





- **Executive power** shall be exercised by the Mayor who shall enforce the charter and ordinances and all general laws.
- **Salaries of Mayor and Council** are determined by the existing Salary Ordinance and shall be changed by Ordinance from time to time if so voted.
- **Town Council meetings** shall start at 7:30 p.m. on the 1st. and 3rd. Wednesday of the Month, or at other times duly advertised according to law.
- **Section 2.2.9** added regarding approval of ordinances by mayor within ten days of submission by Council. Council may override Mayor's veto by vote of at least two thirds of the members.
- **Section 2.2.10** added regarding annual appointment of Municipal Departments. Mayor with advice from Council shall nominate a municipal administrator, assessor, tax collector, attorney, clerk, treasurer. One person may hold two or more offices except in the case of the assessor and treasurer or assessor and collector. Municipality may provide ordinances for establishment of departments but not to exceed six. Directors of departments will be nominated by the Mayor with advice from Council and shall serve for the same term as Mayor. Administration of the departments will be established by ordinance.
- **Subsection 2.4.2** regarding Clerk - language changed to reflect the municipal clerk shall serve as the clerk of the Council. The clerk shall perform as required by law and keep minutes and records of the governing body.
- **Subsection 2.9.1** names Treasurer as chief financial officer who shall maintain books and records of transactions. Treasurer holds all public moneys of the municipality. Monthly reports are to be submitted to the Council.
- **Subsection 2.9.4** deals with the division of Tax Collections and states that the Tax Collector shall handle all moneys raised by taxation and shall keep records of all transactions. The collector shall hold the money for two business days and then deposit moneys. Reports are to be submitted to the council on a monthly basis and within sixty days of the end of the year, the collector must produce a list of all transactions.
- **Subsection 2.9.7** added to express that no municipal funds can be disbursed except by bank check or draft and signed by both Mayor and Treasurer upon warrant of Council.
  
- **Section 2.10** Department of Public Safety added to include Division of Fire, Division of Police, Office of Emergency Management, First Aid and Rescue Squads and Domestic Violence Response Team. Chief of Police serves as Director of Department. Director holds responsibility for enforcing laws and ordinances. Director must submit monthly and yearly reports of police matters to Council.
- **Fifteen** volunteers added to make up Domestic Violence Response Team.
- **Definition of Emergency Management Council** added as Subsections 2.13.7-1-3.
- **Photo copying fees** for copies of records shall be changed per Ordinance No. 2004 -1 adopted May 5, 2004.



**OF \$3,655,000 BONDS OR NOTES OF THE TOWNSHIP, FOR VARIOUS  
IMPROVEMENTS OR  
PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE TOWNSHIP OF  
WEST MILFORD,  
IN THE COUNTY OF PASSAIC, NEW JERSEY**

**BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD**, IN THE COUNTY OF PASSAIC, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by The Township of West Milford, in the County of Passaic, New Jersey.

For the said several improvements or purposes stated in said Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefor and amounting in the aggregate to \$4,000,000 including the aggregate sum of \$195,000 as the several down payments for said improvements or purposes required by law and more particularly described in said Section 3 and now available therefor by virtue of provision in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes and including also, in the case of the improvement or purpose described in paragraph (f) of said Section 3, the sum of \$150,000 received or expected to be received by the Township from the State of New Jersey, or agencies thereof, as a grant in aid of financing said improvement or purpose.

Section 2. For the financing of said improvements or purposes and to meet the part of said \$4,000,000 appropriations not provided for by application hereunder of said down payments and grant, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$3,655,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$3,655,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. The improvements hereby authorized and the several purposes for the financing of which said obligations are to be issued, the appropriation made for and estimated cost of each such purpose, and the estimated maximum amount of bonds or notes to be issued for each such purpose, are respectively as follows:

IMPROVEMENT OR PURPOSE AMOUNT	ESTIMATED APPROPRIATION	MAXIMUM
	AND ESTIMATED COST	OF BONDS AND NOTES

(a) Acquisition by purchase of new and additional vehicular equipment for use by the Department of Public Works of the Township, including one (1) dump truck, one (1) street sweeper	
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and one (1) front-end loader with tool carrier, together with all equipment, attachments and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved **\$520,000** **\$493,000**

(b) Acquisition by purchase of new fire fighting apparatus for the preservation of life and property in the Township for use by thy Macopin Volunteer Fire Company, consisting of one (1) pumper truck, including all equipment, attachments and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file in the office of the Township Clerk and hereby approved **402,000** **380,000**

(c) Improvement of various streets and locations in and by the Township by the construction or reconstruction therein of roadway pavements at least equal in useful life or durability to a roadway pavement of Class B construction (as used or referred to in Section 40A:2-22 of said Local Bond Law), including Clinton Road, Morsetown Road, Ridge Road, Arundel Road, Bradrick Lane, Burnt Meadow Road from Greenwood Lake Turnpike to its terminus, Cedarbrook Road, Charcoal Road, Dockerty Hollow Road, Dongan Road, Glenridge Road, Hickory Avenue, High Crest Drive from Route 23 to Mallory Road and from Crest Road to Macopin Terrace, Hi-Lo Terrace, Hopley Place, Lake Shore Drive from Warwick Turnpike to Chester Road, Lincoln Avenue, Longstreak Road, Lycosky Drive, Maybelle Court, Meadowview Court, Osage Road, Post Place, Rabbit Run Drive, Ringwood Lane, Sugar Maple Avenue, Tintle Avenue, Warwick Turnpike from the 2002 seam to Lakeshore Drive, West Shore Road and Wooley Road (the 2003 leveled section), together with all structures, appurtenances, milling, drainage improvements, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township

Clerk and hereby approved **2,177,000** **2,070,000**

(d) Improvement of municipally-owned facilities and grounds in and by the Township, including the Upper Greenwood Lakes Department of Public Works Depot by installation of security fencing, the District #1 Department of Public Works Depot by the purchase and installation of a fuel storage tank, the Hillcrest Building located on Macopin Road by the upgrade of the boiler and water system, the Township Museum located on Union Valley Road by the renovation thereof including the installation of new windows and the reconstruction of the ceiling therein, the Bubbling Springs Recreation Complex by the renovation of the concession stand roof and rest rooms, the installation of a wall and drainage system and the resurfacing of Day Camp Road including improvements to the storm water drainage system, Farrell Field by the upgrade thereof and Westbrook Park by the resurfacing of park roads and the reconstruction of retaining walls, together with all structures, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved

**310,000** **295,000**

(e) Acquisition by purchase and installation, as necessary, of new and additional equipment, including an emergency generator for the Community Fire Company and equipment packs for use by various fire companies in the Township, together with all appurtenances, apparatus and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file in the office of the Township Clerk and hereby approved

**260,500** **247,000**

(f) Improvement of Mt. Laurel Park in and by the Township, including the reconstruction of the parking lot and the relocation of the tennis courts

and the softball fields, together with all landscaping, structures, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved, the \$330,500 appropriation hereby made therefor being inclusive of the amount of \$150,000 received or expected to be received by the Township from the State of New Jersey or agencies thereof as a grant in aid of financing said improvement

	<u>330,500</u>	<u>170,000</u>
<b>Totals</b>	<b>\$4,000,000</b>	<b>\$3,655,000</b>

Except as otherwise stated in paragraph (f) with respect to the \$150,000 grant in aid of financing the purpose described in said paragraph, the excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the said down payment for said purpose.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The said purposes described in Section 3 of this bond ordinance are not current expenses and each is a property or improvement which the Township may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said purposes within the limitations of said Local Bond Law and taking into consideration the respective amounts of the said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 10.30 years.

(c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Township as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$3,655,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) Amounts not exceeding \$200,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of said Local Bond Law may be included as part of the costs of said improvements and are included in the foregoing estimate thereof.

Section 5. The funds from time to time received by the Township on account of the \$150,000 grant referred to in Section 1 of this bond ordinance shall be used for financing the improvements or purposes described in paragraph (f) of Section 3 of this bond ordinance by application thereof either to direct payment of the costs of said improvements or purposes, or to payment or reduction of the authorization of the obligations of the Township authorized therefor by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of the costs of said improvements or purposes shall, be held and applied by the Township as funds applicable only to the payment of obligations of the Township authorized by this bond ordinance.

Section 6. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. \_40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 7. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 8. The capital budget or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Township Clerk and are available for public inspection.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

Introduced: August 4, 2004

Adopted: September 1, 2004

Effective Date: september 21, 2004

Mayor Joseph DiDonato read the following Ordinance Authorizing the Sale of Certain Properties Owned by the Township of West Milford, Passaic County, New



guide only and may not be accurate. **NO REPRESENTATIONS OF ANY KIND ARE MADE BY THE TOWNSHIP OF WEST MILFORD AS TO THE CONDITIONS OF THE PROPERTY, SAID PREMISES ARE BEING SOLD IN THEIR PRESENT CONDITIONS "AS IS".**

- C. That the sale is made subject to such state of facts as an accurate survey may disclose, existing tenancies, rights of persons in possession, easements, conditions, covenants and restrictions and any other encumbrances of title which the Township Council may impose on any parcel at the time of the sale, including but not limited to restrictions on the use to be made of such real property, capital improvements of personal property and any conditions of sale as to buildings or structures, or as to the type, size or other specifications of buildings or structures to be constructed thereon, or as to demolition, repair or reconstruction of buildings or structures, and the time within such conditions shall be operative, or any other conditions of sale in like manner and to the same extent as by any other vendor.
- D. That the sale is made subject to all applicable laws and ordinances of the State of New Jersey and the Township of West Milford.
- E. That should the title to the property prove to be unmarketable for any reason, the liability of the Township shall be limited to the repayment to the purchaser of the amount of deposit and any portion of the purchase price paid and shall not extend to any further costs, expenses, damages or claims. Notice of any alleged defect in title or claim of unmarketability must be served on the Township Clerk, by the purchaser, in writing no later than thirty (30) days after the sale is approved by the Township Council, failure upon the part of the purchaser to give written notice within said time shall be deemed conclusive proof that the purchaser accepts the title in its present condition.
- F. That the sale of properties considered as developable properties, is made subject to the purchaser's acquiring an acceptable percolation test according to the provisions of the Health Code of the Township of West Milford. That should the results of the percolation test prove to be unacceptable, the liability of the Township shall be limited to the repayment to the purchaser of the amount of deposit and any portion of the purchase price paid and shall not extend to any further costs, expenses, damages or claims. Notice of any unacceptable percolation test must be served on the Township Clerk, by the purchaser, in writing no later than thirty (30) days after the sale is approved by the Township Council, failure upon the part of the purchaser to give written notice within said time shall be deemed conclusive proof that the purchaser accepts the property "as is".
- G. That no employee, agent or officer of the Township of West

Milford has any authority to waive, modify or amend any of the conditions of sale.

H. That offers for any and all of the properties may be made for a sum equal to the suggested prices listed on the schedule or for a lesser or greater sum.

I. Successful bidders agree to the following conditions:

i) To deposit cash, check or money order in an amount not less than 25% of the bid price at the time that the bid is submitted.

ii) To submit with the bid, a copy of the deed for the contiguous property.

iii) To pay by the time of closing:

a. The balance of the purchase price.

b. The cost of preparation of all legal documentation, including any special property description.

c. The proportionate cost of advertisement of the sale.

d. The cost of recording deeds and agree that deeds shall be recorded on behalf of the purchaser by the Township Attorney.

iv) To pay prorated real estate taxes for the balance of the current year as of the date of closing.

v) To abide by appropriate zoning, subdivision, health and building regulations and codes and stipulations that this sale will not be used as grounds to support any variance from or realization of said regulations.

vi) That the failure to close title as agreed shall forfeit to the Township of West Milford any and all money deposited with the Township.

vii) That the purchase price shall not be used before any County Board of Taxation, Tax Court of New Jersey, or in any court of this State as grounds to support a challenge of the existing assessment of the subject property, nor shall the purchase price be used as a comparable sale to challenge assessments with regard to other properties.

viii) That the title shall close on or before November 1, 2004 and that date shall be considered time of the essence.

3. The Township reserves the right to require the purchased property be merged with the contiguous property.

4. The Township reserves the right to withdraw the offer of sale and reject any and all bids.

5. All sales are subject to final approval by the Township Council. Parties interested in submitting bids and who require additional information should contact:  
Kevin J. Byrnes, Township Clerk  
1480 Union Valley Road  
West Milford, New Jersey 07480

6. 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.

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

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

Introduced: August 4, 2004  
Adopted: September 1, 2004  
Effective Date: September 21, 2004

**SCHEDULE A**

<u>BLOCK</u>	<u>LOT</u>	<u>STREET</u>	<u>SUGGESTED SALES PRICE</u>
5614	1	Center Street	\$5,000.00

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

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

Agenda No. F 1  
RESOLUTION NO. 2004 - 236

**RESOLUTION AUTHORIZING PERSON TO PERSON TRANSFER  
OF LIQUOR LICENSE NO. 1615-33-020-004  
FROM LAKEVIEW PUB & LIQUORS, INC. LOCATED AT 1934-1936  
GREENWOOD LAKE TURNPIKE  
TO TRILLICK, LLC T/A LAKEVIEW PUB & LIQUORS  
FOR PREMISES AT THE SAME LOCATION WITH CONDITIONS**

**WHEREAS**, an application has been received for a Person to Person transfer of 2003 - 2004 Plenary Retail Consumption License No. 1615-33-020-004 presently held by Lakeview Pub & Liquors, Inc. at 1934-1936 Greenwood Lake Warwick Turnpike to Trillick, LLC for premises at the same location; and

**WHEREAS**, the Township Council has conducted a public investigation of the applicant as stipulated in the guidelines of the Director of the Division of Alcoholic Beverage Control dated April 14, 1980, and



*Adjusted Amount based on  
This Change Orders ..... \$339,165.86*

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Township Council does concur with and authorizes Change Order No. 1 and Final Change Order.

Adopted: September 1, 2004

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

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Agenda No. **F 3**  
RESOLUTION NO. 2004 - 238

**RESOLUTION AUTHORIZING POSSIBLE GRANT FUNDS FOR THE  
PURPOSE OF DEVELOPING AN IMPROVEMENT PLAN FOR BROWN'S POINT  
PARK**

**WHEREAS**, the Township of West Milford recently arranged for the renewal of the lease of Brown's Point Park from the State of New Jersey; and

**WHEREAS**, the Township's 2003 Open Space Plan noted that the public identified Brown's Point at the southern end of Greenwood Lake as one of the scenic features of the Township of West Milford; and

**WHEREAS**, the Township's 1997 Parks and Recreation Master Plan specifically recommended that the Township of West Milford should capitalize on the view of Greenwood Lake; and

**WHEREAS**, the Township Council received a recommendation from the Acting Township Administrator that the Township pursue grant monies that may be available for the purpose of developing an improvement plan for Brown's Point park to enhance its scenic and recreational features;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Council of the Township of West Milford that it does hereby authorize the Acting Township Administrator and other members of the Township staff to investigate possible grant funds that may be available to the Township of West Milford for the purpose of developing such an improvement plan for Brown's Point Park.

Adopted: September 1, 2004

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

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The Township Council proceeded to the Consent Agenda:

**Consent Agenda**

Agenda No. **G 1**  
RESOLUTION NO. 2004 - 239

**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 Performance Guarantees
- b. **Resolution** Authorizing Partial Refund of Performance Guarantees
- c. **Resolution** Authorizing Refund of Other Lien
- d. **Resolution** Authorizing Refund of Overpayments
- e. **Resolution** Authorizing Refund of Recreational Fee
- f. **Resolution** Authorizing Refund of Recreational Fees
- g. **Resolution** Authorizing Refund of Soil Test Fee
- h. **Resolution** Authorizing Refund of Escrow Monies
- i. **Resolution** Authorizing Refund of Clinic Fee
- j. **Resolution** Authorizing Partial Refund of Performance Guarantees
- k. **Resolution** Authorizing Refund of Performance Guarantee
- l. **Application** for On-Premise 50/50 License RL-2004-40 by U.G.L. Volunteer Ambulance Corp. Ladies Auxiliary for September 24, 2004.
- m. **Application** for Off-Premise 50/50 License RL-2004-41 by St. Josephs Home School Association for December 17, 2004.
- n. **Application** for On-Premise 50/50 License RL-2004-42 by St. Josephs Church for September 19, 2004.
- o. **Application** for On-Premise 50/50 License RL-2004-43 by West Milford Midget Football Association, Inc. for September 17, 18, 19, 24, 25, 26, 2004.
- p. **Application** for Off-Premise Draw Raffle License RL-2004-44 by West Milford Township Police Athletic League, Inc. for October 30, 2004.
- q. **Application** for Off-Premise Tricky Tray Raffle License RL-2004-45 by West Milford Township Police Athletic League, Inc. for October 22, 2004.
- r. **Application** for Special Permit for Social Affair by the American Legion Post 289 for September 11, 2004
- s. **Application** for Special Permit for Social Affair by



Michael Cosma            13701/2            \$ 200.00    70  
138 Germantown Road  
West Milford, NJ 07480

Adopted: September 1, 2004

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Agenda No. **G1 c**  
RESOLUTION NO. 2004 - 242

**RESOLUTION AUTHORIZING REFUND OF OTHER LIEN**

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<br>Redemption of<br>Lien Cert. # | Date<br>of Sale | Block/Lot | Pay to the<br>Amount | Lienholder                                                                                                 |
|------------------------------------------|-----------------|-----------|----------------------|------------------------------------------------------------------------------------------------------------|
| 92-122<br>OF GOD                         | 05/14/1992      | 07613-008 | \$ 5,127.36          | BURLINGTON ASSEMBLY<br>2035 BURLNG/COLUMBUS ROAD<br>BURLINGTON, NJ 08016                                   |
| 02-031                                   | 04/08/2002      | 03401-002 | \$ 5,476.47          | MICHAEL MASTELLONE<br>P.O. BOX 109<br>CEDAR KNOLLS, NJ 07927                                               |
| 02-051<br>LLC                            | 04/08/2002      | 07208-005 | \$ 20,653.89         | AMERICAN TAX FUNDING<br>P.O. BOX 862658<br>PENNINGTON, FL 32886-2658                                       |
| 04-044<br>AGT/SASS                       | 04/05/2004      | 06002-034 | \$ 42,632.11         | WACHOVIA-COLL<br>MUNI IV<br>M. GRASSO TAX SPECIALIST<br>123 S. BROAD ST. PA1328S<br>PHILADELPHIA, PA 19109 |
| 04-090                                   | 04/05/2004      | 15901-003 | \$ 12,182.06         | LIEN TIMES LLC<br>203 STEPHENS ROAD<br>WEST MILFORD, NJ 07480                                              |

04-092 04/05/2004 16504-006 \$ 13,582.50 AMERICAN TAX FUNDING;  
LLC

PO BOX 862658  
ORLANDO, FL 32886-2658

**Grand Total \$ 99,654.39**

Adopted: September 1, 2004

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Agenda No. **G1 d**  
RESOLUTION NO. 2004 - 243

**RESOLUTION AUTHORIZING REFUND OF OVERPAYMENTS**

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

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

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

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

<b>Block/LotName</b>	<b>Amount</b>	<b>Year</b>	<b>Reason</b>
402-11 Kathryn Vander Sande 29 Evergreen Road Hewitt, NJ 07421	\$ 1,536.00	2004	2
409-10 Michael Reilly PO Box 531 West Milford, NJ 07480	1,220.00	2004	2
1603-3 Countrywide PO Box 5012 Woodland Hills, CA 91365	325.00	2004	2
1605-1.02 Robert & Joyce Schmidt 8 Daretown Road Hewitt, NJ 07421	1,469.00	2004	2
1606-4 Elena Valentino 125 Fairlawn Drive Hewitt, NJ 07421	649.00	2004	2
2303-2 Gina A. Calogero, Esq. 466 Kinderkamack Road Oradell, NJ 07649	1,091.00	2004	2

2404-6	Principal Title Agency, Inc. 20 Commerce Drive Suite 221 Cranford, NJ 07016	1,283.00	2004	2
3611-21	Andrea T. Wagner 24 West Railroad Avenue, Apt 143 Tenafly, NJ 07670	2,579.00	2004	2
3403-10	Raymond & Patricia Rambowski 99 Lakeside Road Hewitt, NJ 07421	1,254.00	2004	2
3703-6	Mc Carter & English % Simone P. Wilson Four Gateway Center 100 Mulberry Street PO Box 652 Newark, NJ 07101-0652	\$ 507.00	2004	2
5005-8	Law Offices of Jan Meyer 1029 Teaneck Road Second Floor Teaneck, NJ 07666	4,749.00	2004	2
	<b>Block/LotName</b>	<b>Amount</b>	<b>Year</b>	<b>Reason</b>
5005-13	Dennis P. Johnson & D. Carro 200 Rockburn Pass West Milford, NJ 07480	8,875.00	2004	2
5603-1	Frances & Donna Delorenzo 576 Ridge Road West Milford, NJ 07480	1,201.94	2004	2
6201-8	Mc Donnell & Whitaker, LLP 79 North Franklin Turnpike PO Box 379 Ramsey, NJ 07446-0379	1,616.00	2004	2
7003-19	Higgins & Walker Fieldstone Park Center 130 Skyline Drive Ringwood, NJ 07456	1,520.00	2004	2
7615-1	Cozzarelli Law Firm, PA 727 Joralemon Street Belleville, NJ 07109	1,084.00	2004	2
9406-3	Law Offices of Robert A. Goldschlag 65 South Street Freehold, NJ 07728	1,862.00	2004	2
9406-23	Countrywide PO Box 5012	1,863.89	2004	2

Woodland Hills, CA 91365

10602-6	Celentano, Stadtmauer & Walentowicz, LLP Notch View Office Park 1035 Route 46 East PO Box 2594 Clifton, NJ 07015-2594	1,000.00	2004	2
11202-7	Victor Librizzi, Jr., Esq. 610 Pompton Avenue PO Box 450 Cedar Grove, NJ 07009	1,186.00	2004	2
12801-9	Freddy R. Gavidia 108 Upper High Crest Road West Milford, NJ 07480	\$ 1,821.00	2004	2
16102-16	Leon & Susan Strohl 297 Oak Ridge Road Oak Ridge, NJ 07438	1,570.00	2004	2
16305-6	James La Sala, Esq. 85 Newark Pompton Turnpike PO Box 289 Riverdale, NJ 07457	1,458.00	2004	2

**TOTAL** **\$41,719.83**

Adopted: September 1, 2004

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Agenda No. **G1 e**  
RESOLUTION NO. 2004 - 244

**RESOLUTION AUTHORIZING REFUND OF RECREATIONAL FEES**

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

| <u>Name &amp; Address</u>           | <u>Reason</u> | <u>Amount Refunded</u> |
|-------------------------------------|---------------|------------------------|
| Fredericks Fuel &Refund of Donation |               | \$ 25.00               |

Heating Service cancellation of Growing Up/  
225 Oak Ridge Road Growing Older Contest  
Oak Ridge, NJ 07438

Adopted: September 1, 2004

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Agenda No. **G1 f**  
RESOLUTION NO. 2004 - 245

**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>
Joyce Troast 46A Manchester Lane West Milford, NJ 07480	Cancellation of Session 2 Painting Workshop	\$ 60.00
Catherine Ballin 11 Stone Hedge Way West Milford, NJ 07480	Cancellation of Session 2 Painting Workshop	\$120.00
Bonita Witten 34 Germantown Road West Milford, NJ 07480	Cancellation of Session 2 Painting Workshop	\$ 60.00
LuLu DeBlock 42 Morsetown Road West Milford, NJ 07480	Cancellation of enrollment in Bubbling Springs Swim Lessons	\$ 50.00

Adopted: September 1, 2004

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Agenda No. **G1 g**  
RESOLUTION NO. 2004 - 246

**RESOLUTION AUTHORIZING REFUND OF SOIL TEST FEE**

**WHEREAS**, the Health Official has recommended refunding the amounts shown below for a canceled Soil Test in the Township of West Milford; and

**NOW, THEREFORE, BE IT RESOLVED** that the proper officers be and they are hereby authorized and directed to refund the amount indicated below:

| <b>Received From</b>                                                      | <b>Receipt No.</b> | <b>Amount</b> |
|---------------------------------------------------------------------------|--------------------|---------------|
| Douglas McKittrick<br>2024 Macopin Road<br>West Milford, New Jersey 07480 | 8090               | \$ 50.00      |

**Total**                    **\$ 50.00**

Adopted: September 1, 2004

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Agenda No. **G1 h**  
RESOLUTION NO. 2004 - 247

**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>
Omnipoint Communications, 0320-0137AB Inc. Price, Meesse, Shulman & D'Arminio, P.C. Mack-Cali Corporate Center 50 Tice Boulevard Woodcliff Lake, NJ 07677		\$ 1,500.00	\$ 351.73

Adopted: September 1, 2004

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Agenda No. **G1 i**  
RESOLUTION NO. 2004 - 248

**RESOLUTION AUTHORIZING REFUND OF CLINIC FEE**

**WHEREAS**, the Health Official has recommended refunding the amounts shown below for a Male Cancer Screening Test in the Township of West Milford; and

**NOW, THEREFORE, BE IT RESOLVED** that the proper officers be and they are hereby authorized and directed to refund the amount indicated below:

| <b>Received From</b>                                             | <b>Receipt No.</b> | <b>Amount</b> |
|------------------------------------------------------------------|--------------------|---------------|
| Steven Cassese<br>P.O. Box 193<br>Greenwood Lake, New York 10925 | 127141             | \$ 25.00      |

**Total**                    **\$ 25.00**

Adopted: September 1, 2004

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Agenda No. **G1 j**  
RESOLUTION NO. 2004 - 249

**RESOLUTION AUTHORIZING PARTIAL REFUND OF PERFORMANCE  
GUARANTEES**

**RESOLVED**, that upon the report and request of the Township's Engineering Department the following Performance Guarantees be partially refunded:

<u>Name &amp; Address</u>	<u>Blk - Lot</u>	<u>Amount Refunded</u>	<u>Pg. No.</u>
CFA Custom Homes 144 Wesley Drive West Milford, NJ 07480	5005/13	\$ 1,775.00	69
Your Home Team 845 Union Valley Road West Milford, NJ 07480	1002/12 & 13	\$ 200.00	67
Jeffrey White 27 Cascade Way Butler, NJ 07405	5306/4.01	\$ 200.00	69

Adopted: September 1, 2004

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Agenda No. **G1 k**  
RESOLUTION NO. 2004 - 250

**RESOLUTION AUTHORIZING REFUND OF PERFORMANCE GUARANTEE**

**RESOLVED**, that upon the report and request of the Township's Engineering Department the following Performance Guarantee be refunded:

| <u>Name &amp; Address</u>                                   | <u>Block &amp; Lot</u> | <u>Amount Refunded</u> | <u>Pg. No.</u> |
|-------------------------------------------------------------|------------------------|------------------------|----------------|
| Charles Aikey<br>144 Wesley Drive<br>West Milford, NJ 07480 | 9501/19.02             | \$ 200.00              | 59             |

Adopted: September 1, 2004

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**Approval of Expenditures**

Agenda No. **H 1**  
RESOLUTION NO. 2004 - 251

**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 .....	\$ 812,126.94
02	Reserve .....	\$ 4,906.92
03	Dog Tax .....	\$ 121.00
04	Recycling .....	\$ 0.00
05	Recreation .....	\$ 0.00
06	Capital .....	\$ 36,505.12
07	Grants .....	\$ 3,650.58
08	Refuse .....	\$ 127,933.80
09	Refunds.....	\$ 141,549.22
10	Neighborhood Preservation .....	\$ 0.00
12	General Ledger .....	\$ 300.00
16	Heritage Trust .....	\$ 200.00
	Open Space Trust .....	\$ 0.00
17	Trust .....	\$ 23,726.00
18	Development Escrow .....	\$ 4,843.13
19	LOSAP .....	\$ 0.00
20	Special Reserve .....	\$ 0.00
	<i>Total</i> .....	\$1,155,862.71
	<i>Less Refund Resolution</i> .....	- \$ (141,549.22)
	<i>Actual Bill List</i> .....	\$1,014,313.49
	<i>Other Payments</i> .....	\$ 0.00
	<i>Less Refund Resolution</i> .....	- \$ (0.00)
	<b>TOTAL Expenditures.....</b>	<b>\$1,014,313.49</b>

Adopted: September 1, 2004

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

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Acting Township Administrator Kevin J. Byrnes noted several additional Addendum Items which were added to the Regular Meeting Agenda after the Workshop Meeting:









Mayor Joseph DiDonato announced the appointment of **James Dykes** to serve as a **Member** of the **Greenwood Lake Bi-State Commission** for a term ending December 31, 2005.

#### Building Standards Board

Councilman Elcavage nominated **Ed Steines** to serve as a **Fire Commissioner Member** of the **Building Standards Board** for a term ending December 31, 2005.

Mayor Joseph DiDonato endorsed the nomination.

There being no further nominations, the nomination was closed and confirmed.

Moved: Bailey

Seconded: Elcavage

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

Voted Nay: None.

Motion carried.

Mayor Joseph DiDonato announced the appointment of **Ed Steines** to serve as **Fire Commissioner Member** of the **Building Standards Board** for a term ending December 31, 2005.

#### Presentations of Communications, Petitions

None.

#### Petitions & Requests of Public

Several residents addressed the Council regarding matters of concern.

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

Moved: Kirwan

Second: Elcavage

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

Voted Nay: None.

Motion carried.

#### Executive Session

#### MOTION FOR EXECUTIVE SESSION

**BE IT RESOLVED** by the Township Council of the Township of West Milford on the 1<sup>st</sup> day of **September**, 2004, that:

1. Prior to the conclusion of this **Workshop Meeting**, the Township Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):

- ( ) b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
- ( ) b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
- ( ) b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.

- ( ) b. (4) A collective bargaining agreement including negotiations.
- ( ) b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
- ( ) b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
- ( ) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
- (X) b. (8) Personnel matters.
- ( ) b. (9) Deliberations after a public hearing that may result in penalties.

2. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

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

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

Absent: None.

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

Items discussed during the Executive Session were as follows:

Personnel Matters

Councilman Kirwan moved to adjourn the Executive Session at 10:53 P.M.  
 Moved: Bailey                      Seconded: Elcavage  
 Voted Aye:Bailey, Elcavage, Gervens, Kirwan, Lotz-Moore, Scangarello.  
 Voted Nay: None.  
 Executive Session adjourned.

**Adjournment**

There being no further business to come before the Council, the Township Council adjourned the meeting at 10:30 P.M.  
 Moved: Elcavage                      Seconded: Scangarello  
 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