
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council
Date of Meeting: September 13, 2006
Time of Meeting: 7:30 P.M.
Minute Page No: Page 1 of 17

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

Adequate Notice Statement

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 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

Council President Gervens led all in attendance in a salute to the flag.

Roll Call

Present: Councilmembers Philip Weisbecker, William Gervens, Joseph Smolinski, Robert Nolan, James Warden, Carmelo Scangarello.
Absent: Mayor Joseph DiDonato.
Also Present: Township Administrator Richard Kunze, Township Clerk Antoinette Battaglia, and Dominic DiYanni from the firm of Dorsey & Semrau.

Reading of or Approval of Unapproved Minutes

None.

Presentation

Council President Gervens invited the team members, coaches and managers for the West Milford Girls 14U X-Treme Softball Team to come forward to be recognized by the Council. Council President Gervens invited Councilman Smolinski to join him at the podium and he commended the coaches, Robbie Bordino, Frank Richardi, Vicki Siesta, and Mike Henry for their hard work in making this team such a success. The coaches introduced the members of the team, Hailey Wicker, Lauren Bogart, Amanda Morgan, Christina Siesta, Bianca Stevens, Erica Cochenour, Megan Johansson, Veronica Richardi, Carly Bordino, Robyn Jirouschek and Harley Masiello. Council President Gervens congratulated the team for winning the 2006 Babe Ruth District Championship Title and he noted that this success is a culmination of a lot of work and effort on the part of each player. He thanked them for their fine representation of this town. Councilman Smolinski noted that, while this win is important, these young ladies displayed sportsmanship throughout the season. He thanked each of the parents and the siblings of these team members without whom the team could not accomplish these successes. Council President Gervens presented the coaches with a certificate of appreciation on behalf of the Council and Township residents. The coaches thanked the Council for recognizing their team tonight and they expressed their pride in the team while acknowledging the work each member invested in this success.

Council President Gervens invited the West Milford Little League National 12U All-Stars to join him at the podium. The team manager, Ed Pevny and the coach, Greg Stewart introduced the team members Alex Bogart, Brady Pevny, Matt Tietz, Brendan Mayers, Aidan Stewart, Joe Manganella, Garvin Jones, Scott Schappell, John Quazza, Louie Jimenez, Nick Oriolo, and Austin Griffiths. Council President Gervens presented the manager with a certificate of recognition on behalf of the Council and Township residents, acknowledging that this team was District 2 Champions and Section 1 Champions this season and that they made it to the New Jersey State Finals. He acknowledged their hard work and the long hours they invested throughout the summer to make these successes possible. Councilman Smolinski commended the team members, the coaches and parents for all their hard work. He stated that these team members represent their town every time they play and they make West Milford proud. He recalled specifics of a game he attended in South Jersey, noting that this team displayed sportsmanship and good manners to their opponents at all times. The coaches thanked the Mayor and Council for inviting the team here tonight. They stated that they are honored to serve and to work with these kids. They noted that each team member worked hard all summer.

Proclamations

Councilman President Gervens invited representatives from the Library to join him at the podium to accept a proclamation he will read tonight on behalf of Mayor DiDonato. Ms. Patricia Hannan, the Library Director, and a member of the Library Board came forward. Council President Gervens read the proclamation noting that the Library Board is comprised of volunteers who invest a lot of time and effort on behalf of the residents of West Milford. He thanked them for all their work.

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**~ PROCLAMATION ~
NATIONAL FRIENDS OF
LIBRARIES WEEK**

WHEREAS, Friends of the West Milford Township Library raise money that enables our library to move from good to great – providing the resources for additional materials and programming, much needed equipment, support for children’s summer reading, and special events throughout the year; and

WHEREAS, the work of the Friends highlights through an on-going basis the fact that our library is the cornerstone of the Township community, providing opportunities for all to engage in the joy of life-long learning and connect with the thoughts and ideas of others from ages past to the present; and

WHEREAS, the Friends understand the critical importance of well funded libraries and advocate to ensure that our library gets the resources it needs to provide a wide variety of services to all ages including access to print and electronic materials, along with expert assistance in research, reader’s advisory, and children’s services; and

WHEREAS, the Friends’ gift of their time and commitment to the library sets an example for all in how volunteerism leads to positive civic engagement and the betterment of our community.

NOW, THEREFORE, I, JOSEPH A. DiDONATO, Mayor of the Township of West Milford, County of Passaic, New Jersey do hereby proclaim **October 22 - 28, 2006** as **FRIENDS OF THE LIBRARY WEEK** and urge everyone to join the Friends of the Library and thank them for all they do to make our library and community so much better.

Unfinished Business, Final Passage of Ordinances

Agenda No. V 1

~ Ordinance 2006-015 ~

AN ORDINANCE SUPPLEMENTING SECTION FIVE (GENERAL REGULATIONS), OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY WITH THE ADDITION OF CHAPTER 5.24, ENTITLED BICYCLES, SKATES, SKATEBOARDS AND SCOOTERS

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

SECTION 1. Chapter 5, General Regulations, of the aforesaid Revised General Ordinances is hereby supplemented to establish a newly created subsection 5.24, “Bicycles, Skates, Skateboards and Scooters” to read as follows:

§ 5.24.1 Purpose.

The purpose of this chapter is to provide for the safety, health and general welfare of the residents of the Township of West Milford and the users of the streets and sidewalks of the Township of West Milford. By enacting this chapter, the Township seeks to prevent personal injury and property damage as a result of the use of bicycles, skates, skateboards, and scooters within the Township.

§ 5.24.2 Definitions.

The listed words shall, for the purposes of this article, have the following meanings:

BICYCLE — A vehicle with two wheels propelled solely by human power and having pedals, handlebars and a saddle-like seat. The term shall include a bicycle for two or more persons, having seats and corresponding sets of pedals arranged in tandem.

HELMET — Protective headgear which meets the standards of the American National Standards Institute (ANSI Z90.4, Bicycle Helmet Standard), Snell Memorial Foundation’s 1990 Standard For Protective Headgear For Use In Bicycling, the American Society for Testing and Materials (ASTM) standard or other such standard, as appropriate.

IN-LINE SKATES — A pair of devices worn on the feet with at least two or more wheels attached, which wheels are in tandem and which devices are used to glide and propel the user over the ground.

SCOOTER — A device propelled by muscular power, which consists of a footboard between end wheels and is controlled by an upright steering handle attached to a front wheel.

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

Agenda No. V 2

~ Resolution 2006-293 ~

AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, AND STATE OF NEW JERSEY AUTHORIZING AN AGREEMENT WITH HIGHCREST LODGE

Mr. DiYanni advised that the agreement has yet to be finalized. Mr. Semrau expects to have it for the next meeting. Administrator Kunze stated that the Township received a request from Highcrest today that must be reviewed before the agreement is executed. The Council agreed to postpone any action on this resolution until the terms of the agreement have been negotiated by the attorneys.

Public Comments

Council President Gervens opened the meeting to the public.

Ada Erik, Macopin Road, West Milford reminded everyone that the monthly blood drive is scheduled for Sunday at the Ambulance Building on Ridge Road. Noting that we missed one blood drive this year due to Easter Sunday, she stated that there are only four more blood drives scheduled through the end of this year. Recalling that she had previously broached the subject of tree maintenance on the roads in town, she reminded everyone that there have been recent storms, which have knocked dead trees down, causing potential hazards. She stated that, while the State has been clearing the State roads in town, Macopin Road is a County road and the County has not addressed the problems being caused by the trees. Additionally, the utility companies do not care and, thus, they have not been engaging in necessary maintenance. Therefore, we in the Township and especially our leaders, the Council, must become proactive in convincing these entities to address this problem. She stated that this is a very important issue that should be addressed before someone gets killed.

Frank Hannan, Krattiger Court, West Milford thanked everyone who participated in the 9/11 ceremony, which was very moving. He reminded everyone that this year's *Autumn Lights Festival (ALF)* is scheduled for October 7th with a rain date of October 8th. Information, he said, can be obtained on the Township's website. The response this year appears to be very positive and everyone is just hoping for good weather. Referring to a bumper sticker he recently read, he stated that the recent nonsense must stop and the Township officials must get down to Township business. The West Milford Sunshine Act was not good for West Milford and, while some people contend that it was withdrawn because it needs tweaking, it does not need to be revisited. He stated that he recently asked Councilman Weisbecker if he realized the impact the attorney ethics ordinance would have on the Township when he voted in favor of this ordinance in 2003. Mr. Weisbecker, he said, responded in the negative. Noting that the Council recently voted to increase the not-to-exceed amount for the Township Attorney, he asked why these fees are so high. He asked if the attorney is working on nonsense and urged the Council to focus on Township business.

Dan Jurkovic, 24 Seymour Drive, West Milford reminded everyone that Mayor DiDonato spoke last week and condemned the concept of censoring volunteers. He stated that Councilman Nolan rebuffed the Mayor's statements with an amateur interpretation of the law. He stated that New Jersey statutes demand that we have a Planning Board and staff. Councilman Nolan and Mr. O'Shea do everything they can to undermine the board member's ability to do their jobs. The Zoning and Planning Boards have the right to hire and appoint professionals. The law demands that the Council not attempt to influence these appointments. Councilman Nolan has tried to exert such influence by virtue of his continuous attempts to renegotiate Mr. Glatt's contract. Once the budget has been approved, the Council cannot interfere with the actions of the Zoning and Planning Boards. These boards, he said, are specifically excluded from seeking advise from the Township Attorney because that attorney is, by statute, conflicted out and he referred to the decision in *West Milford Township v. West Milford Planning Board* to substantiate his statement. He stated that the memorandum from the Township Administrator contends that Mr. Glatt's contract is problematic. However, to change it at this stage would constitute a breach of contract. The Council did not adopt a resolution authorizing a breach of contract. He further stated that the State Attorney General proffered a legal opinion in 1991 which states that substitute attorneys, in certain circumstances, are not subject to ethics laws. He stated that, because Mr. O'Shea has reported this matter to DCA, the Council should defer any further discussion of this subject pending the DCA ruling. However, he urged the Council to focus on getting a secretary and planner for the next Zoning Board meeting.

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From the audience, Mr. Michael Tfank, asked for a Point of Order. He stated that Councilman Warden had attacked volunteers and he asked to know what accusations are being made. Mr. DiYanni advised that the Council must vote in order to let Mr. Tfank speak as a Point of Order. The Council voted by the following roll call vote to allow the Point of Order:

Voted Aye: Weisbecker, Smolinski, Gervens, Warden, Scangarello.
Voted Nay: Nolan.
Motion carried.

Council President Gervens noted that this discussion would be limited to five minutes.

Michael Tfank, Bradrick Lane, West Milford asked Councilman Warden to state which laws board members have broken. He stated that the public has a right to know or Councilman Warden should stop these attacks. Councilman Warden responded that he never said that board members broke the law. He clarified that what he had said is that Planning and Zoning Board members should follow the law. Mr. Tfank asked what laws are not being followed. He said that by making those statements, Councilman Warden is implying that the law is not being followed and he asked what charges are being made. Councilman Warden repeated that the boards must follow the law. They cannot hide behind the attorney accountability ordinance; they need to follow the law. Mr. Tfank stated that the boards are following the law; they are asking the Council to obey the law too and stop interfering.

New Business, Introduction of Ordinances, Resolutions

The Mayor and Township Council proceeded to take Action on the following ordinance and resolutions:

Agenda No. VIII 1

~ Resolution 2006-307 ~

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD,
COUNTY OF PASSAIC AND STATE OF NEW JERSEY AWARDING A CONTRACT FOR
CRACK SEALANT SERVICES & MATERIALS**

WHEREAS, the Township of West Milford is a member of the Morris County Cooperative Purchasing Council; and

WHEREAS, the Morris County Cooperative Purchasing Council has awarded Contract #6, Category III Crack Sealant, for the 2006 year to K & K Paving and said contract was awarded through the open competitive bidding process and in accordance with N.J.S.A. 40a:11 et seq., Local Public Contracts Law; and

WHEREAS, the Township of West Milford anticipates a need to purchase crack sealant services and materials in 2006; and

WHEREAS, the Township Engineer has reviewed the Morris County Cooperative Purchasing Council's contract and related specifications and has submitted a written recommendation that the Township of West Milford purchase crack sealant service and materials through the Morris County Cooperative Purchasing Council, Contract #6, Category 6 Crack Sealing in an amount not to exceed \$22,000; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these purchases, said funds to be encumbered from account number 6-01-26-290-624.

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

1. The Township Council hereby authorizes the Township Engineer to purchase Crack Sealant Services and Materials, in an amount not to exceed \$22,000, through the Morris County Cooperative Purchasing Council, contract #6, Category 6 Crack Sealant awarded to K & K Paving.
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution and contract shall be available for public inspection in the office of the Township Engineer.

Adopted: September 13, 2006

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

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Motion carried.

Agenda No. VIII 2

~ Resolution 2006-308 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A FAIR AND OPEN PROFESSIONAL SERVICES CONTRACT WITH HAWKINS, DELAFIELD, & WOODS FOR BOND COUNSEL SERVICES

WHEREAS, the Township requested proposals for Bond Counsel services; and

WHEREAS, the Township Administrator has received proposals for Bond Counsel services in accordance with N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, Hawkins, Delafield & Woods has submitted a Proposal for Services in connection with the above referenced request for proposals; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for these services, said funds to be encumbered from various accounts pursuant to Section 20 of the Local Bond Law.

WHEREAS, the Township Administrator has recommended that Hawkins, Delafield & Woods be retained to provide Bond Counsel services to the Township of West Milford; and

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:

1. The Township Administrator be and is hereby authorized to execute a contract with Hawkins, Delafield, & Woods for professional bond counsel services in an amount not to exceed \$20,000.00.
2. This contract is awarded as a "Professional Services" pursuant to *N.J.S.A. 19:44A-20 et seq.* and the local public contracts law.
3. The duration of the contract shall be for the 2006 calendar year.
4. That a notice of this action shall be published in accordance with law, and said notice to provide that the contract awarded and this resolution authorizing same are available for public inspection in the office of the Township Clerk.

Adopted: September 13, 2006

Discussion: Mr. Kunze advised that, after adoption of the budget, staff began to prepare for the bond ordinances. To that end, the Township sought requests for proposals pursuant to pay-to-play. He provided an analysis of the proposals and an overview of the criteria used to compare the proposals. Based on the review, he and the CFO are recommending that the Council appoint Hawkins, Delafield, & Wood as bond counsel for the Township. Not only was their proposal competitive, they have worked for the Township successfully in the past. Mr. DiYanni noted that the contract is being awarded through the fair and open process and the resolution before the Council reflects that. Councilman Nolan noted that the not-to-exceed amount in the resolution is \$20,000 but the summary sheet shows a quote of \$16,000. Mr. Kunze advised that, in an attempt to compare apples to apples, the estimated cost is based on the last bond sale. The \$10,000 amount covers bond ordinances as well as bonding for 2006. Administrator Kunze advised that he will have bond ordinances prepared for introduction at the next workshop meeting so that we can start on our capital programs before the end of the year. Everything scheduled for the bond ordinances has been discussed during the budget process.

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

Agenda No. VIII 3

~ Resolution 2006-309 ~

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

Included in and adopted by the Resolution Authorizing Passage of the Consent Agenda were the following resolutions:

Agenda No. IX 1a

~ Resolution 2006-311 ~

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:

REASONS:

1. REMOVED FROM DUPLICATE - 100% DISABLED VETERAN TAX EMEMPT

<u>BLOCK/LOT</u>	<u>NAME</u>	<u>AMOUNT</u>	<u>Year</u>	<u>Reason</u>
8101-25.02	Gail Rheinlander & Donald Ehrmann	\$2,101.95	2006 Full Year	1
8101-025.02	Gail Rheinlander & Donald Erhmann	\$1,050.00	2007 First Half	1
5402-1	Pat & Heidrun Mastrinco la	\$1,663.00	2006 Second Qtr.	2
5402-1	Pat & Heidrun Mastrincola	\$5,425.66	2006 Second Half	2
5402-1	Pat & Heidrun Mastrincola	\$3,544.00	2007 First Half	2
7401-25	State of N.J.D.E.P.	\$1,650.00	2007 First Half	3
4701-35	Andre Randall & UX	\$276.00	2007 First Half	3
	TOTAL	\$15,710.61		

Adopted: September 13, 2006

 Agenda No. IX 1b

~ Resolution 2006-312 ~

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. Reduced Assessment |
| | 5. Tax Appeal |

Block/Lot	Name	Amount	Year	Reason
204-1	Michael & Elsie Karamichael 20 Gardner Place #32 Oneonta, NY 13820	\$1,002.93	2006	1
401-19	Elizabeth Meeker 26 Commanche Lane	\$1,066.22	2006	4

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	Hewitt, NJ 07421			
1002-4	Daniel & Dolores Focarino 148 Over Oaks Place Sanford, FL 32771	\$25.95	2006	5
1601-4.01	Gaetano & Immacolata Russo 59 Lebanon Road Hewitt, NJ 07421	\$28.19	2006	4
1612-8	Michael & Rozalia Juhasz 30-27 23 rd Street Astoria, NY 11102	\$722.11	2006	1
1807-4	Barbarula Law Office 23 Professional Bldg. 1242 Route 23 North Butler, NJ 07405	\$1,075.00	2006	2
1814-1	Patrick Landolfi 12 Edgewater Road Hewitt, NJ 07421	\$947.31	2006	4
1816-31	Skyward Construction, LLC 308 Ridge Road West Milford, NJ 07480	\$1,719.03	2006	5
2510-3	Micheal & Theresa Allegra 7 Emerson Road Hewitt, NJ 07421	\$576.09	2006	5
2512-3	Joseph Nowinski P.O. Box 490 Hewitt, NJ 07421	\$153.11	2006	5
2603-4.02	Freddy Melchor 44 Belford Drive Hewitt, NJ 07421	\$401.22	2006	4
2713-6	Mary & Gary Sadosky 16 Secaucus Road Hewitt, NJ 07421	\$1,166.00	2006	2
3705-43	Glenn E. Juhlin 2-43 Hartley Place Fairlawn, NJ 07410	\$1,038.00	2006	5
5004-4	Gregory Deal & Dorothy Morrison 47 Rockburn Pass West Milford, NJ 07480	\$282.86	2006	5
5304-6	D. Martinez & J. Zapana 44 Alpine Ridge Road West Milford, NJ 07480	\$192.03	2006	5
5316-1.15	Irene Zeedyk 9115 Richmond Road West Milford, NJ 07480	\$519.00	2006	5
5316-3.07	Elaine Halberstadt 9307 Richmond Road West Milford, NJ 07480	\$519.00	2006	5
5316-3.10	Donald J. & Sarah Bautz 9310 Richmond Road West Milford, NJ 07480	\$519.00	2006	5
5317-4.04	Cyril & Joyce Hughes 6404 Richmond Road West Milford, NJ 07480	\$259.50	2006	5
5319-14.02	Carl & Jean Eissmann 142 Richmond Road West Milford, NJ 07480	\$259.50	2006	5
5319-14.03	Dorothy M. Iannacone 143 Richmond Road West Milford, NJ 07480	\$259.50	2006	5
5319-14.04	Carmen Robert & Ann Rose Cordaro 144 Richmond Road West Milford, NJ 07480	\$259.50	2006	5
5320-16.03	Kenneth & Eileen Clinton 163 Richmond Road West Milford, NJ 07480	\$259.50	2006	5
5504-4.08	Mildred Derych 1408 Richmond Road West Milford, NJ 07480	\$259.50	2006	5

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5505-2.02	Charles & Dorothy Nakoniecz 5202 Richmond Road West Milford, NJ 07480	\$519.00	2006	5
5505-2.03	Edward & Irene Cipoletti 5203 Richmond Road West Milford, NJ 07480	\$519.00	2006	5
5505-2.05	Frances Haslbeck 5205 Richmond Road West Milford, NJ 07480	\$519.00	2006	5
5505-2.06	Caterina Vitiello 5206 Richmond Road West Milford, NJ 07480	\$519.00	2006	5
5505-2.08	Ettore & Assunta Siniscalchi 5208 Richmond Road West Milford, NJ 07480	\$519.00	2006	5
5505-2.09	Thelma Kogan 5209 Richmond Road West Milford, NJ 07480	\$519.00	2006	5
5505-2.22	Anna Fili 5222 Richmond Road West Milford, NJ 07480	\$519.00	2006	5
5505-3.01	Agnes Hart 5301 Richmond Road West Milford, NJ 07480	\$519.00	2006	5
5505-3.05	Evelyn Hanisko 5305 Richmond Road West Milford, NJ 07480	\$519.00	2006	5
5505-3.17	Christine Furia 5317 Richmond Road West Milford, NJ 07480	\$519.00	2006	5
5505-4.08	David & Dorothy Van Dyke 5408 Richmond Road West Milford, NJ 07480	519.00	2006	5
5505-4.09	Helen Haviland 5409 Richmond Road West Milford, NJ 07480	\$519.00	2006	5
5505-4.12	Grace DeMasi C/O L. Kinckaid 118 Parker Avenue Easton, PA 18042	\$519.00	2006	5
5505-4.20	Julius Forte 5420 Richmond Road West Milford, NJ 07480	\$259.50	2006	5
5708-25	Helene Yancek 15 Doric Avenue Parsippany, NJ 07054	\$506.03	2006	5
6101-27	Vivian Gunther 66 Moore Road West Milford, NJ 07480	\$443.75	2006	5
6201-3	Francis & Odette Gregus P.O. Box 303 West Milford, NJ 07480	\$129.75	2006	5
7801-29.04	Gary Monaco 29 D Concord Road West Milford, NJ 07480	\$2,875.26	2006	5
8002-1	Hollowbrook Homes, LLC 520 West Nyack Road West Nyack, NY 10994	\$3,144.04	2006	4
8601-5	E. & A. Saal C/O Ronald Sherman 33-23 Halsey Road Fairlawn, NJ 07410	\$490.46	2006	5
8601-6	J. & N. & A. Saal C/O Ronald Sherman 33-23 Halsey Road Fairlawn, NJ 07410	\$1,241.20	2006	5
9301-8	Joseph Silvestri 1380 Macopin Road West Milford, NJ 07480	\$38.93	2006	5

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10703-49	William & Cynthia Liverance 28 Plumridge Road West Milford, NJ 07480	\$28.55	2006	5
12501-23	Greg A. & Helen L. Ryan 84 Weaver Road West Milford, NJ 07480	\$672.11	2006	5
12802-1	Cynthia Perez 48 High Crest Drive West Milford, NJ 07480	\$303.62	2006	5
15508-11	Ronald Hook 720 Ridge Road Kinnelon, NJ 07405	\$334.76	2006	5
16906-7	ARC of Bergen & Passaic Cty. NJ 223 Moore Street Hackensack, NJ 07601	\$1,785.92	2006	4
17401-3	City of Newark 40 Clinton Street 4 th Floor Newark, NJ 07102	\$50,000.00	2006	1
15804-12	J.T. Mase Properties, LLC 35 Green Pond Road Rockaway, NJ 07866	\$5,607.80	2006	5
15901-1	Oak Ridge Road Assoc. LLC & Michael A. Vespasiano Esq. 150 Morris Avenue Box 694 Springfield, NJ 07081	\$4,071.56	2006	5
TOTAL		\$92,190.29		

Adopted: September 13, 2006

 Agenda No. IX 1c

~ Resolution 2006-313 ~

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

BLOCK/LOT	NAME	AMOUNT	YEAR	REASON
10508-4	Gerald & Barbara Tartarilla	\$1,701.00	2006	1
905-18	Elsie Ann Steinman	\$1,784.00	2006	1
9704-7	Jack & Lucy Weinberg	\$1,593.00	2006	1
15702-9	Christopher & Kristen Keane	\$2,058.00	2006	1
4012-2	Vincent & Kathleen Seddon	\$1,318.00	2006	1
9701-2	William & Susan Lemmons	\$1,622.65	2006	1
3602-4	David & Elizabeth Pskowski	\$681.00	2006	1
TOTAL		\$10,757.65		

Adopted: September 13, 2006

 Agenda No. IX 1d

~ Resolution 2006-314 ~

RESOLUTION AUTHORIZING REFUND OF OTHER LIENS

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

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

Certificate No.	Certificate Date	Block/Lot/Qual	Reimbursement Amount	Pay to the Lien Holder
06-031	04/11/2006	03503-051	\$3,266.79	LARRY NACH 8 COLFAX AVE. CLIFTON, NJ 07013
GRAND TOTAL			\$3,266.79	

Adopted: September 13, 2006

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 Agenda No. IX 1e

**~ Resolution 2006-315 ~**

**RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT**

**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. Duplicate Payment

| <b>Block/Lot</b> | <b>Name</b>                                                         | <b>Amount</b>     | <b>Year</b> | <b>Reason</b> |
|------------------|---------------------------------------------------------------------|-------------------|-------------|---------------|
| 4403-4           | Martin Nordsvan & Tara Cook<br>21 Phillips Road<br>Hewitt, NJ 07421 | \$1,344.00        | 2006        | 1             |
| <b>TOTAL</b>     |                                                                     | <b>\$1,344.00</b> |             |               |

Adopted: September 13, 2006

**Payment of Bills**

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 Agenda No. X

~ Resolution 2006-316 ~

RESOLUTION APPROVING THE PAYMENT OF BILLS

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 follows:

Acct #	Account Name	Amount
1	Current Account.	\$688,161.40
2	Reserve Account	71,398.14
3	Animal Control Trust	1,987.78
6	Capital.	33,752.00
7	Grants.	22,494.76
8	Refuse.	191,883.47
9	Refunds.	96,801.08

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12	General Ledger.	
16	Heritage Trust.	
14	Open Space Trust	
17	Trust	5,615.00
18	Development Escrow.	
19	LOSAP	
20	Special Reserve	
Total		\$1,112,093.63
Less Refund Resolution		<u>-96801.08</u>
Actual Bill List		\$1,015,292.55
Other Payments		
Less Refund Resolution		
Total Expenditures		\$1,015,292.55

Adopted: September 13, 2006

Moved: Nolan Seconded: Weisbecker
 Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Warden, Scangarello.
 Voted Nay: None.
 Abstained. Councilman Nolan abstained from the Valley Health Bill only.
 Motion carried.

Reports of Administrator, Mayor and Members of the Council

Council President Gervens advised that he has no report nor does he have a report to make on behalf of Mayor DiDonato.

Administrator Kunze stated that the Historic Preservation Commission has asked that he announce that they will be holding public hearings on September 20th and September 28th to discuss the historic preservation of Main Street. Notices will be mailed to the affected property owners and information will be posted on our website. Anyone who has questions or needs additional information may call Gail in the Administrator's office at 973-728-2710. Mr. Kunze advised that the Township has surplus vehicles that are of no further use to the Township. The Township of Sparta runs an annual auction for many municipalities in the area and they have invited West Milford to join. He asked for Council consent to explore this option and advised that the auction is scheduled for October 7th. Councilman Weisbecker asked for a list of the vehicles and equipment and Councilman Gervens asked that the Administrator research the cost to transport the vehicles to and from the auction, if necessary. Mr. Kunze advised that he would be meeting with members of the Zoning Board and the Planning Director to discuss the Zoning Board Attorney contract. The intent is to discuss this matter, reach an amicable solution, and discuss other administrative issues, including staffing. He will report back. He thanked everyone who assisted with the 9/11 ceremony, especially Cathy Shanahan in his office.

Councilman Weisbecker, acknowledging that Mr. Semrau is researching the Wanaque Valley Regional Sewerage Authority matter, asked that the Council invite former Mayor Moshman and the Chairman of the Authority to a Workshop meeting to discuss the value of continued participation. Mr. DiYanni advised that Mr. Semrau expects to have his report ready for the next Workshop meeting and Councilman Weisbecker asked for consent to invite these two people for that night. The Council gave consent. Councilman Weisbecker stated that, to follow up on earlier discussions about the attorney ethics ordinance, the Council should consider either amending or repealing this ordinance. He reviewed the events of September 11, 2001 which occurred when he was previously on Council. He commended then-Mayor Moshman for doing a good job keeping this community unified. He sent his love and heart-felt respects to all the families who were affected by these events. He stated that it is appropriate to honor those people every year.

Councilman Smolinski stated that Matt Russo from the West Milford High School was the bugler at the 9/11 ceremony. He stated that blood donors are needed for the blood drive on Sunday. The 9/11 ceremony was spectacular and he conveyed special thanks to Cathy Shanahan and Richard Kunze. He advised that the Council voted "no" on the West Milford Sunshine Act and that such a vote provided the residents an opportunity to have a say at the polls. Subsequently, the petition was withdrawn. He advised that the Police Chief recently held the first of a number of seminars to be held about ID theft and

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web scams. He stated that about 45 people attended and the presentation was very good. Any group that wishes to have such a seminar should call Chief Costello. He noted that one salient point made at the seminar was that people should be careful when putting mail in their own mail boxes for the mail man to pick up later in the day. Such mailings generally contain a wealth of information for a thief.

Councilman Nolan stated that he was one of the four members of the Committee of Petitioners who asked that the Sunshine Act be withdrawn. About 1,000 signed that petition and he has received no calls saying it is a bad idea. He reviewed some of the positive aspects of the Sunshine Act. The committee had concerns about the Act applying to fire departments and first aid squads. He stated that the Township continues to keep the public in the dark and the assertions that it will cost a lot of money are not true. He recalled that opponents of the Highlands Act stated that it would cost us money and that has proven untrue. The people who oppose the Sunshine Act have spent money on useless things like a Tourism Newsletter and trips to Atlantic City. He advised that the Telecommunications Committee has met three times to date. They have concluded that the Township should not be paying taxes to Verizon and they will attempt to recover two years of those funds. Mr. McKinnon, who formerly worked for Verizon, will verify that we have all the phone lines we are being charged for. Additionally, it has been determined that the current phone system must be replaced with a modern system. The Committee will prepare a presentation. The Museum will be open this Saturday and Sunday from 1:00 p.m. to 4:00 p.m. in conjunction with the blood drive. The Museum needs more members and interested parties should contact Tonya Cubby in the Clerk's office. The Museum will also open during the Autumn Lights Festival from 10:00 a.m. to 5:00 p.m. He asked Administrator Kunze to appropriate funds in the 2007 draft budget for a sidewalk from Marshall Hill Road to Lincoln Avenue. Noting that the Council received a letter from Ann Grady about ATV's behind Bald Eagle Commons, he asked the Administrator to speak with the Police Chief and report back to the Council.

Councilman Warden stated that his review of the report written by the Bi-State Commission concerning the pollution of Greenwood Lake is interesting reading because it discusses Belcher's Creek. He encouraged each Council member to read the report.

Councilman Scangarello stated that he has contacted Congressman Garrett's office. The Congressman's office will assist us with our efforts to obtain a sidewalk grant. He noted that Chief Costello thanked Councilman Smolinski for being instrumental in promoting the recent Identity Theft Seminar. He noted that our 9/11 monument was featured this week on the History Channel and it was referenced in the 2002 Firefighter's News Digest. He stated that, had the Sunshine Act been voted in by the voters in November, the Council could not make amendments for three years and those amendments would have to be approved by the voters. He stated that, by defeating the ordinance, the Council let the voters decide. Ultimately, he said, the petitioners realized that there was more to the Act than they had told the public.

Township Clerk Battaglia advised that the County has begun the process of having the ballots printed for the November election.

Report of Township Attorney

Mr. DiYanni stated that the Township Attorney will have a draft of the pay-to-play ordinance available for discussion at the next meeting. The fertilizer ordinance will also be ready for distribution to the Lake's Committee at that time. Mr. Semrau will also be ready to discuss S.O.S. and Wanaque Sewerage Authority.

Appointments, Resignations, Terminations

Agenda No. XII a

~ Resolution 2006-317 ~

**RESOLUTION OF APPOINTMENTS TO THE WEST MILFORD
BEAUTIFICATION/RECYCLING TASK FORCE COMMITTEE (ADVISORY)**

**Mayor's appointments to the Beautification/Recycling Task Force Committee (Advisory) with
Council consent:**

Ada Erik, 1693 Macopin Road, West Milford, New Jersey to fill the unexpired term of Citizen Member Debra Manfredonio, with a term to expire on December 31, 2007.

BE IT RESOLVED, by the Township Council of the Township of West Milford that they do hereby concur with the Mayor's appointment to the Beautification/Recycling Task Force Committee (Advisory) as follows:

Ada Erik, Citizen Member – Term expires December 31, 2007.

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

Agenda No. XII b

~ Resolution 2006-318 ~

**RESOLUTION OF APPOINTMENTS TO THE WEST MILFORD
HISTORIC PRESERVATION COMMISSION**

Mayor's appointments to the Historic Preservation Commission with Council consent:

Kristen Koerner, 5 Setting Sun Trail, West Milford, New Jersey to fill the unexpired term of Class C Citizen Member William Remia, with a term to expire on December 31, 2007.

BE IT RESOLVED, by the Township Council of the Township of West Milford that they do hereby concur with the Mayor's appointment to the Historic Preservation Commission as follows:

Kristen Koerner, Class C Citizen Member – Term expires December 31, 2007.

Adopted: September 13, 2006

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

Agenda No. XII c

~ Resolution 2006-319 ~

**RESOLUTION OF APPOINTMENTS TO THE WEST MILFORD
PLANNING BOARD**

Mayor's appointments to the Planning Board with Council consent:

David Volpe, 14 Glenda Drive, West Milford, New Jersey to fill the unexpired term of Class IV, Alternate #2 Member Steven Castronova, said term to expire on December 31, 2006.

BE IT RESOLVED, by the Township Council of the Township of West Milford that they do hereby concur with the Mayor's appointments to the Planning Board as follows:

David Volpe, Class IV Alternate #2 Member – Term expires December 31, 2006.

Adopted: September 13, 2006

Discussion: Councilman Nolan stated that he does not know the people being appointed by virtue of Resolutions 319 and 320 and thus will not vote for them.

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

Agenda No. XII d

~ Resolution 2006-318 ~

**RESOLUTION OF APPOINTMENTS TO THE WEST MILFORD
ZONING BOARD OF ADJUSTMENT**

Mayor's appointments to the Zoning Board of Adjustment with Council consent:

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Barry P. Wieser, 1917 Macopin Road, West Milford, New Jersey to Alternate No. 2 Member to fill the unexpired term of Francis Hannan, Alternate No. 2 Member, said term to expire on December 31, 2007.

BE IT RESOLVED, by the Township Council of the Township of West Milford that they do hereby concur with the Mayor's appointments to the Zoning Board of Adjustment as follows:

Barry P. Wieser, Alternate No. 2 Member – Term expires December 31, 2007

Adopted: September 13, 2006

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

Executive Session

None.

Adjournment

There being no further business to come before the Council, the Township Council adjourned the meeting at 9:20 p.m.

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

APPROVED: October 25, 2006

WILLIAM GERVENS
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK