the Bonds.

The successful bidder may at its option refuse to accept the Bonds if prior to their delivery any income tax law of the United States of America shall provide that the interest thereon is taxable, or shall be taxable at a future date, for federal

income tax purposes, and in such case the deposit made by it will be returned and the successful bidder will be relieved of its contractual obligations arising from the acceptance of its proposal.

If the Bonds qualify for issuance of any policy of municipal bond insurance or commitment therefor at the option of a bidder, any purchase of such insurance or commitment therefor shall be at the sole option and expense of the bidder and any increased costs of issuance of the Bonds resulting by reason of such insurance, unless otherwise paid, shall be paid by such bidder. Any failure of the Bonds to be so insured or of any such policy of insurance to be issued, shall not in any way relieve the purchaser of its contractual obligations arising from the acceptance of its proposal for the purchase of the Bonds.

Prior to or simultaneously with the delivery of the Bonds, the successful bidder shall furnish to the Township a certificate in form acceptable to bond counsel, setting forth the price or yields of each maturity of the Bonds calculated on the basis of retail sales of the Bonds, in accordance with the requirements of the Internal Revenue Code of 1986, as amended.

It is anticipated that CUSIP identification numbers will be printed on the Bonds, but neither the failure to print such number on any Bond nor any error with respect thereto shall constitute cause for the failure or refusal of the successful bidder to accept delivery of and pay for the Bonds. The CUSIP Service Bureau charge for the assignment of CUSIP numbers on the Bonds shall be the responsibility of and shall be paid for by the successful bidder.

A preliminary official statement (the "Preliminary Official Statement") relating to the Bonds is available at [www.GrantStreet.com](http://www.GrantStreet.com) or from the undersigned and the Preliminary Official Statement is deemed final as of its date by the Township for purposes and within the meaning of Rule 15c2-12 of the Securities and Exchange Commission. A final official statement (the "Official Statement") will be delivered to the successful bidder within seven (7) business days of the award of the Bonds. In order to assist bidders in complying with said Rule 15c2-12, the Township will undertake to provide certain continuing disclosure as further described in the Preliminary Official Statement.

The successful bidder will be furnished, without cost, with the approving opinion of the law firm of Hawkins Delafield & Wood LLP to the effect that the Bonds are valid and legally binding obligations of the Township and, unless paid from other sources, are payable from ad valorem taxes levied upon all the taxable property therein without limitation as to rate or amount. The obligations under this Notice of Sale to deliver or accept the Bonds pursuant to this Notice of Sale shall be conditioned on the availability to the successful bidder and delivery at the time of delivery of the Bonds of the said approving opinion and of certificates in form and tenor satisfactory to said law firm evidencing the proper execution and delivery of the Bonds and receipt of payment therefor and including a statement, dated as of the date of such delivery, to the effect that, except as disclosed in the Official Statement, there is no litigation pending or (to the knowledge of the signer or signers thereof) threatened relating to the Bonds.

The Township reserves the right to postpone, from time to time, the date and time established for receipt of bids. Any such postponement will be published on TM3 News Services, or by other available means, not less than twenty-four (24) hours prior to the sale. If any date fixed for the receipt of bids and the sale of the

Bonds is postponed, an alternative sale date will be announced via TM3 News Services, or by other available means, at least forty-eight (48) hours prior to such alternative sale date.

Printed copies of the Preliminary Official Statement and this Notice of Sale, and additional information regarding the sale, may be obtained from Hawkins Delafield & Wood LLP, bond counsel, One Gateway Center, Newark, New Jersey 07102-5311 (telephone: 973-642-8584).

**NOTICE OF SALE**

**THE TOWNSHIP OF WEST MILFORD,  
IN THE COUNTY OF PASSAIC, NEW JERSEY  
\$3,050,000 BONDS  
consisting of  
\$2,860,000 General Bonds of 2004 and  
\$190,000 Assessment Bonds of 2004**

**SEALED PROPOSALS** will be received by the Chief Financial Officer of the Township of West Milford, in the County of Passaic, New Jersey (the "Township"), at the Municipal Building, 1480 Union Valley Road, West Milford, New Jersey 07480-1303, until 12:00 p.m., local time, and ELECTRONIC PROPOSALS will be received via Grant Street Group's MuniAuction Website ("MuniAuction"), in a closed auction, from 11:45 a.m. to 12:00 p.m., local time, on Tuesday, February 10, 2004 (all such proposals to be publicly opened, received and announced, as appropriate, at 12:00 p.m. local time), for the purchase of \$3,050,000 bonds, consisting of \$2,860,000 General Bonds of 2004 and \$190,000 Assessment Bonds of 2004 (collectively, the "Bonds") of the Township due on February 15 as follows, either as serial Bonds or as term Bonds with sinking fund installments in accordance with this Notice of Sale:

<b>Year</b>	<b>General Bonds Principal Amount</b>	<b>Assessment Bonds Principal Amount</b>	<b>Combined Principal Amount</b>
2005	\$ 60,000	\$20,000	\$ 80,000
2006	85,000	20,000	105,000
2007	85,000	20,000	105,000
2008	45,000	20,000	65,000
2009	45,000	20,000	65,000
2010	40,000	20,000	60,000
2011	110,000	20,000	130,000
2012	785,000	20,000	805,000
2013	810,000	20,000	830,000
2014	795,000	10,000	805,000

The Bonds will be dated February 15, 2004, and will bear interest at the rate or rates per annum specified by the successful bidder therefor in accordance with this Notice of Sale, payable on February 15 and August 15 in each year until maturity or earlier redemption, commencing August 15, 2004. The record dates for the payment of principal of and interest on the Bonds will be the February 1 and August 1 next preceding each such payment date.

The Bonds will be issued in book-entry form only, initially in the name of Cede & Co., as nominee of The Depository Trust Company ("DTC"). Purchasers will not

receive certificates representing their interests in the Bonds. Individual purchases will be in the principal amount of \$1,000 (with a \$5,000 minimum) and integral multiples thereof. Payments of principal or redemption price, if any, and interest will be made by the Township or its agent to DTC for subsequent disbursement to DTC participants to then be remitted to the beneficial owners of the Bonds.

The Bonds are not subject to redemption at the option of the Township prior to their stated maturities.

A bidder may aggregate consecutive principal maturities of the Bonds, for which such bidder bids the same interest rate, into term Bonds. Each such term Bond shall mature on the final maturity date of its consecutive maturities in an aggregate principal amount equal to the sum of the principal amounts of its consecutive maturities. Such term Bonds will be subject to mandatory sinking fund redemption at one hundred percent (100%) of the principal amount thereof, together with accrued interest to the date fixed for such redemption, in the amounts and on the dates that would have been consecutive serial maturities had no term Bond designation been made. Notice of redemption shall be given as provided in the resolution of the Township authorizing the Bonds.

The Bonds will be designated as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

Each proposal must specify in a multiple of 1/8 or 1/20 of 1% the rate or rates of interest which the Bonds are to bear. Not more than one rate of interest may be specified for the Bonds of the same maturity. There is no limitation on the number of rates of interest that may be specified. If more than one rate of interest is named, no rate of interest named for any maturity may be less than the rate of interest named for any prior maturity, and the difference between the highest and the lowest rates of interest named shall not exceed three percent (3%).

The Bonds will be awarded to the bidder on whose bid the total loan may be made at the lowest net interest cost. Such net interest cost shall be computed, as to each bid, by adding to the total principal amount of Bonds bid for the total interest cost to maturity in accordance with such bid and by deduction therefrom of the amount of premium, if any, bid. No proposal shall be considered that offers to pay an amount less than the principal amount of Bonds offered for sale or under which the total loan is made at an interest cost higher than the lowest net interest cost to the Township under any legally acceptable proposal, and if two (2) or more such bidders offer to pay the same lowest net interest cost, then the Bonds will be sold to one (1) of such bidders selected by lot from among all such bidders. The purchaser must also pay an amount equal to the interest on the Bonds accrued to the date of payment of the purchase price. The right is reserved to reject all bids and any bid not complying with the terms of this Notice of Sale may be rejected.

Each bidder is required to deposit a certified or cashier's or treasurer's check payable to the order of the Township of West Milford, in the County of Passaic, New Jersey, for \$61,000 drawn upon a bank or trust company, and such check must be received by the Chief Financial Officer of the Township at or before 12:00 p.m., local time, on the bid date at the Municipal Building, 1480 Union Valley Road, West Milford, New Jersey 07480-1303. When the successful bidder has been ascertained, all such deposits will be promptly returned to the persons making the same, except the check of the successful bidder which will be applied in part payment for the Bonds or to secure the Township from any loss resulting from the

failure of the bidder to comply with the terms of its bid. Award of the Bonds to the successful bidder, or rejection of all bids, is expected to be made promptly after opening of the bids, but the successful bidder may not withdraw its proposal until after 3:00 p.m., local time, of the day of such bid-opening and then only if such award has not been made prior to the withdrawal. The Bonds will be delivered and shall be paid for in immediately available funds on or about February 25, 2004, at such place in Newark, New Jersey, and on such business day and at such hour, as the undersigned shall fix on five (5) business days' notice to the successful bidder, or at such other place and time as may be agreed upon with the successful bidder.

Each sealed proposal must be enclosed in an envelope and should be marked on the outside "Proposal for Bonds" and, if mailed, addressed to or in care of the Chief Financial Officer of the Township at the Municipal Building, 1480 Union Valley Road, West Milford, New Jersey, 07480-1303. Each electronic proposal must be submitted via MuniAuction ([www.GrantStreet.com](http://www.GrantStreet.com)). To the extent any instructions or directions set forth on MuniAuction conflict with this Notice of Sale, the terms of this Notice of Sale shall control. The Township may, but is not obligated to, acknowledge its acceptance in writing of any bid submitted electronically via MuniAuction.

To bid by MuniAuction, bidders must first visit MuniAuction where, if they have never registered with either MuniAuction or Grant Street Group, they can register and then request admission to bid on the Bonds. Bidders will be notified prior to the scheduled bidding time of their eligibility to bid. Only broker-dealers registered with the National Association of Securities Dealers or dealer banks with DTC clearing arrangements will be eligible to bid. Bidders who have previously registered with MuniAuction may call MuniAuction at (412) 391-5555 for their Identification Number or password. No bidder will see any other bidder's bid, nor will any bidder see the status of its bid relative to other bids (e.g., whether its bid is a leading bid). The rules of MuniAuction can be viewed on MuniAuction and are incorporated in this Notice of Sale by reference. Bidders must comply with the rules of MuniAuction in addition to the requirements of this Notice of Sale. To the extent there is a conflict between the rules of MuniAuction and this Notice of Sale, this Notice of Sale shall control.

In the event that a bid for the Bonds is submitted via MuniAuction, the bidder further agrees that:

- 1) The Township may regard the electronic transmission of the bid via MuniAuction (including information about the purchase price of the Bonds, the interest rate or rates to be borne by the various maturities of the Bonds, the term Bonds, if any, specified, the initial public offering price of each maturity of the Bonds and any other information included in such transmission) as though the same information were submitted on the official "Proposal for Bonds" provided by the Township and executed by a duly authorized signatory of the bidder. If a bid submitted electronically via MuniAuction is accepted by the Township, the terms of the official "Proposal for Bonds" and this Notice of Sale and the information that is electronically transmitted via MuniAuction shall form a contract, and the successful bidder shall be bound by the terms of such contract.

- 2) MuniAuction is not an agent of the Township, and the Township shall have no liability whatsoever based on any bidder's use of MuniAuction, including but not

limited to any failure by MuniAuction to correctly or timely transmit information provided by the Township or information provided by the bidder.

3) The Township may choose to discontinue use of electronic bidding via MuniAuction by issuing a notification to such effect via on MuniAuction, or by other available means, no later than 3:00 p.m., eastern time, on the last business date prior to the bid date.

4) Once the bids are communicated electronically via MuniAuction to the Township, each bid will constitute an official "Proposal for Bonds" and shall be deemed to be an irrevocable offer to purchase the Bonds on the terms provided in this Notice of Sale. For purposes of submitting all "Proposals for Bonds", whether electronically or sealed, the time as maintained on MuniAuction shall constitute the official time.

5) Each bidder shall be solely responsible to make necessary arrangements to access MuniAuction for purposes of submitting its bid in a timely manner and in compliance with the requirements of this Notice of Sale. The Township shall have no duty or obligation to provide or assure to any bidder, and the Township shall not be responsible for the proper operation of, or have any liability for any delays or interruptions of, or any damages caused by, MuniAuction. The Township is using MuniAuction as a communication mechanism, and not as the Township's agent, to conduct the electronic bidding for the Bonds. By using MuniAuction, each bidder agrees to hold the Township harmless for any harm or damages caused to such bidder in connection with its use of MuniAuction for bidding on the Bonds.

The successful bidder may at its option refuse to accept the Bonds if prior to their delivery any income tax law of the United States of America shall provide that the interest thereon is taxable, or shall be taxable at a future date, for federal income tax purposes, and in such case the deposit made by it will be returned and the successful bidder will be relieved of its contractual obligations arising from the acceptance of its proposal.

If the Bonds qualify for issuance of any policy of municipal bond insurance or commitment therefor at the option of a bidder, any purchase of such insurance or commitment therefor shall be at the sole option and expense of the bidder and any increased costs of issuance of the Bonds resulting by reason of such insurance, unless otherwise paid, shall be paid by such bidder. Any failure of the Bonds to be so insured or of any such policy of insurance to be issued, shall not in any way relieve the purchaser of its contractual obligations arising from the acceptance of its proposal for the purchase of the Bonds.

Prior to or simultaneously with the delivery of the Bonds, the successful bidder shall furnish to the Township a certificate in form acceptable to bond counsel, setting forth the price or yields of each maturity of the Bonds calculated on the basis of retail sales of the Bonds, in accordance with the requirements of the Internal Revenue Code of 1986, as amended.

It is anticipated that CUSIP identification numbers will be printed on the Bonds, but neither the failure to print such number on any Bond nor any error with respect thereto shall constitute cause for the failure or refusal of the successful bidder to accept delivery of and pay for the Bonds. The CUSIP Service Bureau charge for the assignment of CUSIP numbers on the Bonds shall be the responsibility of and shall be paid for by the successful bidder.

A preliminary official statement (the "Preliminary Official Statement") relating to the Bonds is available at [www.GrantStreet.com](http://www.GrantStreet.com) or from the undersigned and the Preliminary Official Statement is deemed final as of its date by the Township for purposes and within the meaning of Rule 15c2-12 of the Securities and Exchange Commission. A final official statement (the "Official Statement") will be delivered to the successful bidder within seven (7) business days of the award of the Bonds. In order to assist bidders in complying with said Rule 15c2-12, the Township will undertake to provide certain continuing disclosure as further described in the Preliminary Official Statement.

The successful bidder will be furnished, without cost, with the approving opinion of the law firm of Hawkins Delafield & Wood LLP to the effect that the Bonds are valid and legally binding obligations of the Township and, unless paid from other sources, are payable from ad valorem taxes levied upon all the taxable property therein without limitation as to rate or amount. The obligations under this Notice of Sale to deliver or accept the Bonds pursuant to this Notice of Sale shall be conditioned on the availability to the successful bidder and delivery at the time of delivery of the Bonds of the said approving opinion and of certificates in form and tenor satisfactory to said law firm evidencing the proper execution and delivery of the Bonds and receipt of payment therefor and including a statement, dated as of the date of such delivery, to the effect that, except as disclosed in the Official Statement, there is no litigation pending or (to the knowledge of the signer or signers thereof) threatened relating to the Bonds.

The Township reserves the right to postpone, from time to time, the date and time established for receipt of bids. Any such postponement will be published on TM3 News Services, or by other available means, not less than twenty-four (24) hours prior to the sale. If any date fixed for the receipt of bids and the sale of the Bonds is postponed, an alternative sale date will be announced via TM3 News Services, or by other available means, at least forty-eight (48) hours prior to such alternative sale date.

Printed copies of the Preliminary Official Statement and this Notice of Sale, and additional information regarding the sale, may be obtained from Hawkins Delafield & Wood LLP, bond counsel, One Gateway Center, Newark, New Jersey 07102-5311 (telephone: 973-642-8584).

January 25, 2004  
KEVIN J. BYRNES  
Township Clerk

Section 7. Additional Matters Contained in Bonds. The Township Clerk is hereby authorized and, if necessary or advisable in the opinion of Hawkins Delafield & Wood LLP, directed (a) to cause the applicable CUSIP numbers (if any) assigned for each of said bonds by the CUSIP Service Bureau of Standard & Poor's Corporation of New York, New York, to be printed on the Bonds, and (b) to cause, in the event that the Bonds shall qualify for issuance of any policy of municipal bond insurance, at the option of the purchaser thereof, such legend or reference (if any) of such insurance to be printed (at the expense of such purchaser) on the reverse of the Bonds in such form as shall be satisfactory to Hawkins Delafield & Wood LLP.

Section 8. Delivery of Related Documents. Upon the date of issue of the Bonds, being the date of delivery of the Bonds to the successful bidder and the payment of the purchase price thereof in accordance with the contract of sale, the Township Clerk is hereby authorized and directed, as of the date of issue, to deliver to said bidder (a) an arbitrage and use of proceeds certificate with respect to the Bonds in such form as shall be satisfactory to Hawkins Delafield & Wood LLP under and for the purposes of Section 148 of the Internal Revenue Code of 1986, as amended to said date of issue (the "Code"), (b) an undertaking to provide continuing disclosure in order to assist said bidder in complying with Rule 15c2-12 of the Securities and Exchange Commission ("Rule 15c2-12") in a form satisfactory to Hawkins Delafield & Wood LLP and (c) such other documents as may be useful, necessary, convenient or desirable in connection with the issuance of the Bonds.

Section 9. Delegation of Power to Award Bonds. The Township Council of the Township, as the governing body thereof, does by this resolution designate the Chief Financial Officer of the Township, or such other Township official as may be deemed appropriate, to sell and award the Bonds in accordance with the advertised terms of public sale. Said Chief Financial Officer or other Township official making such sale shall report in writing to this governing body at its next meeting thereafter as to the principal amount, interest rate and maturities of the Bonds sold, the price obtained and the name of the purchaser. Such Chief Financial Officer or other Township official is hereby further authorized and directed to do and accomplish all matters and things necessary or desirable to accomplish the sale of the Bonds including, after consultation with the Township auditor and bond counsel, postponing and rescheduling from time to time the sale of the Bonds in accordance with the provisions set forth in the notice of sale and as provided by law.

Section 10. Bank-Qualified Designation. The Bonds are hereby designated as "qualified tax-exempt obligations" pursuant to and for the purposes of Section 265(b)(3) of the Code, or to the extent the Bonds refund other obligations of the Township, the Bonds are "qualified tax-exempt obligations" pursuant to Section 265(b)(3)(D)(iii) of the Code. Not more than \$10,000,000 of obligations, including the Bonds, of the Township and all subordinate entities thereof are expected to be designated by the Township for purposes of Section 265(b)(3) of the Code. As of the date hereof, the reasonably anticipated amount of tax-exempt obligations (other than private activity bonds, as referred to and defined in Section 141 of the Code and current refundings of other obligations of the Township), which will be issued by the Township and all subordinate entities thereof during the 2004 calendar year does not exceed \$10,000,000.

Section 11. Preliminary Official Statement. All action taken to date by the officials, employees and agents of the Township with respect to the issuance of the Bonds, including the preparation of a Preliminary Official Statement with respect thereto be and the same hereby are approved, ratified, adopted and confirmed and the Chief Financial Officer of the Township is hereby authorized to deliver said Preliminary Official Statement for its use in the sale, resale and distribution of the Bonds. The Chief Financial Officer of the Township or such











**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST  
MILFORD  
APPROVING PROFESSIONAL SERVICES CONTRACT WITH JOHNSON,  
MURPHY,  
HUBNER, McKEON, WUBBENHORST & APPELT TO PROVIDE SPECIAL  
LEGAL  
SERVICES FOR THE TOWNSHIP OF WEST MILFORD**

**WHEREAS**, the Township of West Milford is in need of special legal services;  
and

**WHEREAS**, N.J.S.A. 40A:11-1, et seq., requires all contracts be in writing; and

**WHEREAS**, the supplying of legal services is exempt from public bidding as  
"Professional Service"; and

**WHEREAS**, Johnson, Murphy, Hubner, McKeon, Wubbenhorst & Appelt is in  
compliance with P.L. 1975, C. 127 (N.J.A.C. 17:27), the "Affirmative Action Act";  
and

**WHEREAS**, Johnson, Murphy, Hubner, McKeon, Wubbenhorst & Appelt, for  
and in  
consideration of payments hereinafter specified and agreed to by the Township of  
West Milford, hereby agrees to perform special legal services for the Township of  
West Milford.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the  
Township of  
West Milford in consideration of the mutual covenants and agreements herein  
contained, the parties agree as follows:

- A. It is agreed by the parties hereto that Johnson, Murphy, Hubner, McKeon,  
Wubbenhorst & Appelt will provide special legal services as required for  
one year.
- B. In consideration for performing said legal services, the Township of West  
Milford agrees to pay to Johnson, Murphy, Hubner, McKeon, Wubbenhorst &  
Appelt an amount not to exceed \$25,000.00.
- C. This contract is awarded without competitive bidding as a "Professional  
Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts  
law because of the need for legal services of a special nature.
- D. A notice of this contract approval shall be printed once in the official  
newspaper, as required by state law or regulation.

**IN WITNESS WHEREOF**, the said parties hereto have duly executed this  
Agreement  
in the day and year first above written.

Adopted: February 4, 2004



**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>
Joanne Blanchfield 9 Bushwick Lane West Milford, NJ 07480	Withdrawal from Kidsafe Karate	\$ 55.00
Amy Bennett 130 Crest Lake Drive West Milford, NJ 07480	Withdrawal from Winter Art Class	\$ 40.00
Barbara Varcadipone 1228 Westbrook Road West Milford, NJ 07480	Withdrawal from Kids in the Kitchen	\$ 50.00

Adopted: February 4, 2004

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Agenda No. **G1 b**  
RESOLUTION NO. 2004 - 57

**RESOLUTION AUTHORIZING REFUND OF ESCROW MONIES**

**RESOLVED**, that upon the report and request of the Township's Planning Director the following Escrow monies be refunded:

| <u>Name &amp; Address</u>                                                | <u>App. No.</u> | <u>Escrow Amount</u> | <u>Amount Refunded</u> |
|--------------------------------------------------------------------------|-----------------|----------------------|------------------------|
| Jeff Soued<br>Lorraine Leonard<br>206 Long Pond Road<br>Hewitt, NJ 07421 | 0130-0507       | \$ 250.00            | \$ 163.29              |

Adopted: February 4, 2004

Agenda No. **G1 c**  
RESOLUTION NO. 2003 - 58

**RESOLUTION AUTHORIZING CANCELLATION OF 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

Property Subdivided - To Be Rebilled in 2004 Second Half

| <b>BLOCK &amp; LOT</b> | <b>NAME</b> | <b>AMOUNT</b> | <b>YEAR</b> |
|------------------------|-------------|---------------|-------------|
|------------------------|-------------|---------------|-------------|

4701-33.03      John Koeppe                      \$2,472.00      2004 1 ½

**TOTAL                                      \$2,472.00**

Adopted: February 4, 2004

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Agenda No. **G1 d**  
RESOLUTION NO. 2004 - 59

**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	Redemption of	Date	Pay to the	
From	Lien Cert. #	of Sale	Block/Lot	Amount	Lienholder
Weichert Financial Services	99-123	4-12-99	10805-013	\$3,905.91	Mega Smooth Enterprises P.O. Box 1039 Bronx, New York 10473
Weichert Financial Services	03-069	4-07-03	10805-013	\$ 652.19	Pam Investors 127 So. Washington Ave Bergenfield, New Jersey 07621

**TOTAL                                      \$4,558.10**

Adopted: February 4, 2004

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Agenda No. **G1 e**  
RESOLUTION NO. 2004 - 60

**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/LotName</b>                                                                 | <b>Amount</b>     | <b>Year</b> | <b>Reason</b> |
|--------------------------------------------------------------------------------------|-------------------|-------------|---------------|
| 5505-2.22 Anna Fili<br>5222 Richmond Road<br>West Milford, NJ 07480                  | \$ 250.00         | 2003        | 3             |
| 5505-4.07 Dorothy Mayo<br>5407 Richmond Road<br>West Milford, NJ 07480               | 250.00            | 2003        | 3             |
| 6303-28 Township of West Milford<br>1480 Union Valley Road<br>West Milford, NJ 07480 | 1,032.00          | 2003        | 1             |
| 9708-7 Charlotte Nolan<br>60 Sussex Drive<br>West Milford, NJ 07480                  | 250.00            | 2003        | 3             |
| 14701-37 Donna Bendel<br>8 Mulberry Lane<br>Poughkeepsie, NY 12603                   | 91.78             | 2003        | 2             |
| 15401-29 Richard M. Antanattis<br>35 Meadow View Court<br>Newfoundland, NJ 07435     | 250.00            | 2003        | 3             |
| <b>TOTAL</b>                                                                         | <b>\$2,123.78</b> |             |               |

Adopted: February 4, 2004

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**Approval of Expenditures**

Agenda No. H 1  
RESOLUTION NO. 2004 - 61

**RESOLUTION APPROVING THE PAYMENT OF BILLS**

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



- ( ) 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.
- ( ) 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).

Moved: Bailey      Seconded: Scangarello

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

Voted Nay:None.

Resolution adopted.

Present: Township Councilmembers Paul Bailey, Joseph Elcavage, William Gervens,

Dennis Kirwan, Patricia Lotz-Moore, Carmelo Scangarello, and Mayor Joseph DiDonato.

Absent: None.

Also Present: Acting Township Administrator Kevin J. Byrnes, Special Counsel Robert Oostdyk and Assistant Municipal Clerk Denise M. Loeffel.

Purpose:Redevelopment area

Councilman Scangarello moved to adjourn the executive session.

Moved: Scangarello      Seconded: Gervens

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

Voted Nay: None.

Executive Session adjourned.

Mayor DiDonato called the meeting back to order at 9:12 P.M.

Mayor DiDonato reported that the Council had met with Special Counsel Robert Oostdyk to discuss the sale of the Redevelopment property to the State of New Jersey. Mayor DiDonato noted that because the Council does not agree with the sale of the redevelopment property they had discussed options in the litigation on this matter with Special Counsel.

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

The Members of the Council commented on various Municipal and Government matters pending.

Acting Township Administrator Kevin J. Byrnes noted a need to schedule Budget Workshops.

Mayor DiDonato reported on the Township Administrative Code and asked for three Councilmembers to volunteer to review the first draft of the new administrative code.

Councilmembers Dennis Kirwan, Joseph Elcavage and Paul Bailey volunteered to review the first draft of the new administrative code book.

Mayor DiDonato reported that the Township has an excellent rating with Bond counsel.

Councilman Bailey had no report.

Councilman Elcavage had no report.

Councilman Gervens reported that there is an issue with the New Jersey Stormwater Management Act and the use of road salt which is noted for the contamination of wells. He also requested that the Council support Councilman Kirwan's idea to have the MUA Permit for Hovnanian and Birch Hill separated.

Councilman Gervens noted that several senior citizens had reported a problem with the POPS prescription savings card.

Councilman Kirwan had no report.

Councilwoman Lotz-Moore reported on the Volunteer Fire Company Ladies Auxiliary installation and awards affair.

Councilman Scangarello had no report.

Township Attorney William DeMarco reported that there is a problem with the Commercial Waste Pickup bid, noting that the Acting Township Administrator has a good idea of how to solve the problem which they are discussing further. The Township Attorney also noted that the Administrative Code is well started.

### **APPOINTMENTS**

#### **MAYOR AND COUNCIL APPOINTMENT**

##### Zoning Board of Adjustment

Councilman Joseph Elcavage nominated **Ed Spirko** to serve as **Alternate Member No. 2** on the **Zoning Board of Adjustment** for a term ending December 31, 2005.

Mayor DiDonato endorsed the nomination.

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







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MAYOR JOSEPH DIDONATO  
PRESIDING OFFICER

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DENISE M. LOEFFEL  
ASSISTANT MUNICIPAL CLERK