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

Minutes of: Township Council  
Date of Meeting: October 13, 2005  
Time of Meeting: 7:30 P.M.  
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Motion carried.

The Ordinance was adopted.

Moved: Bailey                      Seconded: Elcavage  
Voted Aye: Bailey, Elcavage, Gervens, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Ordinance adopted.

Agenda No. V 1  
ORDINANCE NO. 2005 - 21

**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD TO AMEND CHAPTER 5,  
GENERAL REGULATIONS, TO ESTABLISH SECTION 5.26  
"ENTITLED SEX OFFENDER RESIDENCY PROVISIONS" AS AMENDED**

**WHEREAS**, the Township of West Milford wishes to take the appropriate steps to protect its children and residents from sex offenders; and

**WHEREAS**, there are presently no State laws which concern or touch upon the prohibition of convicted sex offenders from residing or living near areas where children regularly meet and congregate; and

**WHEREAS**, the Township Council believes it is in its residents' best interests to adopt additional regulations regarding convicted sex offenders, so as to protect the health, safety and welfare of the children of the municipality;

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Township Council of the Township of West Milford, County of Passaic and State of New Jersey, as hereinafter provided:

**SECTION 1.** Chapter 5, General Regulations, is hereby amended to create the following subsection:

**"5.26 Sex Offender Residency Prohibition: 2,500 feet.**

- a. No person over the age of 18 who has been convicted of a violation of any crime against a minor as listed in N.J.S.A. 2c:7-2, and who as a result of said conviction is required to register with the proper authorities pursuant to N.J.S.A. 2C:7-1 et seq., Registration and Notification of Release of Certain Offenders, shall be permitted to reside or live within 2,500 feet of any school, park, playground or day care center in the Township.
- b. A person who resides or lives within 2,500 feet of any school, park, playground or day care center in the Township shall have sixty (60) days from receipt of written notice of the prohibition set forth herein to move. Failure to move to a location which is in compliance with this section within that time period shall constitute a violation of this section.
- c. This section shall not apply to a person who has established residence prior to November 2, 2005.
- d. Any violation of this section shall be punishable by one or more of the penalties including; a fine not exceeding \$1,250.00; imprisonment for a term not exceeding 90 days; a period of community service not exceeding 90 days."

**SECTION 2.** All Ordinances of the Township of West Milford which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 3.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.



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constitutes an additional, separate and distinct offense.

3. This subsection shall not apply in the instance where solid waste is disposed at a solid waste facility or a disposal site which has authorization from the appropriate State Regulatory Agency having jurisdiction over solid waste management to accept solid waste for disposal.
4. The provisions of this subsection may be enforced by a police officer of the municipality, a representative of the Township Health Department, and or the Department of Public Works."

**SECTION 2.** All Ordinances of the Township of West Milford which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 3.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 4.** This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

Introduced: September 21, 2005  
Adopted: October 13, 2005  
Effective Date: November 2, 2005

**Public Comments**

Several residents addressed the Council regarding matters of concern:

- \* Laurie Ardis spoke regarding the Autumn Lights Festival October 8th.
- \* Sandra Babcock, a Milford Manor caregiver spoke in support of Health care workers.
- \* Carla Carter, Morsetown Road, a Milford Manor caregiver
  - 1) asked the Council to adopt a resolution supporting the Milford Manor caregivers.
- \* Terri Hargan, no address given, asked the Council
  - 1) to support the Milford Manor caregivers.
- \* Martin O'Shea, 22 Greenbrook Drive, asked the Council
  - 1) to adopt a resolution supporting the Milford Manor caregivers.
- \* Paul Marino, 15 Alpine Ridge Road, asked the Council
  - 1) to adopt a resolution supporting the Milford Manor caregivers.
- \* Lisa Cascone of Macopin Road introduced herself
  - 1) as the new owner of "Doggie Doo", and
  - 2) announced services available at her business.
- \* Terry Duffy, Passaic County Freeholder spoke
  - 1) in support of Andrew Gargano for Councilman;
  - 2) stated that Passaic County has no interest in purchasing the South Shore Marina;
  - 3) spoke in support of proposed county corridor fees.
- \* Frank Hannan, Krattiger Court spoke
  - 1) in opposition to County tax costs
  - 2) commented regarding the Democratic Freeholders
- \* Bob Pawlo, 7 Madelyn Avenue spoke
  - 1) regarding dredging Belchers Creek,
  - 2) commented on the prior Republican County Administration

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- \* Vic VanderSnow, Dunham Road, commented
  - 1) about speakers wasting taxpayers time with political rhetoric;
  - 2) residents who cost taxpayers money with frivolous lawsuits;
  - 3) Council should be working not listening to speakers comments.
  
- \* Patrick Whitney, Yardville Road
  - 1) praised the Milford Manor caregivers; and
  - 2) Councilmen Nolan and Warden for their work this year; and
  - 3) criticized the people on the Council who hired the former township attorney.
  
- \* Bruce James, candidate for Democratic Freeholder commented on
  - 1) the county wide energy policy noting that following the election he hopes to involve local officials, students and trade unions.
  
- \* Jim Novak, Larchmont Drive, noted that
  - 1) he is tired of the political bashing,
  - 2) that Paterson politics should get out of West Milford,
  - 3) commented on dead mans curve,
  - 4) asked what is going on with commercial garbage collection, and
  - 5) commented on Township workers who went around filling potholes on private property.
  
- \* Victor Rabbat, Indian Road, Wayne and candidate for Republican Freeholder noted that
  - 1) the Board of Chosen Freeholders assures that it is not interested in purchasing South Shore Marina;
  - 2) corrected comments made by one councilmember giving credit to one former councilman for the acquisition of the Jungle Habitat property noting that that acquisition took place between three attorneys, the Township, the State and the owners.
  
- \* Frank Gascione, Clifton, candidate for Republican Freeholder
  - 1) corrected comments made by Bob Pawlo regarding the Republican vs. Democratic Freeholder Boards; and
  - 2) wasting county taxpayers dollars.
  
- \* Diana Romero, Alpine Ridge Road stated
  - 1) that the people who caused the Township to adopt this type of government has turned the Township into a circus, and
  - 2) that the Township should go back to a non-partisan type of government.
  
- \* Andrew Gargano, Apshawa Cross Road, spoke
  - 1) in support of the nursing home caregivers;
  - 2) commented on his part in the 2003 sale of the redevelopment area and acquisition of part of the Jungle Habitat property.
  
- \* Phil Weisbecker, 36 Race Track Road, commented on
  - 1) partisan vs. non-partisan politics;
  - 2) praised volunteers for their work raising money for various projects;
  - 3) the Greenwood Lake weedharvester;
  - 4) attorney review;
  - 5) efficiency in purchasing Township vehicles;
  - 6) the redevelopment area, and
  - 7) dead mans curve.
  
- \* Dr. Sal Schimmenti, Vreeland Road, commented on
  - 1) Township recreation fields noting that with the poor state of the fields recreation is virtually non-existent in this township.
  
- \* Marilyn Lichtenberg, 37 Hudson Drive,
  - 1) read an article on "Rights"

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2) and commented on township inspection fees.

- \* Michael Tfrank, 53 Bradrick Lane,
  - 1) opposed the county corridor enhancement project fee
- \* Doris Osterhoudt, Cahill Cross Road, commented on
  - 1) the cost of Ridge Road bike path curbing, and
  - 2) thanked Rich McFadden, Township Engineer for all of his work.
- \* Celeste Byrne, Macopin Road, spoke
  - 1) opposing the councilmembers who voted to do away with the Open Space Committee
  - 2) stated reasons why the public should vote no to Question 1.
- \* Joe Smolinski, Camelot Drive, commented on
  - 1) the open space plan and recreation,
  - 2) noted that the township was right to present Question No. 1 to the people to decide; and
  - 3) commented on former Councilman Gargano's position as to recreation.
- \* Mike Maglia, Bald Eagle Village, commented on
  - 1) comments made by Andrew Gargano and Paul Marino regarding recreation.
- \* Dennis Kirwan, 47 Barnegat Road, commented on
  - 1) Mr. Gargano and his lack of participation, and
  - 2) noted there are no Democrats on the Highlands Committee but that they attend meetings to criticize the Council.

Paul Marino stated that he needs an invitation to work for any events for the Township.

- \* Arthur McQuaid, Morsetown Road,
  - 1) thanked the Council for their work;
  - 2) congratulated the police officers who received promotions;
  - 3) thanked Joe Smolinski for his work
- \* Arthur McQuaid, no address given
  - 1) noted that the Council shouldn't support outside labor when threatening to lay off jobs or take health benefits from township employees.
- \* Ada Erik, Macopin road, asked the Council
  - 1) to authorize and direct the enforcement of the helmet law.
- \* Roy Garcia, no address given, asked the Council
  - 1) to support the resolution for caregiver wages.
- \* Bill Remia, no address given, stated
  - 1) that he is dismayed by comments made at the Bald Eagle Village meeting, and
  - 2) stated that if they are true will do his best to see that those gentlemen are not elected to Council.

Mayor Joseph DiDonato asked if there are additional members of the public who wish to address the Council.

There being none Mayor DiDonato asked for a motion to close Public Comments.

Councilman Elcavage moved to close petitions & requests of public.  
Moved: Elcavage Second: Bailey  
Voted Aye: Bailey, Elcavage, Gervens, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Motion carried.

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Mayor Joseph DiDonato stated that he will allow the points of order to be addressed, and asked that the comments be limited.

Andrew Gargano made comments on the Recreation Master Plan and the Jungle Habitat property; and stated that Arthur Magnotti told him about a possible problem with cash money at recreation, and that he is just asking for accountability.

Mayor Joseph DiDonato asked Bob Pawlo to comment on his Point of Order.

Bob Pawlo commented on the Hovnanian development and litigation.

Mayor Joseph DiDonato asked Celeste Byrne to comment on her Point of Order.

Celeste Byrne commented on Mr. Kirwan's claim that some of the committees served in no official capacity.

Mayor Joseph DiDonato asked Joseph Smolinski to comment on his Point of Order.

Joseph Smolinski thanked Arthur McQuaid for his compliment explaining that the work on fields had been done by many, and that the kids and their parents should be thanked.

**Council Comments**

Members of the Council commented on several Government matters as follows:

- County purchase of South Shore Marina
- Partisan government
- Proposed county corridor fees
- Helmet law
- Jewish holiday
- Pay to Play
- Commercial garbage pickup
- Tax point
- Recreation ballot question
- Non-partisan government
- Highlands legislation
- Healthcare workers union
- Township unions
- Recreation budget

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

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

Agenda No. VIII 1  
RESOLUTION NO. 2005 -

**RESOLUTION REQUESTING APPROVAL OF SPECIAL ITEM OF REVENUES  
AND APPROPRIATIONS - HISTORICAL PRESERVATION ASSISTANCE AND  
NATIONAL REGISTER NOMINATION PROJECTS GRANT**

**WHEREAS**, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of any item of appropriation for equal amount;

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Council of the Township of West Milford, in the County of Passaic, State of New Jersey, hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2005 in the sum of \$15,000.00 which item is now available as a revenue from the State of New Jersey, Department of Environmental Protection, Re-Grant, "Historical Preservation Assistance











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**ECONOMIC REVITALIZATION COMMISSION**

The Ordinance was introduced and passed it's first reading.  
Moved: Elcavage Seconded: Bailey  
Voted Aye: Bailey, Elcavage, Gervens, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Motion carried.

Township Clerk Kevin J. Byrnes advised that the ordinance would be published in the Herald News newspaper in its issue of October 23, 2005, and that public hearing will be held on November 2, 2005 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. IX 1  
RESOLUTION NO. 2005 -

**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 Refund of Escrow Monies
- b. **Resolution** Authorizing Cash Bond Release for Filming at Browns Point
- c. **Resolution** Authorizing Refund of Other Liens
- d. **Resolution** Authorizing Partial Refund of Performance Guarantees
- e. **Resolution** Authorizing Refund of Overpayments
- f. **Resolution** Authorizing Refund of Copy Fee
- g. **Application** for On Premise 50/50 Raffle No. 2005-46 by Our Lady Queen of Peace Home School Association for November 18, 2005.
- h. **Application** for On Premise 50/50 Raffle No. 2005-47 by Our Lady Queen of Peace Home School Association for December 4, 2005.
- i. **Application** for Off Premise Draw Raffle No. 2005-48 by Our Lady Queen of Peace Home School Association for December 15, 2005.
- j. **Application** for On Premise 50/50 Raffle No. 2006-1 by Our Lady Queen of Peace Home School Association for February 4, 2006.
- k. **Application** for Tricky Tray Raffle License No. 2005-49 by PTSO WMHS for November 30, 2005.
- l. **Application** for On Premise 50/50 Raffle License No. 2005-50 by PTSO WMHS for November 30, 2005.
- m. **Application** for Bingo License No. 2005-51 by PTSO WMHS for November 30, 2005.

Adopted: October 13, 2005

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

Agenda No. IX 1a

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RESOLUTION NO. 2005 -

**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>
Vincent Lanza Environmental Construction Co. P.O. Box 746 Ringwood, NJ 07456	0110-1941	\$ 30.50	\$ 30.50
Lindsay Plumbing & Heating 5 Lakeside Road Hewitt, NJ 07421	0210-1948	\$ 305.58	\$ 305.58
Hanenburg Investment Group, Inc. 306 Indian Road Wayne, NJ 07470	0310-1952	\$ 228.00	\$ 228.00

Adopted: October 13, 2005

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Agenda No. **IX 1b**  
RESOLUTION NO. 2005 -

**RESOLUTION AUTHORIZING CASH BOND RELEASE FOR FILMING AT BROWNS POINT**

**RESOLVED**, that upon the report and request of the Township Administrator the following filming permit cash bond be refunded:

| <u>Name &amp; Address</u>                                                 | <u>Bond Amount</u> | <u>Amount Refunded</u> |
|---------------------------------------------------------------------------|--------------------|------------------------|
| Brian OMeara<br>ABC Daytime<br>77 West 66th. Street<br>New York, NY 10023 | \$ 500.00          | \$ 500.00              |

Adopted: October 13, 2005

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Agenda No. **IX 1c**  
RESOLUTION NO. 2005 -

**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					
Redemption of	Certificate	Reimbursement	Pay to the		
Lien Cert. #	Date	Block/Lot/Qual	Amount	Lienholder	
04-034	04/05/2004	03602-001	\$16,586.91	WACHOVIA-COLL	



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Adopted: October 13, 2005

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Agenda No. **IX 1e**  
RESOLUTION NO. 2005 -

**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 6. Assessment Change

| <b>Block/LotName</b>                                                                                 | <b>Amount</b> | <b>Year</b> | <b>Reason</b> |
|------------------------------------------------------------------------------------------------------|---------------|-------------|---------------|
| 301-1     Liberty Properties<br>C/O Anthony Liberti<br>3662 Edgar Avenue<br>Boynton Beach, FL 33436  | \$ 744.24     | 2005        | 6             |
| 303-6     Liberty Properties<br>C./O Anthony Liberti<br>3662 Edgar Avenue<br>Boynton Beach, FL 33436 | \$ 2,669.20   | 2005        | 6             |
| 806-7     J.M. & A.J. Petracca<br>116 Highland Avenue<br>Riverdale, NJ 07457                         | \$ 544.04     | 2005        | 5             |
| 1003-5    Daniel Wisneiwski<br>60 Princeton Road<br>Hewitt, NJ 07421                                 | \$ 139.04     | 2005        | 6             |
| 1202-4    Alfredo Chacon<br>128 County Road<br>Hewitt, NJ 07421                                      | \$ 458.00     | 2005        | 5             |
| 1202-11   Alfredo Chacon<br>128 Banker Road<br>Hewitt, NJ 07421                                      | \$ 123.00     | 2005        | 5             |
| 1401-8    Fortress Title Agency, Inc.<br>167 Main Street<br>Hackensack, NJ 07601                     | \$ 118.85     | 2005        | 1             |
| 1808-10   Stuart & Catherine DeLeeuw<br>710 Lakeshore Drive<br>Hewitt, NJ 07421                      | \$ 4,610.00   | 2005        | 3             |
| 2018-3    Marta A. Abate<br>10 Burrow Road<br>Hewitt, NJ 07421                                       | \$ 156.16     | 2005        | 5             |

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2403-8 Filippo Enterprises \$ 693.36 2005 6  
6 Roome Road  
Towaco, NJ 07082

2704-5 Arthur P. White \$ 2,886.00 2005 3  
22 Yardville Road  
Hewitt, NJ 07421

**Block/LotName Amount Year Reason**

3002-12 Daniel Nicholls \$ 858.96 2005 2  
83 Terra Cotta Road  
Hewitt, NJ 07421

3301-11 Stephen Talian \$ 699.72 2005 5  
194 Railroad Avenue  
Northvale, NJ 07647

3602-8 Frank & Denise Janitz \$ 26.84 2005 5  
4 Burr Court  
Hewitt, NJ 07421

3702-1 Alfonso & Katherine Chacon \$ 859.84 2005 5  
29 Laurel Avenue  
Hewitt, NJ 07421

3907-1.02 PFA Realty LLC \$ 337.76 2005 6  
C/O A. Battinelli  
1611 Greenwood Lake Turnpike  
Hewitt, NJ 07421

4003-7 Stewart & Elizabeth Casciano \$ 2,860.00 2005 2  
214 Long Pond Road  
Hewitt, NJ 07421

4601-19 Lembo Research & Dev. Co. \$ 610.44 2005 5  
235 McLean Blvd. Rte. 20  
Paterson, NJ 07504

4601-20 Lembo Research & Dev. Co. \$ 610.44 2005 5  
235 McLean Blvd. Rte. 20  
Paterson, NJ 07504

4601-21 Lembo Research & Dev. Co. \$ 1,775.88 2005 5  
235 McLean Blvd. Rte. 20  
Paterson, NJ 07504

4801-31 R. Liebenstein \$ 279.12 2005 6  
939 Westbrook Road  
West Milford, NJ 07480

4801-32 R. Liebenstein \$ 2,247.92 2005 6  
939 Westbrook Road  
West Milford, NJ

5002-5 Westview Inc. \$ 2,169.98 2005 5  
C/O Rotolo  
115 Broad Avenue  
Palisades Park, NJ 07650

5003-8 Andrew & Beatrice Wood \$ 1,599.76 2005 2  
28 Rockburn Pass  
West Milford, NJ 07480

5316-2.15 Ralph & Irene Betancourt \$ 488.00 2005 5

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|                                                                                                 |               |             |               |  |  |
|-------------------------------------------------------------------------------------------------|---------------|-------------|---------------|--|--|
| 9251 Richmond Road<br>West Milford, NJ 07480                                                    |               |             |               |  |  |
| 5317-3.21 Charlotte DeGrado<br>6321 Richmond Road<br>West Milford, NJ 07480                     | \$ 244.00     | 2005        | 5             |  |  |
| 6002-45 DLS Property LLC, A NJ LLC<br>P.O. Box 84<br>Ringwood, NJ 07456                         | \$ 439.20     | 2005        | 5             |  |  |
| <b>Block/LotName</b>                                                                            | <b>Amount</b> | <b>Year</b> | <b>Reason</b> |  |  |
| 6201-3 Francis & Odete R. Gregus<br>P.O. Box 303<br>West Milford, NJ 07480                      | \$ 122.00     | 2005        | 5             |  |  |
| 6204-8.03 Richard M. Lauretta<br>84 McKinley Place<br>West Milford, NJ 07480                    | \$ 175.68     | 2005        | 5             |  |  |
| 7006-5 Louisa Michaelson<br>6 Gwyneth Road<br>West Milford, NJ 07480                            | \$ 61.00      | 2005        | 5             |  |  |
| 8301-3.02 Ali, Syed Imran & Hamdanui,<br>Ambreen<br>1793 Macopin Road<br>West Milford, NJ 07480 | \$ 363.56     | 2005        | 5             |  |  |
| 9801-28.03 Michael J. & Aimee L. Thenell<br>24 Christine Court<br>West Milford, NJ 07480        | \$ 46.36      | 2005        | 5             |  |  |
| 9801-28.08 Your Home Team LLC<br>1499 Union Valley Road<br>West Milford, NJ 07480               | \$ 46.36      | 2005        | 5             |  |  |
| 9801-28.09 Your Home Team LLC<br>1499 Union Valley Road<br>West Milford, NJ 07480               | \$ 46.36      | 2005        | 5             |  |  |
| 9901-10 Apple Valley Estates, LLC<br>505 Knollwood Road<br>Ridgewood, NJ 07450                  | \$ 1,842.00   | 2005        | 5             |  |  |
| 9901-11 Apple Valley Estates, LLC<br>505 Knollwood Road<br>Ridgewood, NJ 07450                  | \$ 1,221.92   | 2005        | 5             |  |  |
| 9901-12 Apple Valley Estates, LLC<br>505 Knollwood Road<br>Ridgewood, NJ 07450                  | \$ 5,433.12   | 2005        | 5             |  |  |
| 10102-22 Gary & Marilyn Oppenheimer<br>24 Clover Road<br>Newfoundland, NJ 07435                 | \$ 566.08     | 2005        | 5             |  |  |
| 10510-9 Rodman & Evelyn Marshall<br>11 Baldwin Drive<br>West Milford, NJ 07480                  | \$ 2,398.00   | 2005        | 3             |  |  |
| 10602-060.03 Richard & Lorraine Slifer<br>62 Schofield Road<br>West Milford, NJ 07480           | \$ 181.12     | 2005        | 6             |  |  |



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|                      |                                                                                                                           |                     |             |               |  |
|----------------------|---------------------------------------------------------------------------------------------------------------------------|---------------------|-------------|---------------|--|
| 17002-2              | Gibbs Special Limited Partnership<br>1 Ridge Road<br>Lyndhurst, NJ 07071                                                  | \$ 382.48           | 2005        | 6             |  |
| 17101-6              | Gibbs Special Limited Partnership<br>1 Ridge Road<br>Lyndhurst, NJ 07071                                                  | \$ 29.12            | 2005        | 6             |  |
| 17101-7              | Gibbs Special Limited Partnership<br>1 Ridge Road<br>Lyndhurst, NJ 07071                                                  | \$ 5.12             | 2005        | 6             |  |
| <b>Block/LotName</b> |                                                                                                                           | <b>Amount</b>       | <b>Year</b> | <b>Reason</b> |  |
| 17102-1              | Gibbs Special Limited Partnership<br>1 Ridge Road<br>Lyndhurst, NJ 07071                                                  | \$ 315.12           | 2005        | 6             |  |
| 17103-1              | Gibbs Special Limited Partnership<br>1 Ridge road<br>Lyndhurst, NJ 07071                                                  | \$ 323.12           | 2005        | 6             |  |
| 17201-2Q             | Schaefer Tree Farm LLC<br>817 Warwick Tpk.<br>Hewitt, NJ 07421                                                            | \$ 183.00           | 2005        | 5             |  |
| 8509-7               | Mooring Tax Asset Group LLC<br>Att: Christine Stundenroth<br>8614 Westwood Center Drive<br>Suite 650<br>Vienna, Va. 22182 | \$ 801.33           | 2005        | 2             |  |
| 102-11               | Washington Mutual Home Loans<br>Att: Wendy<br>Tax Refund Dept. FSC 0211<br>P.O. Box 100573<br>Florence, SC 29501          | \$ 1,976.80         | 2005        | 1             |  |
| <b>TOTAL</b>         |                                                                                                                           | <b>\$ 58,965.58</b> |             |               |  |

Adopted: October 13, 2005

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 Agenda No. **IX 1f**  
 RESOLUTION NO. 2005 -

**RESOLUTION AUTHORIZING REFUND OF COPY FEE**

**BE IT RESOLVED** that upon the recommendation of the Township Administrator the Chief Financial Officer be and is hereby authorized and directed to issue a refund of a copy fee for duplicated Minutes in the amount of \$3.00 to Martin O'Shea, 22 Greenbrook Drive, West Milford, New Jersey 07480.

Adopted: October 13, 2005

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**Payment of Bills**

None.

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

Minutes of: Township Council  
Date of Meeting: October 13, 2005  
Time of Meeting: 7:30 P.M.  
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**Reports of Administrator, Mayor and Members of the Council**

The Administrator, Mayor, and Members of the Council commented on various Municipal and Government matters as follows:

Mayor Joseph DiDonato Volunteer of the Year program  
Township Administrator Richard Kunze Lifetime Volunteer program  
Councilman William Gervens Commend emergency staff, DPW,  
Councilman Carmen Scangarello Recreation staff and volunteers for  
work with flood victims

Township Administrator Richard Kunze Chris Beach, Transportation  
Director deployed with Red Cross to  
help with victims of Katrina

Township Administrator Richard Kunze Autumn Lights festival  
Councilman Carmen Scangarello

Mayor Joseph DiDonato Candidate interviews for  
Township Clerk

Mayor Joseph DiDonato asked for volunteers from the Council who will work with the Township Administrator to interview candidates for Township Clerk.

Councilman Joseph Elcavage volunteered to interview candidates for Township Clerk.

Councilman Robert Nolan volunteered to interview candidates for Township Clerk.

Township Administrator Richard Kunze Letters to commercial entities  
Councilman Joseph Elcavage regarding end of contract for  
garbage pickup

Councilman Paul Bailey Beautification/Recycling Task  
Force committee  
Tourism committee

Councilman Joseph Elcavage Commercial recycling ordinance

Councilman William Gervens Illegal dumping ordinance  
enforcement

Councilman Robert Nolan Blood drive  
Candidate debate at Hillcrest  
Local Finance Board forms

Councilman James Warden Animal shelter walk  
Amazing Kreskin at High School

Councilman Carmen Scangarello Parks & Recreation grant for  
disabled children  
The securing of reservoirs  
NJDEP grant for recreational  
trail projects

**Appointments**

Library Board of Trustees

Mayor Joseph DiDonato noted two openings on the Library Board of Trustees.

Councilman Elcavage nominated Douglas Ott as a citizen member to the West Milford Library Board of Trustees for a term ending December 31, 2009.

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

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Councilman Nolan nominated Kate Loden as a citizen member to the West Milford Library Board of Trustees for a term ending December 31, 2009.

Mayor DiDonato discussed the number of open positions on the Library Board of Trustees, and asked the Assistant Clerk to verify two open citizen member positions.

The Township Council discussed the nominations.

Councilman Bailey seconded the nomination of Douglas Ott as a citizen member to the West Milford Library Board of Trustees for a term ending December 31, 2009.

Mayor DiDonato endorsed the confirmation of the nomination.

There being no further nominations, nominations were closed and confirmed.  
Moved: Elcavage Seconded: Bailey  
Voted Aye: Bailey, Elcavage, Gervens, Nolan, Scangarello, Warden.  
Voted Nay: None.  
Motion carried.

Mayor DiDonato announced the appointment of **Douglas Ott** to serve as a **Citizen member of the Library Board of Trustees** for a term ending December 31, 2009.

Mayor Joseph DiDonato announced his appointment of Mary Manista to serve as Mayor's Alternate to the **Library Board of Trustees** for a term ending December 31, 2007.

**Report of Township Clerk**

None.

**Report of Township Attorney**

Response in Hovnanian appeal has been filed.  
No need for Castle Rock Estates discussion in Executive Session.  
Hold Home Team discussion until next week.

Township Administrator Richard Kunze noted that he had a report on the West Milford Municipal Employees Guild negotiations for closed session.

**Presentations of Communications, Petitions**

None.

**Executive Session**

**MOTION FOR EXECUTIVE SESSION**

**BE IT RESOLVED** by the Township Council of the Township of West Milford on the **13<sup>th</sup>** day of **October**, 2005, 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.
  - (X) 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

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

Minutes of: Township Council  
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- 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, Nolan, Warden, Scangarello  
Voted Nay:None.  
Resolution adopted.

Also Present: Township Administrator Richard Kunze, Assistant Municipal Clerk Denise M. Loeffel, and Township Attorney Frederick Semrau.

Items for discussion at Executive Session were as follows:

K. Hovnanian v. NJDEP, Superior Court Appellate Docket No.  
A-4407-04T3  
Negotiations with the West Milford Employees Guild

Assistant Municipal Clerk Denise M. Loeffel left the Executive Session at 11:55 p.m.

**Adjournment**

There being no further business to come before the Council, the Township Council adjourned the meeting at 12:02 P.M.

Moved: Elcavage                      Seconded: Scangarello  
Voted Aye:Bailey, Elcavage, Gervens, Nolan, Warden, Scangarello  
Voted Nay: None.  
Meeting adjourned.

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MAYOR JOSEPH DIDONATO  
PRESIDING OFFICER

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DENISE M. LOEFFEL  
ASSISTANT MUNICIPAL CLERK