

Council Comments

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

Action Items

Agenda No. **VI 1**
RESOLUTION NO. 2005 - 89

**RESOLUTION APPROVING THE EXECUTION OF A CONTRACT FOR
THE 2005 MUNICIPAL ALLIANCE GRANT WITH PASSAIC COUNTY**

WHEREAS, in March 1989, the Governor's Council on Alcoholism and Drug Abuse was established to coordinate all State Departments' efforts with regard to the planning and provision of prevention, education, treatment, research and evaluation serviced for, and public awareness of, alcoholism and drug abuse; and

WHEREAS, in addition the legislation created an Alliance to Prevent Alcoholism and Drug Abuse, comprised of all the communities in New Jersey, which is dedicated to a comprehensive and coordinated effort against alcoholism and drug abuse by providing funds to member municipal communities to support appropriate county and municipal based alcohol and drug abuse education and public awareness activities.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford will contractually adhere to all conditions and obligations as sub-grantee to the State of New Jersey and the County of Passaic as set forth in the Letter of Agreement between the Governor's Council on Alcoholism and Drug Abuse and Passaic county, for the grant administration of the 2005 Alliance to Prevent Alcoholism and Drug Abuse, for a grant amount of \$47,200.00, from the Governor's Council on Alcoholism and Drug Abuse, with a cash amount of \$12,300.00 which is assumed by CASA and an in-kind match of \$35,400.00; and

BE IT FURTHER RESOLVED that the Municipal Alliance Chairperson and the Mayor be and are hereby authorized to execute the proposed application.

Adopted: April 6, 2005

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

Agenda No. **VI 2**
RESOLUTION NO. 2005 - 90

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST
MILFORD**

**APPROVING PROFESSIONAL SERVICES CONTRACT WITH RICHARD
CLEMACK, ESQ. TO
PROVIDE SPECIAL LEGAL SERVICES FOR THE TOWNSHIP OF WEST
MILFORD
(FOREST HILL PARK LITIGATION)**

WHEREAS, the Township of West Milford is in need of special 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, Richard Clemack, Esq. is in compliance with P.L. 1975, C. 127
(N.J.A.C. 17:27), the "Affirmative Action Act"; and

WHEREAS, Richard Clemack, Esq., for and in consideration of payments
hereinafter specified and agreed to by the Township of West Milford, hereby
agrees to perform special legal services for the Township of West Milford; and

WHEREAS, The Township's Chief Financial Officer has certified that funds are
available to pay for these special legal services in account # 05-01-20-155-200.

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:

- A. It is agreed by the parties hereto that Richard Clemack, Esq. will
provide special legal services as required for one year.
- B. In consideration for performing said legal services, the Township of West
Milford agrees to pay to Richard Clemack, Esq. an amount not to exceed
\$5,000.00.
- C. This contract is awarded without competitive bidding as a "Professional
Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts
law because of the need for legal services of a special nature.
- D. A notice of this contract approval shall be printed once in the official
newspaper, as required by state law or regulation.

IN WITNESS WHEREOF, the said parties hereto have duly executed this
Agreement
in the day and year first above written.

Adopted: April 6, 2005

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

Agenda No. VI 3
RESOLUTION NO. 2005 - 91

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST
MILFORD
APPROVING PROFESSIONAL SERVICES CONTRACT WITH SALVATORE T.
ALFANO
TO PROVIDE SPECIAL LEGAL SERVICES FOR THE TOWNSHIP OF
WEST MILFORD (O'SHEA LITIGATION)**

WHEREAS, the Township of West Milford is in need of special 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, Salvatore T. Alfano is in compliance with P.L. 1975, C. 127
(N.J.A.C. 17:27), the "Affirmative Action Act"; and

WHEREAS, Salvatore T. Alfano, for and in consideration of payments
hereinafter specified and agreed to by the Township of West Milford, hereby
agrees to perform special legal services for the Township of West Milford; and

WHEREAS, The Township's Chief Financial Officer has certified that funds are
available to pay for these special legal services in Account # 05-01-20-155-200.

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:

- A. It is agreed by the parties hereto that Salvatore T. Alfano will provide
special legal services as required for one year.
- B. In consideration for performing said legal services, the Township of West
Milford agrees to pay to Salvatore T. Alfano an amount not to exceed
\$7,500.00.
- C. This contract is awarded without competitive bidding as a "Professional
Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts
law because of the need for legal services of a special nature.
- D. A notice of this contract approval shall be printed once in the official
newspaper, as required by state law or regulation.

IN WITNESS WHEREOF, the said parties hereto have duly executed this
Agreement
in the day and year first above written.

Adopted: April 6, 2005

Moved: Elcavage Seconded: Bailey
Voted Aye: Bailey, Elcavage, Gervens, Scangarello.
Voted Nay:None.
Abstained: Nolan.
Resolution adopted.

Agenda No. **VI 4**
RESOLUTION NO. 2005 - 92

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST
MILFORD
APPROVING PROFESSIONAL SERVICES CONTRACT WITH JOHNSON,
MURPHY,
HUBNER, McKEON, WUBBENHORST & APPELT TO PROVIDE SPECIAL
LEGAL
SERVICES FOR THE TOWNSHIP OF WEST MILFORD (TAX FORECLOSURES)**

WHEREAS, the Township of West Milford is in need of special 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, Johnson, Murphy, Hubner, McKeon, Wubbenhorst & Appelt is in
compliance with P.L. 1975, C. 127 (N.J.A.C. 17:27), the "Affirmative Action Act";
and

WHEREAS, Johnson, Murphy, Hubner, McKeon, Wubbenhorst & Appelt, for
and in
consideration of payments hereinafter specified and agreed to by the Township of
West Milford, hereby agrees to perform special legal services for the Township of
West Milford; and

WHEREAS, The Township's Chief Financial Officer has certified that funds are
available to pay for these special legal services in Account # 05-01-20-155-200.

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:

A. It is agreed by the parties hereto that Johnson, Murphy, Hubner, McKeon,
Wubbenhorst & Appelt will provide special legal services as required at
an hourly rate of \$150.00.

B. In consideration for performing said legal services, the Township of West

Milford agrees to pay to Johnson, Murphy, Hubner, McKeon, Wubbenhorst & Appelt an amount not to exceed \$4,000.00.

- C. This contract is awarded without competitive bidding as a "Professional Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts law because of the need for legal services of a special nature.
- D. A notice of this contract approval shall be printed once in the official newspaper, as required by state law or regulation.

IN WITNESS WHEREOF, the said parties hereto have duly executed this Agreement in the day and year first above written.

Adopted: April 6, 2005

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

Agenda No. **VI 5**
Resolution No. 2005 - 93

**RESOLUTION OF THE TOWNSHIP COUNCIL AUTHORIZING CHANGE
ORDER
TO THE CONTRACT BETWEEN THE TOWNSHIP OF WEST MILFORD
AND JOHNSON, MURPHY, HUBNER, MCKEON, WUBBENHORST & APPELT,
ESQ.**

WHEREAS, the Township of West Milford entered into a legal services agreement with Johnson, Murphy, Hubner, McKeon, Wubbenhorst & Appelt, Law Firm, in the amount of \$25,000.00 which expired on December 31, 2004; and

WHEREAS, the Township's Chief Financial Officer has recommended the need for a change order amendment to the original contract, increasing the contract amount by \$3,795.25 to \$28,795.25; and

WHEREAS, the Township's Chief Financial Officer has certified that funds are available to cover the requested change order, such additional expenses are to be charged to Account # 04-01-20-155-200.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Milford, County of Passaic, and the State of New Jersey that it hereby approves the aforementioned change order in the amount of \$3,795.25 with Johnson, Murphy, Hubner, McKeon, Wubbenhorst & Appelt, Law Firm, resulting in a total contract amount of \$28,795.25.

BE IT FURTHER RESOLVED, that the Mayor and Township Council are hereby authorized and directed to execute the aforesaid approved change order contract amendment pursuant to NJSA 40A:11-1, Local Contracts Law.

Adopted: April 6, 2005

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

Agenda No. **VI 6**
RESOLUTION NO. 2005 - 94

**RESOLUTION AUTHORIZING A SPECIAL EVENT PERMIT APPLICATION
TO THE NEW JERSEY DIVISION OF PARKS & FORESTRY FOR THE USE OF
THE
FORMER JUNGLE HABITAT PROPERTY TO HOLD A CIRCUS**

WHEREAS, the Township of West Milford, in conjunction with West Milford Cub Scout Pack 9, wish to use the former Jungle Habitat property to hold a circus on June 4, 2005 and June 5, 2005; and

WHEREAS, use of the former Jungle Habitat property requires approval by the New Jersey Division of Parks And Forestry; and

WHEREAS, this event is of an extraordinary nature requiring the approval of the Township Council of the Township of West Milford; and

WHEREAS, the Township Council has reviewed the application and the report submitted to it by the Township Administrator.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford that, based upon the review of the application and report submitted by the Township Administrator, it does hereby approve the application by West Milford Cub Scout Pack 9 and the Township of West Milford to the New Jersey Division of Parks and Forestry, Ringwood State Park, for the use of the former Jungle Habitat property to conduct a circus on June 4, 2005 and June 5, 2005 based on the guidelines set forth by the New Jersey Division of Parks and Forestry.

Adopted: April 6, 2005

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

Agenda No. VI 7
RESOLUTION NO. 2005 - 95

**RESOLUTION AUTHORIZING A SPECIAL EVENT PERMIT APPLICATION
TO THE NEW JERSEY DIVISION OF PARKS & FORESTRY FOR THE USE OF
THE
FORMER JUNGLE HABITAT PROPERTY TO HOLD A FIREWORKS DISPLAY**

WHEREAS, the Township of West Milford wishes to use the former Jungle Habitat property to hold a display of fireworks on July 3, 2005, with a raindate of July 9, 2005; and

WHEREAS, use of the former Jungle Habitat property requires approval by the New Jersey Division of Parks and Forestry; and

WHEREAS, the Township Council has reviewed the application and the report submitted to it by the Township Administrator.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford that, based upon the review of the application and report submitted by the Township Administrator, it does hereby approve the application by the Township of West Milford and PYROARTS by Bay Fireworks to the New Jersey Division of Parks and Forestry, Ringwood State Park, for the use of the former Jungle Habitat property to conduct a fireworks display on July 3, 2005, with a rain date of July 9, 2005 based guidelines set forth by the New Jersey Division of Parks and Forestry.

Adopted: April 6, 2005

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

Items For Discussion

The following items were discussed by the Township Council and Township Administrator:

- a. Bid - Grass cutting
- b. Bid Hydraulic Hammer Services
- c. Bid 930G Articulated Tool Carrier
- d. Submission of 2005 Stormwater Grant application
- e. Resolution - Council request approval to establish a dedicated trust by rider for snow removal
- f. Resolution to transfer 2004 balance for snow removal to trust fund

- g. Resolution 2005 Temporary Budget
- h. Resolution - Opposing Fast Track Permitting Act, P.L. 2004, C. 89
- i. submission of 2005 Firefighters grant
- j. Resolution - Professional Services Agreement - Dewberry Goodkind for Engineering oversight and inspections on Mt. Laurel Park Rehabilitation project
- k. Click It or Ticket Seatbelt Grant application

Mayor DiDonato noted that action on the **Resolution** Authorizing Release of Performance bonds - Charissa Court & Bear Trail is held until the May 4, 2005 Regular Council Meeting.

Township Administrator's Report

- * Recent local flooding

Mayor's Report

- * Township Attorney selection process
- * Interview of top three candidates for the position of Police Chief

Township Council Reports

The Township Council reported on the following items:

- * Emergency Management practice drill
- * Township Property Sale
- * Taxes and Cap banking
- * Home builders "Lemon Law"
- * OPRA requests
- * Thanks to Township Volunteers for their emergency response

Township Attorney

No report.

Township Clerk's Report

- * Council petitions due April 11th. by 4:00 p.m.

Payment of Bills

Agenda No. **XIV**
RESOLUTION NO. 2005 - 96

RESOLUTION APPROVING THE PAYMENT OF BILLS

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

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

Acct. ID #

01	Current Account	\$ 467,209.62
02	Reserve	\$ 22,342.62
03	Dog Tax	\$ 109.14
04	Recycling	\$ 0.00
05	Recreation	\$ 0.00
06	Capital	\$ 50,750.68
07	Grants	\$ 55,457.13
08	Refuse	\$ 181,389.08
09	Refunds.....	\$ 7,627.19
10	Neighborhood Preservation	\$ 0.00
12	General Ledger	\$ 19,000.00
16	Heritage Trust	\$ 0.00
	Open Space Trust	\$ 0.00
17	Trust	\$ 2,207.85
18	Development Escrow	\$ 1,382.47
19	LOSAP	\$ 0.00
20	Special Reserve	\$ 0.00
	<i>Total</i>	\$ 807,475.78
	<i>Less Refund Resolution</i>	- \$ (7,627.19)
	<i>Actual Bill List</i>	\$ 799,848.59
	<i>Other Payments</i>	\$ (0.00)
	<i>Less Refund Resolution</i>	- \$ (0.00)
	TOTAL Expenditures.....	\$ 799,848.59

Adopted: April 6, 2005

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

Executive Session

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 6th day of April, 2005, 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.
- (X) 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.
- (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: Elcavage Seconded: Bailey
Voted Aye: Bailey, Elcavage, Gervens, Nolan, Scangarello.
Voted Nay:None.
Resolution adopted.

Present: Councilmembers Paul Bailey, Joseph Elcavage, William Gervens, Robert Nolan, Carmen Scangarello, and Mayor Joseph DiDonato.

Absent: Councilman James Warden.

Also Present: Township Administrator Richard Kunze, Township Clerk Kevin J. Byrnes, and James Frega, Esq. of the Township Attorney's Office.

Items discussed during the Executive Session were as follows:

Eagles Ridge
NReflection Lakes Apartments
O'Shea litigation

Councilman Bailey moved to adjourn the executive session.
Moved: Bailey Seconded: Elcavage
Voted Aye: Bailey, Elcavage, Gervens, Nolan, Scangarello.
Voted Nay: None.

MAYOR JOSEPH DIDONATO
PRESIDING OFFICER

KEVIN J. BYRNES
TOWNSHIP CLERK