

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

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

Pledge of Allegiance

Invocation

Reverend Allan Mather, Green Pond Bible Chapel

Roll Call

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

Absent: Councilman Dennis Kirwan and Mayor Joseph DiDonato (joined the meeting during Council Reports)

Also Present: Acting Township Administrator Kevin J. Byrnes and Township Attorney William DeMarco.

Council President William Gervens noted that Mayor DiDonato and Councilman Kirwan are both attending a County meeting on Highlands legislation.

Reading of or Approval of Unapproved Minutes

Councilman Elcavage moved to adopt the minutes of the January 1, 2004 Organization Meeting, the January 15, 2004 Portion Workshop, the January 15, 2004 Executive Session, the January 21, 2004 Regular Meeting, the February 12, 2004 Portion Workshop, the February 12, 2004 Executive Session, the February 18, 2004 Regular Meeting, and the March 17, 2004 Regular Meeting.

Moved: Elcavage

Seconded: Lotz-Moore

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

Voted Nay: None.

Motion carried.

Bids & Awards

Acting Township Administrator Kevin J. Byrnes reported on the bid received for the Maintenance of Ballfields and Other Sites on March 5, 2004 at 10 a.m.

The Township Administrator recommended that the Council accept the recommendation of the Recreation Director and award a contract to the sole bidder Pat Scanlan Landscaping, Inc., per bid specifications and Treasurer's certification

None.

Unfinished Business, Final Passage of Ordinances

None.

New Business, Introduction of Ordinances, Resolutions

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

Council President William Gervens read the following Ordinance Accepting the Dedication of Streets Known As Orleans Lane, Cherbourg Drive and a Portion of Continental Road, by title, for introduction.

ORDINANCE ACCEPTING THE DEDICATION OF STREETS KNOWN AS ORLEANS LANE, CHERBOURG DRIVE AND A PORTION OF CONTINENTAL ROAD

The Ordinance was introduced and passed it's first reading.

Moved: Elcavage

Seconded: Lotz-Moore

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

Voted Nay: None.

Motion carried.

Township Clerk Kevin J. Byrnes advised that the ordinance would be published in the Aim Community News newspaper in its issue of April 18, 2004, and that public hearing will be held on May 5, 2004 at 7:30 P.M., time prevail-ing at the West Milford Town Hall.

Council President William Gervens read the following Ordinance Accepting the Dedication of a Street Known As Stone Hedge Way, by title, for introduction.

ORDINANCE ACCEPTING THE DEDICATION OF A STREET KNOWN AS STONE HEDGE WAY

The Ordinance was introduced and passed it's first reading.

Moved: Elcavage

Seconded: Lotz-Moore

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

Voted Nay: None.

Motion carried.

Township Clerk Kevin J. Byrnes advised that the ordinance would be published in the Aim Community News newspaper in its issue of April 18, 2004, and that public hearing will be held on May 5, 2004 at 7:30 P.M., time prevail-ing at the West Milford Town Hall.

Agenda No. **F 3**

RESOLUTION NO. 2004 - 106

RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR MUNICIPAL AID UNDER THE NEW JERSEY DEPARTMENT OF TRANSPORTATION TRUST FUND

WHEREAS, the Township has met all other NJDOT requirements for this grant application.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of West Milford that it, hereby, authorizes and directs the Mayor and Township Clerk to execute a grant application (copy attached) for its bikeway project with the estimated project construction costs of \$2,167,000.00.

Adopted: April 7, 2004

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

Agenda No. **F 5**
RESOLUTION NO. 2004 - 108

**RESOLUTION AUTHORIZING ISSUANCE OF A RECREATION GROUP USE
PERMIT
(MEMORIAL PARK - NATIONAL DAY OF PRAYER)**

WHEREAS, the Township's Director of Parks and Recreation has received a request from Helen Sedlack for the use of Memorial Park on May 6, 2004 for the National Day of Prayer observance; and

WHEREAS, this event is of an extraordinary nature requiring the approval of the Mayor and Township Council of the Township of West Milford; and

WHEREAS, the Mayor and Township Council has reviewed the application and the report submitted to it by the Director of Parks and Recreation;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford that based upon the review of the application and the report of the Director of Parks and Recreation, it does hereby approve of the issuance of a Group Use Permit to Helen Sedlack for the use of Memorial Park for the National Day of Prayer observance with the following conditions:

1. It shall arrange by April 30, 2004 with the Chief of Police for a system of traffic control and security for the event.

Adopted: April 7, 2004

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

Township Administrator Kevin J. Byrnes stated that the fee changes in Ordinance To Amend Chapter II, Administration, Section 2-30, of the Revised General Ordinances of the Township of West Milford are being made in accordance with the suggested fee schedule contained in OPRA.

Council President William Gervens read the following Ordinance To Amend Chapter II, Administration, Section 2-30, of the Revised General Ordinances of the Township of West Milford, by title, for introduction.

AN ORDINANCE TO AMEND CHAPTER II, ADMINISTRATION, SECTION 2-30, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST MILFORD

The Ordinance was introduced and passed it's first reading.

Moved: Elcavage

Seconded: Bailey

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

Voted Nay: None.

Motion carried.

Township Clerk Kevin J. Byrnes advised that the ordinance would be published in the Aim Community News newspaper in its issue of April 18, 2004, and that public hearing will be held on May 5, 2004 at 7:30 P.M., time prevailing at the West Milford Town Hall.

The Township Council proceeded to the Consent Agenda:

Consent Agenda

Agenda No. **G 1**

RESOLUTION NO. 2004 - 109

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

WHEREAS, none of the Councilmembers or Mayor of the Township of West Milford is desirous of removing Resolutions or Applications for individual action from this Agenda,

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

- a. **Resolution** Authorizing the Cancellation of Tax Credits
- b. **Resolution** Authorizing Refund of Overpayments

UNALLOCATED OVERPAYMENTS THAT CANNOT BE IDENTIFIED FOR
REFUNDS

BLOCK/LOT	NAME	AMOUNT	YEAR
2715-1	Thomas & Tracey Clark	\$ 1,000.00	2002
7801-57.08	Michael & Kelly Jack	1,339.00	2002
9710-14	Dennis & Eileen Espinosa	1,307.00	2002
13806-6	Johnie & Ann Butler	24.00	2002
13807-2	Doreen Shoba	1,257.00	2002

TOTAL **\$ 4,927.00**

Adopted: April 7, 2004

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Agenda No. **G1 b**  
RESOLUTION NO. 2004 - 111

**RESOLUTION AUTHORIZING REFUND OF OVERPAYMENTS**

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

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

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

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

| Block/Lot | Name                                                                    | Amount    | Year | Reason |
|-----------|-------------------------------------------------------------------------|-----------|------|--------|
| 2606-15   | Dennis Burnett<br>86 West 27th Street<br>Bayonne, NJ 07002              | \$ 168.00 | 2003 | 1      |
| 3103-16   | James Seymour<br>20 Kushaqua Trail South<br>Hewitt, NJ 07421            | 1,034.00  | 2004 | 2      |
| 13102-32  | Paul M. Califf, Esq.<br>1167 Route 23 South<br>Kinnelon, NJ 07405       | 1,059.50  | 2003 | 1      |
| 13701-16  | Frederick & Linda Hachtel<br>30 Hiawatha Pass<br>West Milford, NJ 07480 | 1,534.05  | 2003 | 2      |
| 16201-30  | Washington Mutual<br>% Sergio Huarachi<br>5 Davenport Road              | 1,497.00  | 2004 | 2      |



Voted Nay: None.  
Resolution adopted.

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Township Administrator Kevin J. Byrnes noted Agenda Items added after packets went out to the Council on Tuesday.

The Township Council took action on the Agenda Addendum Items as follows:

Agenda No. **AA 1**  
RESOLUTION NO. 2004 - 113

**RESOLUTION AUTHORIZING FILING OF  
TONNAGE GRANT APPLICATION - 2003**

**WHEREAS**, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

**WHEREAS**, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling act; and

**WHEREAS**, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS**, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and indicate the assent of the Township Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS**, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of West Milford that it does hereby endorse the submission of a Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection, Office of Recycling and designates **Kevin J. Byrnes** to ensure that the said application is properly filed.

**BE IT FURTHER RESOLVED**, that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Adopted: April 7, 2004

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B. The committee's authority and existence will terminate when the Township Council has completed consideration of its recommendations.

### **3. MEMBERSHIP**

There will be nine (9) members on the committee:

1. Member of the Township Council
2. Representative of the Township's Senior Citizen Committee
3. Representative of the Township's A.D.A. Committee
4. West Milford School District Transportation Coordinator
5. Township Transportation Coordinator
6. Representative of the Passaic County Para Transit Office
7. Representative of New Jersey Transit
8. Two (2) citizen members

### **4. APPOINTING AUTHORITY**

The members of the Transportation Advisory Committee shall be appointed by and serve at the pleasure of the Township Council. In the event that a member fails to attend three consecutive meetings of the committee, the committee may recommend the Township Council terminate that appointment and declare the position vacant.

### **5. OFFICERS AND STAFFING**

A. Officers. The Officers consist of a chair and vice chair who shall be selected by the membership and who shall serve at the pleasure of the membership for one-year terms. Officers may be re-elected.

B. Chair. The chair shall have general directional powers over the committee. The chair shall preside at all committee meetings and set committee agendas. The chair shall also be an ex-officio member of all subcommittees and shall be the sole spokesperson for the committee unless this responsibility is delegated in writing.

C. Vice Chair. The vice chair shall execute all powers of the chair in the absence of the chair.

D. Staff. The Township will provided staff support to the committee for meeting notification, typing, copying and information gathering to the extent that the budget permits.

### **6. ORGANIZATIONAL PROCEDURES**

A. The committee shall hold meetings as necessary at a time and place designated by the chair.

B. Fifty-one percent of the voting membership of the committee shall constitute a quorum.

C. These bylaws may be repealed or amended, or new bylaws may be adopted by a majority vote of the Township Council on its own initiative, or upon a recommendation from the committee.













Voted Aye: Bailey, Elcavage, Gervens, Kirwan, Lotz-Moore, Scangarello.  
Voted Nay: None.  
Motion carried.

**Executive Session**

**MOTION FOR EXECUTIVE SESSION**

**BE IT RESOLVED** by the Township Council of the Township of West Milford on the 7<sup>th</sup> day of April, 2004, 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.
- (X) 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: Lotz-Moore

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

Voted Nay:None.

Resolution adopted.

