

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

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

Pledge of Allegiance

Roll Call

Present: Council President William Gervens and Councilmembers Paul Bailey, Joseph Elcavage, Dennis Kirwan, Patricia Lotz-Moore, and Carmelo Scangarello.

Absent: Mayor Joseph DiDonato.

Also Present: Township Administrator Richard Kunze, Township Clerk Kevin J. Byrnes, Township Attorney William DeMarco, and Councilmen-elect Robert Nolan and James Warden.

Reading of or Approval of Unapproved Minutes

None.

Bids & Awards

Township Administrator Richard Kunze reported on the bids received for Road Materials on November 19, 2004.

The Township Administrator recommended that the Council accept the recommendation of the Township Engineer and award a contract to the low bidder per bid specifications, and Treasurer's certification of funds available.

The Township Council concurred with the Township Administrator's recommendation and awarded contracts as follows:

Agenda No. **B 1**
RESOLUTION NO. 2004 - 317A

**RESOLUTION AWARDING CONTRACT
ROAD MATERIALS**

WHEREAS, the Township Council has received a tabulation of bids received for the following:

Subject of Bid: Road Materials
Bid Date Received: November 19, 2004
Time Received: 10:00 A.M.

Resolution adopted.

Agenda No. **H 2**
RESOLUTION NO. 2004 - 320

**RESOLUTION OF THE TOWNSHIP AUTHORIZING THE
FORECLOSURE OF TAX SALE CERTIFICATES**

BE IT RESOLVED, by the Mayor and Township Council of the Township of West Milford, Passaic County, New Jersey, the governing body of the Township of West Milford, that the Tax Sale Certificates as shown on the attached foreclosure list now held by the Township of West Milford be foreclosed by the Summary Proceedings IN REM, and as described by N.J.S.A. 54:5-104.29 to 54:5-104.71 as amended, and pursuant to the rules of Civil Practice of the Superior Court of New Jersey.

Adopted: December 15, 2004

THERE ARE TWO PAGES OF FORECLOSURE LISTS #28 THAT GO HERE

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

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

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

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

Block/LotName	Amount	Year	Reason
3401-12 Corrine A Linke 113 Lakeside Road Hewitt, New Jersey 07421	\$250.00	2004	3
5312-1.12 John Mahonin 4 Richmond Road Suite 112 West Milford, New Jersey 07480	\$250.00	2004	3
5312-1.14 Joseph & Theresa Heisler 4 Richmond Road Suite 114 West Milford, New Jersey 07480	\$254.06	2004	3
5312-1.14 Estate of R. Alice Bochicchio & Donna Palatucci 3 Colonial Lane Kinnelon, New Jersey 07405	\$ 86.62	2004	3
TOTAL	\$840.68		

Adopted: December 15, 2004

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Agenda No. **11 e**  
RESOLUTION NO. 2004 - 334

**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> |
|----------------------------------------------------------------------------------------------|---------------|-------------|---------------|
| 301-4 James & Bonnie Kowalski<br>49 Brook Road<br>Hewitt, New Jersey 07421                   | \$ 46.50      | 2004        | 2             |
| 407-6 James Muth & Marion Krause<br>79 Larchmont Drive<br>Hewitt, New Jersey 07421           | 79.05         | 2004        | 2             |
| 601-2 Peter & Michele Rust<br>5 Witte Road<br>Hewitt, New Jersey 07421                       | 1,064.00      | 2004        | 2             |
| 1812-6 Ronald & Ann Card<br>25 Edgewater Road<br>Hewitt, New Jersey 07421                    | 1,432.90      | 2004        | 2             |
| 2302-2 Clear Advantage Title, Inc.<br>1373 Broad Street Ste 301<br>Clifton, New Jersey 07013 | 870.65        | 2004        | 2             |
| 2402-11 Larry & Barbara Sliker<br>35 Upper Greenwood Road<br>Hewitt, New Jersey 07421        | 415.38        | 2004        | 2             |

| <b>Block/LotName</b>                                                                                                          | <b>Amount</b> | <b>Year</b> | <b>Reason</b> |
|-------------------------------------------------------------------------------------------------------------------------------|---------------|-------------|---------------|
| 3605-8 Countrywide Tax Services Corp.<br>Att: Patti Crosse/Refund Unit<br>P.O. Box 10211 SV3-24<br>Van Nuys, California 91410 | 1,085.00      | 2004        | 2             |
| 5005-11 Michael & Mary Lou Pych<br>186 Rockburn Pass<br>West Milford, New Jersey 07480                                        | 4,575.85      | 2004        | 2             |
| 5006-2 Daniel P. Terlizzi<br>107 Rockburn Pass<br>West Milford, New Jersey 07480                                              | 46.50         | 2004        | 2             |
| 6002-2.01 Joseph & Kristin Nevin<br>2 Vanessa Court                                                                           | 1,418.50      | 2004        | 2             |

West Milford, New Jersey 07480

|            |                                                                                     |          |      |   |
|------------|-------------------------------------------------------------------------------------|----------|------|---|
| 6101-1.01  | Glenn & Yolanda Sarra<br>646 Morsetown Road<br>West Milford, New Jersey 07480       | 373.16   | 2004 | 2 |
| 6101-5     | Ralph & Barbara Zaccaro Jr.<br>678 Morsetown Road<br>West Milford, New Jersey 07480 | 75.40    | 2004 | 2 |
| 7303-1     | Michael J. & Carol L. Berry<br>45 Cliff Road<br>West Milford, New Jersey 07480      | 453.45   | 2004 | 2 |
| 7521-1     | Gary & Bonnie Earl<br>1419 Union Valley Road<br>West Milford, New Jersey 07480      | 1,838.10 | 2004 | 2 |
| 7801-22.03 | West Milford MUA<br>1480 Union Valley Road<br>West Milford, New Jersey 07480        | 278.79   | 2004 | 2 |
| 7801-50.01 | Michael & Maria Strauss<br>50 A Beacon Hill Road<br>West Milford, New Jersey 07480  | 121.00   | 2004 | 2 |
| 7801-53.07 | Shea Oakley<br>53 G Beacon Hill Road<br>West Milford, New Jersey 07480              | 1,507.20 | 2004 | 2 |
| 7801-59.08 | Donald & Joanne Denneau<br>59 H Bunker Hill Road<br>West Milford, New Jersey 07480  | 1,628.20 | 2004 | 2 |
| 8201-15    | Peter & Ly Tran Osowski<br>1899 Macopin Road<br>West Milford, New Jersey 07480      | 172.60   | 2004 | 2 |
| 8803-14    | Ricky & Linda Fitzgerald<br>34 Sweetman Lane<br>West Milford, New Jersey 07480      | 68.81    | 2004 | 2 |
| 8901-22    | John & Diane Lacagnina<br>12 Olde Hickory Road<br>West Milford, New Jersey 07480    | 302.25   | 2004 | 2 |
| 9703-1     | Pedro & Yvette Guerrero<br>9 Monmouth Avenue<br>West Milford, New Jersey 07480      | 1,597.30 | 2004 | 2 |
| 9705-11    | West Milford MUA<br>1480 Union Valley Road<br>West Milford, New Jersey 07480        | 300.00   | 2004 | 2 |

| <b>Block/LotName</b>                                                                                      | <b>Amount</b>      | <b>Year</b> | <b>Reason</b> |
|-----------------------------------------------------------------------------------------------------------|--------------------|-------------|---------------|
| 10301-6 John & Beverly Clark<br>200 Valley Road<br>Haworth, New Jersey 07641                              | \$ 8,142.21        | 2004        | 2             |
| 10301-13.01 John & Beverly Clark<br>200 Valley Road<br>Haworth, New Jersey 07641                          | 5,245.84           | 2004        | 2             |
| 10301-13.02 John & Beverly Clark<br>200 Valley Road<br>Haworth, New Jersey 07641                          | 5,263.28           | 2004        | 2             |
| 10704-3 Peter & Christine Bender<br>54 High Street<br>West Milford, New Jersey 07480                      | 98.81              | 2004        | 2             |
| 12801-3 Peter Bryan McKatten<br>84 Upper High Crest Road<br>West Milford, New Jersey 07480                | 1,502.60           | 2004        | 2             |
| 12801-18 Marc & Elaine Siegel<br>41 High Crest Drive<br>West Milford, New Jersey 07480                    | 1,418.00           | 2004        | 2             |
| 13104-4 Robert E & Deborah Miller Jr.<br>55 High Crest Drive<br>West Milford, New Jersey 07480            | 17.44              | 2004        | 2             |
| 13301-27 Jan & Hanna Siarek<br>13 Albert Street<br>Garfield, New Jersey 07026                             | 26.43              | 2004        | 2             |
| 15302-7 Glenn & Dianna Haggett<br>22 Dongan Lane<br>Newfoundland, NJ 07435                                | 862.58             | 2004        | 2             |
| 16303-003 Christopher & Christine Rongo<br>14 Cooper Road<br>Oak Ridge, New Jersey 07438                  | 18.60              | 2004        | 2             |
| 16604-8 Barbarula Law Offices<br>23 Professional Bldg.<br>1242 Route 23 North<br>Butler, New Jersey 07405 | 2,284.40           | 2004        | 2             |
| <b>TOTAL</b>                                                                                              | <b>\$44,630.78</b> |             |               |

Adopted: December 15, 2004

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Agenda No. I1 f
RESOLUTION NO. 2004 - 335

**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 & Address</u>	<u>Blk - Lot</u>	<u>Amount Refunded</u>	<u>Pg. No.</u>
Your Home Team 843 Union Valley Road West Milford, NJ 07480	1208/16	\$ 500.00	70

Adopted: December 15, 2004

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Agenda No. I1 g  
RESOLUTION NO. 2004 - 336

**RESOLUTION AUTHORIZING REFUND OF PERFORMANCE GUARANTEES**

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

| <u>Name &amp; Address</u>                                                                 | <u>Block &amp; Lot</u> | <u>Amount Refunded</u> | <u>Pg. No.</u> |
|-------------------------------------------------------------------------------------------|------------------------|------------------------|----------------|
| Decker & Decker<br>Construction Co., Inc.<br>300 Otterhole Road<br>West Milford, NJ 07480 | Adams Avenue           | \$ 1,460.00            | 68             |

Adopted: December 15, 2004

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Agenda No. I1 h
RESOLUTION NO. 2004 - 337

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>
Carolyn Post 9 Seminole Way West Milford, NJ 07480	0430-0658	\$ 750.00	\$ 64.43

The Mayor and Members of the Council commented on various Municipal and Government matters pending.

Report of Township Clerk

Township Clerk Kevin J. Byrnes distributed revised copies of the proposed 2005 Council Meeting Schedule to the Mayor and Township Council noting that the schedule should be finalized in order that it can be advertised.

Report of Attorney

None.

Appointments

None.

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 **15th** day of **December**, 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.
- (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: Lotz-Moore

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

Voted Nay:None.

Resolution adopted.

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

Absent: Mayor Joseph DiDonato.

Also Present: Township Administrator Richard Kunze, Township Clerk Kevin J. Byrnes and Township Attorney William DeMarco.

Items discussed during the Executive Session were as follows:

Guild Contract Negotiations

AFSCME Contract Negotiations

Tax Settlement

Eagle Ridge Developers Agreement

Councilman Bailey moved to adjourn the Executive Session.

Moved: Bailey

Seconded: Lotz-Moore

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 9:47 P.M.

Moved: Kirwan

Seconded: Bailey

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

Voted Nay: None.

Meeting adjourned.

COUNCIL PRESIDENT WILLIAM GERVENS
PRESIDING OFFICER

KEVIN J. BYRNES
TOWNSHIP CLERK