

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

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

Pledge of Allegiance

Invocation

Roll Call

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

Absent:None.

Also Present: Acting Township Administrator Kevin J. Byrnes, Township Attorney William DeMarco, Chief Financial Officer Arthur Magnotti and Township Auditor Charles J. Ferraioli, Jr.

Reading of or Approval of Unapproved Minutes

Councilman Kirwan moved to adopt the minutes of the January 29, 2004 Workshop.

Moved: Kirwan

Seconded: Elcavage

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

Voted Nay: None.

Motion carried.

Councilman Elcavage moved to adopt the minutes of the January 29, 2004 Executive Session March 6, 2004 Budget Workshop, March 11, 2004 Workshop, March 11, 2004 Executive Session, March 17, 2004 Executive Session, October 15, 2003 Workshop, October 15, 2003 Executive Session, November 5, 2003 Workshop, November 5, 2003 Executive Session, November 13, 2003 Regular Meeting and the November 13, 2003 Executive Session.

Moved: Elcavage

Seconded: Bailey

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

Voted Nay: None.

Motion carried.

Bids & Awards

None.

Proclamations

Day of Prayer

required for use in official business of the Township, and shall be responsible for assuring that the requirements of this section are complied with in respect to his particular office. This section shall be subject to the provisions of "Destruction of Public Records Law (1953)" R.S. 47:3-15, et seq. All such documents and records of the Township shall, during office hours be open to public search inspection and examination: provided that such search, inspection and examination shall not extend to records pertaining to an investigation in progress by any department, board, commission, agency or official nor to materials prepared for the prosecution or defense by the Township of any legal right or action; and provided that such search, inspection and examination be made under such regulations as the Officer in whose custody such records, books, and documents may be shall establish for the safety and preservation thereof.

Subsection 2-30.2 Public Records and Copies. Copies of public records shall be made available to any member of the public upon specific request. Each Township Officer responsible for the keeping of the records requested shall require the requester to sign a statement setting forth their name, address, phone number and specific public records requested. In the event the records are not immediately available, or require some searching or compilation by the Township, the Township Officer shall advise the requester of a specific time when such copies shall be made available, and may require a deposit, not to exceed \$10.00, to cover the cost thereof.

A. Fees for Photo Copies. The fee for providing copies of records shall be as follows:

Letter size or smaller First Page to tenth page \$.75 per page.
Eleventh page to twentieth page \$.50 per page.
All pages over twenty \$.25 per page.
All larger sizes First page to tenth page \$1.00 per page.
Eleventh page to twentieth page \$.50 per page.
All pages over twenty \$.25 per page.
Fees for Computer Printouts: \$1.50 per page.
Copies of photos or documents to CD \$10.00.
Copies of photos \$10.00 plus \$.50 per print.

B. Fees for Accident Reports. The fee for providing a copy of an accident report through the mail, by the West Milford Police Department shall be \$3.00.

C. Fees for Maps as follows:

GIS Maps (8 1/2" x 11") \$1.00
GIS Maps (36" x 28") \$5.00
GIS Maps (36" x 47") \$10.00
Zoning Map/Road Map/Tax Map \$4.00

Subsection 2-30.3 Charge for Township Officer Time. In the event that a Township Officer shall be required to spend more than fifteen minutes in preparing copies of any records for any individual requester, either in copying or locating such records, the requester shall pay a fee in the amount of \$5.00 for each half-hour exceeding the first fifteen minutes.

1. Southerly and southeasterly on a curve to the left of radius 20.00 feet a distance of 26.45 feet to a point of tangency in the aforesaid northeasterly line of Orleans Lane, thence
2. South 61°-06'-40" East along said northeasterly line of distance of 13.73 feet to a point of curvature, thence
3. Southeasterly and easterly on a curve to the left of radius 265.23 feet, a distance of 149.77 feet to a point of tangency, thence
4. North 86°-32'-10" East along a northerly line of Orleans Lane a distance of 127.81 feet to a point of curvature, thence

5. Easterly and southeasterly on a curve to the right of radius 157.62 feet a distance of 207.53 feet to a point of compound curvature, thence
6. Southeasterly, southerly and southwesterly on a curve to the right of radius 350.00 feet, a distance of 324.44 feet to a point of tangency, thence
7. South 35°-05'-10" west along a southeasterly line of Orleans Lane a distance of 133.31 feet to a point of curvature at the cul-de-sac, at the southwesterly terminus of Orleans Lane, thence
8. Southwesterly, westerly, northwesterly, northerly and northeasterly around said cul-de-sac on a curve to the right of radius 50.00 feet a distance of 218.63 feet to a point of reverse curvature, thence
9. Northeasterly on a curve to the left of radius 25.00 feet a distance of 30.77 feet to a point of tangency, thence
10. North 35°-05'-10" East along a portion of the northwesterly line of Orleans Lane a distance of 62.60 feet to a point of curvature, thence
11. Northeasterly, northerly and northwesterly on a curve to the left of radius 300.00 feet a distance of 278.09 feet to a point of compound curvature, thence
12. Northwesterly and westerly on a curve to the left of radius 107.62 feet a distance of 141.70 feet to a point of tangency, thence
13. South 86°-32'-10" West along a portion of the southerly line of Orleans Lane a distance of 127.81 feet to a point of curvature within the northerly terminus of Cherbourg Drive, thence
14. Westerly, continuing along said northerly terminus and a portion of Lot 5 in Block 8603 (Filed Map) on a curve to the right of radius 315.23 feet a distance of 178.00 feet to a point of reverse curvature, thence
15. Westerly and southwesterly on a curve to the left of radius 20.00 feet, a distance of 32.50 feet to a point in the aforesaid southeasterly line of Continental Road, thence
16. Northerly along said easterly line on a curve to the left of radius 450.00 feet a distance of 87.30 feet to a point of reverse curvature and the point of beginning.

The above described strip of land is designated as Orleans Lane as delineated on the aforesaid Filed Map No. 3273.

SECTION TWO. Cherbourg Drive, described as follows, is hereby accepted as a public street:

BEGINNING at a point in the northeasterly line of Cherbourg Drive, said point of beginning being South 38°-26'-10" East a distance of 20.00 feet from the point formed by the intersection of the southwesterly extension of the southeasterly line of Continental Road, 50 feet wide, with the northwesterly projection of the aforesaid northeasterly line of Cherbourg Drive, 50 feet wide, as delineated on the map entitled "Final Subdivision Plat, Section Six, Olde Milford Estates" filed in the Passaic County Register of Deeds Office on February 9, 1990 as Map No. 3273 and from said point of beginning proceeding, thence

1. South 38°-26'-10" East along a portion of said northeasterly line of Cherbourg Drive, a distance of 90.00 feet to a point of curvature, thence
2. Southeasterly, still along said northeasterly line on a curve to the right of radius 146.93 feet, a distance of 52.46 feet to a point of tangency, thence
3. South 17°-58'-50" East along an easterly line of Cherbourg Drive, a distance of 69.13 feet to a point of curvature, thence
4. Southerly, still along said easterly line on a curve to the left of radius 96.93 feet a distance of 34.61 feet to a point of tangency, thence
5. South 38°-26'-10" East along a northeasterly line of Cherbourg Drive a distance of 71.53 feet to a point of curvature, thence
6. Southeasterly, easterly and northeasterly on a curve to the left of radius 25.00 feet a distance of 40.95 feet to a point of tangency, thence
7. North 47°-43'-10" East along a northwesterly line of Cherbourg Drive, a distance of 221.54 feet to a point of tangency, thence
8. Northeasterly and northerly on a curve to the left of radius 75.00 feet a distance of 69.53 feet to a point of tangency, thence
9. North 05°-24"-00" West along a westerly line of Cherbourg Drive, a distance of 115.81 feet to a point of curvature, thence
10. Northerly and northeasterly on a curve to the left of radius 155.00 feet, a distance of 107.02 feet to a point of tangency, thence
11. North 34°-09'-30" East along a northwesterly line of Cherbourg Drive, a distance of 100.32 feet to a point of curvature, thence
12. Northeasterly and northerly on a curve to the left of radius 95.00 feet a distance of 34.63 feet to a point of tangency, thence
13. North 13°-16'-20" East along a westerly line of Cherbourg Drive a distance of 145.09 feet to a point of curvature, thence
14. Northerly, still along said westerly line on a curve to the right of radius 305.00 feet, a distance of 71.86 feet to a point of tangency, thence
15. North 26°-46'-20" East still along the westerly line of Cherbourg Drive a distance of 74.53 feet to a point of curvature, thence
16. Northeasterly, northerly and northwesterly on a curve to the left of radius 20.00 feet a distance of 38.66 feet to a point of reverse curvature in the southerly line of Orleans Lane, 50 feet wide, as delineated on the aforesaid Filed Map No. 3273, thence
17. Easterly along the southerly line of said Orleans Lane on a curve to the left of radius 315.23 feet, a distance of 52.20 feet to a point of tangency, thence

18. North 86°-32'-10" East still along a portion of said southerly line of Orleans Lane, a distance of 46.24 feet to a point, thence
19. Westerly and southwesterly on a curve to the left of radius 20.00 feet, a distance of 20.86 feet to a point of tangency in the easterly line of Cherbourg Drive, thence
20. South 26°-46'-20" West along a portion of said easterly line a distance of 121.68 feet to a point of curvature, thence
21. Southerly on a curve to the left of radius 255.00 feet, a distance of 60.08 feet to a point of tangency, thence
22. South 13°-16'-20" West still along an easterly line of Cherbourg Drive a distance of 145.09 feet to a point of curvature, thence
23. Southerly on a curve to the right of radius 145.00 feet a distance of 52.86 feet to a point of tangency, thence
24. South 34°-09'-30" West along a southeasterly line of Cherbourg Drive a distance of 100.32 feet to a point of curvature, thence
25. Southerly on a curve to the left of radius 105.00 feet a distance of 72.49 feet to a point of tangency, thence
26. South 05°-24'-00" East along an easterly line of Cherbourg Drive a distance of 115.81 feet to a point of curvature, thence
27. Southerly and southwesterly on a curve to the right of radius 125.00 feet, 115.89 feet to a point of tangency, thence
28. South 47°-43'-10" West along a southeasterly line of Cherbourg Drive, a distance of 221.54 feet to a point of curvature, thence
29. Southwesterly, westerly and northwesterly on a curve to the right of radius 75.00 feet a distance of 122.84 feet to a point in a southwesterly line of Cherbourg Drive, thence
30. North 38°-26'-10" West along said southwesterly line a distance of 71.53 feet to a point of curvature, thence
31. Northwesterly on a curve to the right of radius 146.93 feet a distance of 52.46 feet to a point of tangency, thence
32. North 17°-58'-50" West along a westerly line of Cherbourg Drive a distance of 69.13 feet to a point of curvature, thence
33. Northerly and northwesterly on a curve to the left of radius 96.93 feet, a distance of 34.61 feet to a point of tangency, thence
34. North 38°-26'-10" West along a southwesterly line of Cherbourg Drive a distance of 90.00 feet to a point of curvature, thence
35. Northwesterly, westerly and southwesterly on a curve to the left of radius 20.00 feet a distance of 31.42 feet to a point in the aforesaid southeasterly line of Continental Road, 50 feet wide, thence
36. North 51°-33'-50" East along a portion of said southeasterly line a distance of 90.00 feet to a point, thence
37. Southwesterly, easterly and southeasterly on a curve to the left of radius 20.00 feet, a distance of 31.42 feet to a point of tangency in the northeasterly line of Cherbourg Drive and the point of BEGINNING.

The above described strip of land as surveyed by B.L. McGeoch, Professional Land Surveyor and Professional Planner, is designated as Cherbourg Drive, 50 feet in width, as delineated on the aforesaid Filed Map No. 3273.

SECTION THREE. A portion of Continental Road, described as follows, is hereby accepted as a public street:

Description of a strip of land situated in the Township of West

Milford, Passaic County, New Jersey, designated as Continental Road as delineated on the map entitled "FINAL SUBDIVISION PLAT, SECTION SIX, OLDE MILFORD ESTATES", filed in the Passaic County Register of Deeds Office on February 9, 1990 as Map No. 3273 and being further described as follows:

The Right-of-Way of Continental Road being further described as follows:

BEGINNING at a point in the southeasterly line of Macopin Road, said point being thirty-three feet southeasterly of the established centerline and also being North 35°-08'-00" East a distance of 30.31 feet from the point formed by the intersection of the northwesterly prolongation of the northeasterly line of Continental Road, 50 feet wide, with the southwesterly prolongation of the aforesaid southeasterly line of Macopin Road, as delineated on the aforesaid Filed Map #3273 and from said point of beginning proceeding, thence

1. Southwesterly, southerly and southeasterly on a curve to the left of radius 30.00 feet a distance of 47.44 feet to a point of tangency in the aforesaid northeasterly line of Continental Road, thence
2. South 55°-27'-40" East along said northeasterly line a distance of 26.26 feet to a point of curvature, thence
3. Southeasterly, easterly and northeasterly on a curve to the left of radius 75.00 feet a distance of 79.77 feet to a point of tangency, in the northwesterly line of Continental Road, thence
4. North 63°-36'-00" East along said northeasterly line a distance of 206.99 feet to a point of curvature, thence
5. Northeasterly, easterly and southeasterly and southerly on a curve to the right of radius 291.39 feet a distance of 631.01 feet to a point of tangency, thence
6. South 07°-40'-30" West along an easterly line of Continental Road a distance of 258.16 feet to a point of curvature, thence
7. Southerly, still along said easterly line and crossing Orleans Lane on a curve to the right of radius 450.00 feet, a distance of 164.475 feet to a point of tangency, thence
8. South 28°-37'-00" West along a southeasterly line of Continental Road a distance of feet to a point of curvature, thence
9. Southwesterly on a curve to the right of radius 300.00 feet a distance of 120.15 feet to a point of tangency, thence
10. South 51°-33'-50" West along a southeasterly line of Continental Road, crossing Cherbourg Drive a total distance of 533.58 feet to a point of curvature, thence
11. Southwesterly, southerly and southeasterly on a curve to the left of radius 20.00 feet a distance of 31.42 feet to a point of tangency in the northeasterly line of Renault Road, 50 feet wide, thence
12. North 38°-26'-10" West crossing Continental Road, a total distance of 70.00 feet to a point in the northwesterly line of the aforesaid Continental Road, thence
13. North 51°-33'-50" East along said northwesterly line a distance of 553.58 feet to a point of curvature, thence
14. Northeasterly on a curve to the left of radius 250.00 feet a

- distance of 100.13 feet to a point of tangency, thence
15. North 28°-37'-00" East, still along a northwesterly line of Continental Road a distance of 438.11 feet to a point of curvature, thence
 16. Northeasterly and northerly on a curve to the left of radius 400.00 feet, a distance of 146.20 feet to a point of tangency, thence
 17. North 07°-40'-30" East along a westerly line of Continental Road a distance of 258.16 feet to a point of curvature, thence
 18. Northerly, northwesterly, westerly and southwesterly on a curve to the left of radius 241.39 feet a distance of 522.73 feet to a point of tangency, thence
 19. South 63°-36'-00" West along a southeasterly line of Continental Road a distance of 206.99 feet to a point of curvature, thence

 20. Southwesterly, westerly and northwesterly on a curve to the right of radius 125.00 feet a distance of 132.95 feet to a point of tangency, thence
 21. North 55°-27'-40" West along a portion of the southwesterly line of Continental Road a distance of 27.40 feet to a point of curvature, thence
 22. Northwesterly, westerly and southwesterly on a curve to the left of radius 30.00 feet a distance of 46.81 feet to a point of tangency, thence
 23. North 35°-08'-00" East along a portion of the aforesaid southeasterly line of Macopin Road, crossing Continental Road a total distance of 110.01 feet to the point of BEGINNING.

The above described strip of land is designated as Continental Road, as delineated on the aforesaid Filed Map No. 3273.

SECTION FOUR. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

SECTION FIVE. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION SIX. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Introduced: April 7, 2004
Adopted: May 5, 2004
Effective Date: May 25, 2004

Mayor DiDonato read the following Ordinance Accepting the Dedication of a Street Known As Stone Hedge Way, by title, for adoption.

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

No persons wishing to address the Council, the public hearing on the Ordinance was closed.

Moved: Elcavage

Seconded: Scangarello

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

Voted Nay: None.

Motion carried.

The Ordinance was adopted.

Moved: Elcavage

Seconded: Bailey

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

Voted Nay: None.

Ordinance adopted.

Agenda No. **E 3**

ORDINANCE NO. 2004 - 03

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

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

1. Stone Hedge Way which is shown on a revised final subdivision map entitled "Roger Vanderbeek, West Milford Township, Passaic County, New Jersey", prepared by Robert H. Jordan, Jr. Associates, Inc. and dated June 1, 1993 and recorded as Map No. 3323 with the Register of the County of Passaic on July 29, 1993 is hereby accepted as a public road.

2. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

3. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

4. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Introduced: April 7, 2004

Adopted: May 5, 2004

Effective Date: May 25, 2004

Mayor DiDonato read the following Resolution Authorizing the Adoption of the 2004 Municipal Budget and Solid Waste Budget, by title, for adoption.

**RESOLUTION AUTHORIZING THE ADOPTION OF THE 2004 MUNICIPAL
BUDGET AND
SOLID WASTE BUDGET**

Those persons wishing to address the Council having been heard, the public hearing on the Resolution was closed.

Moved: Elcavage

Seconded: Scangarello

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

Voted Nay: None.

the amount of \$1,000,000.00 umbrella (\$500,000.00 property damage and \$1,000,000.00 personal injury.)

3. Maximum of two hundred (200) campers.
4. Maximum of twenty (20) cooking fires with a three (3) foot maximum in size (pending fire permit).
5. One (1) campfire in the field (pending fire permit).
6. The District Fire Warden will approve the fire permits two (2) weeks prior if conditions permit.

Adopted: May 5, 2004

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

Agenda No. **F 4**
RESOLUTION NO. 2004 - 124

RESOLUTION AMENDING THE TRANSPORTATION ADVISORY COMMITTEE

WHEREAS, on April 7, 2004 the Mayor and Township Council of the Township of West Milford established a Transportation Advisory Committee to review the current transportation program offered by the Township to the citizens of West Milford and submit recommendations to the Mayor and Township Council regarding changes to and improvements to the current program;

WHEREAS, it is the Council's desire to add a position to the committee;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council that the membership of the Transportation Advisory Committee be amended as follows:

1. MEMBERSHIP

There will be ten (10) 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. Township Recreation Director
9. Two (2) citizen members

- RL-2004-26 by Our Lady Queen of Peace Church, for June 8, 9, 10, 11, and 12, 2004.
- h. **Application** for Off-Premise Draw Raffle License RL-2004-27 by Our Lady Queen of Peace Church for June 12, 2004.
- i. **Application** for On-Premise 50/50 Raffle License RL-2004-28 by Our Lady Queen of Peace Church for June 8, 9, 10, 11 and 12, 2004.
- j. **Application** for On-Premise 50/50 Raffle License RL-2004-29 by West Milford Township Police Athletic League for May 27, 28, 29, & 30, 2004.
- k. **Application** for Permission to Conduct Fireworks Display by Upper Greenwood Lake Property Owners Association.
- l. **Application** for Off-Premise Calendar Raffle License RL-2004-30 by St. Joseph's Church for various dates.

Adopted: May 5, 2004

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

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

Agenda No. **G1 a**
 RESOLUTION NO. 2004 - 128

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 & Address</u>	<u>App. No.</u>	<u>Escrow Amount</u>	<u>Amount Refunded</u>
Omnipoint Communications, 0420-0172AB Inc.		\$ 4,000.00	\$ 4,000.00
c/o Mr. Constantine Stamos Price, Meese, Shulman & D'Arminio Mack-Cali Corporate Center 50 Tice Boulevard Woodcliff Lake, NJ 07677	Application Fee	\$ 1,000.00	
TOTAL		\$ 5,000.00	

Adopted: May 5, 2004

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 Agenda No. **G1 b**  
 RESOLUTION NO. 2004 - 129

**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. MUA Tax Sale Payment

| Block/LotName                                                                    | Amount             | Year | Reason |
|----------------------------------------------------------------------------------|--------------------|------|--------|
| 4001-3      West Milford MUA<br>1480 Union Valley Road<br>West Milford, NJ 07480 | \$ 1,095.20        | 2003 | 6      |
| 7801-23.02 West Milford MUA<br>1480 Union Valley Road<br>West Milford, NJ 07480  | 1,277.95           | 2003 | 6      |
| 7801-27.03 West Milford MUA<br>1480 Union Valley Road<br>West Milford, NJ 07480  | 1,313.47           | 2003 | 6      |
| 8901-10     West Milford MUA<br>1480 Union Valley Road<br>West Milford, NJ 07480 | 1,251.52           | 2003 | 6      |
| 9406-8      West Milford MUA<br>1480 Union Valley Road<br>West Milford, NJ 07480 | \$ 2,074.09        | 2003 | 6      |
| <b>TOTAL</b>                                                                     | <b>\$ 7,012.23</b> |      |        |

Adopted: May 5, 2004



Agenda No. **G1 c**  
 RESOLUTION NO. 2004 - 130

**RESOLUTION AUTHORIZING REFUND OF RECREATIONAL FEES**

**RESOLVED**, that the following Recreational fees upon the report of the Recreation Director be refunded:

| <u>Name &amp; Address</u>       | <u>Reason</u>           | <u>Amount Refunded</u> |
|---------------------------------|-------------------------|------------------------|
| Lisa Peck<br>254 Morsetown Road | Cancel<br>Spring Tennis | \$ 55.00               |

West Milford, NJ 07480

Carolyn Hashimoto Cancel \$ 55.00  
97 Warwick Turnpike Spring Tennis  
Hewitt, NJ 07421

Coleen Magasic Withdrawal from \$ 60.00  
18 Crawford Street Spring Costumes & Characters  
West Milford, NJ 07480

Jacqueline Canova Cancel \$ 10.00  
21 Timber Lane Clay Works  
West Milford, NJ 07480

Chris Koch Withdrawal from \$ 70.00  
54 Skyview Road Spring Music & Me  
West Milford, NJ 07480

Adopted: May 5, 2004

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Agenda No. **G1 d**
RESOLUTION NO. 2004 - 131

**RESOLUTION AUTHORIZING PARTIAL REFUND OF FEMALE CANCER
SCREENING FEE**

RESOLVED, that upon the report and request of the Township's Public Health Nurse Supervisor the following Female Cancer Screening fee be refunded:

<u>Name & Address</u>	<u>Receipt No.</u>	<u>Fee Amount</u>	<u>Paid Amount</u>	<u>Refunded</u>
Denise M. Loeffel 74 Moore Road Wantage, NJ 07461	229303	\$ 50.00	\$ 25.00	
TOTAL			\$ 25.00	

Adopted: May 5, 2004

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Agenda No. **G1 e**  
RESOLUTION NO. 2004 - 132

**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; and

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

REASON  
1. PAYMENT STOPPED ON CHECK

| <u>Name</u>                                                  | <u>Block/Lot</u> | <u>Amount</u>     | <u>Year</u> | <u>Reason</u> |
|--------------------------------------------------------------|------------------|-------------------|-------------|---------------|
| Chicago Title Insurance Company for Robert A. & Lynne Hushon | 9103-6           | \$2,092.00        | 2004        | 1             |
| <b>TOTAL</b>                                                 |                  | <b>\$2,092.00</b> |             |               |

Adopted: May 5, 2004

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Agenda No. **G1 f**
RESOLUTION NO. 2004 - 133

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 & Address</u>	<u>App. No.</u>	<u>Escrow Amount</u>	<u>Amount Refunded</u>
Jason & Renee Horn 253 Lakeshore Drive Hewitt, NJ 07421	0330-0627	\$ 750.00	\$ 398.86
Mr. & Mrs. Louis Portelli 12 Peach Lane West Milford, NJ 07480	0130-0481	\$ 250.00	\$ 73.50
TOTAL		\$ 472.36	

Adopted: May 5, 2004

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**Approval of Expenditures**  
Agenda No. **H 1**  
RESOLUTION NO. 2004 - 134

**RESOLUTION APPROVING THE PAYMENT OF BILLS**

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

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

| Acct. ID # |                                     |
|------------|-------------------------------------|
| 01         | Current Account ..... \$ 532,831.94 |
| 02         | Reserve ..... \$ 21,968.46          |



**THREE TAX FORECLOSURE RESOLUTIONS\*\*\*\*\***

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

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

1. That the Transportation Coordinator is authorized to execute and file an application on behalf of the Township of West Milford with the U.S. Department of Transportation to aid in the financing of administration, capital and/or operating assistance projects pursuant to Section 5311 of the Federal Transit act, as amended.
2. That the Transportation Coordinator is authorized to execute and file with such applications and assurance or any other document required by the U.S. Department of Transportation effectuating the purposes of Title VI and EEO requirements of the Civil Rights Act of 1964.
3. That the Transportation Coordinator is authorized to set forth and execute affirmative minority business policies pursuant to 47 C.F.R. Part 23, Subpart D.
4. That the Transportation Coordinator is authorized to furnish such additional information as the U.S. Department of Transportation may require in connection with the application.
5. That the Acting Township Administrator is authorized to execute grant agreements on behalf of the Township of West Milford Transportation for aid in the financing of the administration, capital and/or operating assistance.
6. That the Township of West Milford hereby authorizes the amount of \$22,834.00 be obligated as the local share required under the provisions of the grant application.
7. The Township of West Milford authorizes the payment of an additional \$66,507.00.

8. That any of the following: \_\_\_\_\_,

\_\_\_\_\_,  
Acting Administrator Chief Financial Officer

\_\_\_\_\_, and the \_\_\_\_\_ are hereby

Recreation Director                  Transportation Coordinator

authorized to sign compliance reports as may be required from time to time during the course of this grant agreement.

Adopted: May 5, 2004

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

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Agenda No. **AA 11**  
RESOLUTION NO. 2004 - 141

**RESOLUTION AUTHORIZING THE TOWNSHIP OF WEST MILFORD TO ACT AS CO-BORROWER IN CONNECTION WITH THE DAM RESTORATION LOAN FOR THE DAM REHABILITATION OF MT. GLEN LAKES DAM**

**WHEREAS**, the Mt. Glen Lakes Association, Inc. is the owner of the Upper Mt. Glen Lake dam and the Lower Mount Glen Lake dam located within the private lake community known as Mount Glen Lakes; and

**WHEREAS**, Lower Mt. Glen Lake dam is presently in need of repairs having been classified a "high hazard dam" by the New Jersey Department of Environmental Protection, Dam Safety Section; and

**WHEREAS**, Upper Mt. Glen Lake dam is presently in need of repairs having been classified as a "significant hazard dam" by the New Jersey Department of Environmental Protection, Dam Safety Section; and

**WHEREAS**, the dam, lake, strea, flood control, water resources and wastewater treatment project Bond Act of 2003 and N.J.A.C. 7:24A established revolving non-lapsing fund and authorized the issuance of loans at a maximum interest rate of two percent (2%) per annum to meet the costs and expenses of dam restoration projects such as that required for the Mt. Glen Lakes dam; and

**WHEREAS**, both the statute and implementing regulations provide that loans will be granted for the restoration of dams owned by private entities such as Mount Glen Lakes, if a local government entity acts as co-borrower with the private entity; and

**WHEREAS**, Mount Glen Lakes Association, Inc. has formally requested that the Township of West Milford act as a co-borrower for a loan; and

**WHEREAS**, given the public benefits of the proposed dam restoration project, the Township is willing to act in the capacity of co-borrower on its application;

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

1. That the Township consents to act as co-borrower with Mount Glen Lakes Association, Inc. with respect to the loan in an amount to be determined for the repair and restoration of the Lower Mount Glen Lake dam and the Upper Mount Glen Lake Dam.

2. That the Township of West Milford will continue to act as a co-applicant with Mount Glen Lakes Association, Inc. for a dam rehabilitation loan, provided that the members of the Association and the Township council are able to agree on he terms and conditions, set forth in a separate Co-Borrowers Agreement, to be executed after notification of a loan award.



the New Jersey Division of Highway Traffic Safety to provide for improved Seat Belt Enforcement;

**WHEREAS**, the Township Police Department has recommended the submission of this application to improve enforcement efforts regarding the use of seat belts; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of West Milford that it approves the submission of the grant application.  
Adopted: May 5, 2004

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

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Agenda No. **AA 14**  
RESOLUTION NO. 2004 - 144

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD  
APPROVING PROFESSIONAL SERVICES CONTRACT WITH TIMINS,  
BEACHAM & HUGHES  
TO PROVIDE PROFESSIONAL LEGAL SERVICES FOR THE TOWNSHIP OF WEST MILFORD**

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

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

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

**WHEREAS**, Timins, Beacham & Hughes is in compliance with P.L. 1975, C. 127 (N.J.A.C. 17:27), the "Affirmative Action Act"; and

**WHEREAS**, Timins, Beacham & Hughes for an in consideration of payments hereinafter specified and agreed to by the Township of West Milford, hereby agrees to perform legal services in the areas of in Rem Tax Foreclosures and Tax Appeals for the Township of West Milford.

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

1. In consideration for performing said legal services, the Township of West Milford agrees to pay to Timins, Beacham & Hughes the sum of \$105.00 per



## **Appointments**

### Transportation Committee

Councilman Gervens nominated **Doris Oosterhoudt** to serve as the Senior Representative to the West Milford **Transportation Committee** for an indefinite term.

Councilman Gervens nominated **Janice Sangle** to serve as the ADA Representative to the West Milford **Transportation Committee** for an indefinite term.

Councilman Gervens nominated **Marie Brink** and **Wayne Coyle** to serve as Citizen Members on the West Milford **Transportation Committee** for indefinite terms.

Mayor DiDonato endorsed the nominations.

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

Moved: Elcavage

Seconded: Lotz-Moore

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

Voted Nay: None.

Motion carried.

Mayor DiDonato announced the appointment of **Doris Oosterhoudt** to serve as the Senior Representative to the West Milford **Transportation Committee** for an indefinite term.

Mayor DiDonato announced the appointment of **Janice Sangle** to serve as the ADA Representative to the West Milford **Transportation Committee** for an indefinite term.

Mayor DiDonato announced the appointment of **Marie Brink** and **Wayne Coyle** to serve as Citizen Members on the West Milford **Transportation Committee** for indefinite terms.

### **Presentations of Communications, Petitions**

None.

### **Petitions & Requests of Public**

Several residents addressed the Council regarding matters of concern.

Councilman Bailey moved to close the Petitions & Requests of Public.

Moved: Elcavage

Second: Bailey

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

Voted Nay: None.

Motion carried.

### **Executive Session**

None.

**Adjournment**

There being no further business to come before the Council, the Township Council adjourned the meeting at 12:14 A.M.

Moved: Lotz-Moore                      Seconded: Gervens

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

Voted Nay: None.

Meeting adjourned.

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MAYOR JOSEPH DIDONATO  
PRESIDING OFFICER

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KEVIN J. BYRNES  
TOWNSHIP CLERK