

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 Herald News in its issues of January 23, 2005 and January 30, 2005; copies were provided to the Suburban Trends, The Record, the Star Ledger, and Greenwood Lake News 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: Councilmembers Paul Bailey, Joseph Elcavage, William Gervens, Robert Nolan, James Warden, Carmelo Scangarello, and Mayor Joseph DiDonato.

Absent: None.

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

**Reading of or Approval of Unapproved Minutes**

Mayor Joseph DiDonato noted that the minutes of the February 10, 2005 Workshop Meeting Executive Session would be held for action pending further review.

Councilman Gervens moved to adopt the minutes of the February 26, 2005 Special Meeting.

Moved: Gervens

Seconded: Bailey

Voted Aye: Bailey, Elcavage, Gervens, Warden, Scangarello.

Voted Nay: None.

Abstained: Nolan.

Motion carried.

Councilman Bailey moved to adopt the minutes of the March 2, 2005 Regular Meeting.

Moved: Bailey

Seconded: Scangarello

Voted Aye: Bailey, Elcavage, Gervens, Nolan, Warden, Scangarello.

Voted Nay: None.

Motion carried.

Councilman Bailey moved to adopt the minutes of the March 2, 2005 Regular Meeting Executive Session.

Moved: Bailey

Seconded: Gervens

Voted Aye: Bailey, Elcavage, Gervens, Nolan, Warden, Scangarello.

Voted Nay: None.

Motion carried.

Councilman Gervens moved to adopt the minutes of the March 16, 2005 Regular Meeting as amended to show Councilman Nolan present but recused during the O'Shea matter discussion.

Moved: Gervens

Seconded: Bailey



Several residents addressed the Council regarding matters of concern.

Councilman Bailey moved to close petitions & requests of public.

Moved: Bailey Second: Scangarello

Voted Aye: Bailey, Elcavage, Gervens, Nolan, Warden, Scangarello.

Voted Nay: None.

Motion carried.

### **Council Comments**

Members of the Council commented on various Government matters.

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

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

Agenda No. **VIII a**

RESOLUTION NO. 2005 - 119

### **RESOLUTION AUTHORIZING PROFESSIONAL SERVICE CONTRACT FOX ARCHITECTURAL DESIGN - JOHNER BUILDING ROOF PROJECT**

**WHEREAS**, there exists a need for professional services to prepare plans and specifications, bidding phase and contract administration for the replacement of the Johner Building roof; and

**WHEREAS**, funds in the 2004 capital account C-04-55-928-939 are available for this purpose; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1, *et seq.*) requires that a resolution authorizing employment for "Professional Services" without competitive bids must be publicly advertised.

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

1. That a contract be awarded in the amount not to exceed \$9,480.00 to:

#### **FOX ARCHITECTURAL DESIGN**

17 Robert Street

Wharton, New Jersey 07885

2. This contract is awarded without competitive bidding as "Professional Services" under the provisions of the Local Public Contracts Law because these services are professional services and it is not possible to obtain competitive bids.
3. The Township Treasurer has certified that funds are available for this Contract.
4. That a notice of this action shall be published in accordance with law, and said notice to provide that the contract awarded and this resolution authorizing same are available for public inspection in

the office of the Township Clerk.

Adopted: May 4, 2005

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

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Agenda No. **VIII b**  
RESOLUTION NO. 2005 - 120

**RESOLUTION AUTHORIZING PROFESSIONAL SERVICE CONTRACT  
NUCOM CONSULTING, LLC - RADIO COMMUNICATIONS STUDY  
PHASE I, PHASE II AND PHASE III**

**WHEREAS**, there exists a need for professional services for Radio Communications Study Phase I, Phase II and Phase III; and

**WHEREAS**, funds in the 2004 capital account C-04-02-941-240 are available for this purpose; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1, *et seq.*) requires that a resolution authorizing employment for "Professional Services" without competitive bids must be publicly advertised.

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

1. That a contract be awarded in the amount not to exceed \$25,000.00 to:

**NUCOM CONSULTING, LLC**  
6020 N 81st. Street  
Scottsdale, Arizona, 85250

2. This contract is awarded without competitive bidding as "Professional Services" under the provisions of the Local Public Contracts Law because these services are professional services and it is not possible to obtain competitive bids.
3. The Township Treasurer has certified that funds are available for this Contract.
4. That a notice of this action shall be published in accordance with law, and said notice to provide that the contract awarded and this resolution authorizing same are available for public inspection in the office of the Township Clerk.

Adopted: May 4, 2005



and EEO requirements of the Civil Rights Act of 1964 and the U.S. Department of Transportation requirements thereunder; and

**WHEREAS**, the Recipient is required to adhere to the requirements as specified in the U.S. Department of Transportation's Minority Business Enterprise (MBE) regulation set forth in 49 C.F.R. Part 23, Subpart D.

**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 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 \$28,247.00 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 \$44,194.00.

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

\_\_\_\_\_,  
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 4, 2005

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Charles Schneider      0230-0567    \$ 750.00    \$ 155.01  
1 Kushaqua Trail  
Hewitt, NJ 07421

Adopted: May 4, 2005

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Agenda No. **IX 1b**  
RESOLUTION NO. 2005 - 124

**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/Lot</b> | <b>Name</b>                                                       | <b>Amount</b>      | <b>Year</b> | <b>Reason</b> |
|------------------|-------------------------------------------------------------------|--------------------|-------------|---------------|
| 2001-17          | Peter Wilm<br>12 Quinton Road<br>Hewitt, NJ 07421                 | \$ 663.00          | 2005        | 2             |
| 2611-23          | John & Mary Guarracino<br>90 Race Track Drive<br>Hewitt, NJ 07421 | \$ 57.00           | 2005        | 2             |
| 6707-8           | John & Doris Autore<br>44 Pine Lane<br>West Milford, NJ 07480     | \$1,353.00         | 2005        | 2             |
| 7614-2           | Paul & Dana Whitney<br>13 Arcata Lane<br>West Milford, NJ 07480   | \$1,303.00         | 2005        | 2             |
| <b>TOTAL</b>     |                                                                   | <b>\$ 3,376.00</b> |             |               |

Adopted: May 4, 2005

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Agenda No. **IX 1 c**  
RESOLUTION NO. 2005 - 125

**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>
Marilyn Schultz 10 Clermont Road Hewitt, New Jersey 07421	4670	\$ 50.00
<b>Total</b>	<b>\$ 50.00</b>	

Adopted: May 4, 2005

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Agenda No. **IX 1 d**  
RESOLUTION NO. 2005 - 126

**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> |
|---------------------------------------------------------------------|------------------------|------------------------|----------------|
| Ronn Kidd<br>Landmark Dev.<br>41 Stetson Road<br>Ringwood, NJ 07456 | 102/20.06              | \$ 600.00              | 58             |

Adopted: May 4, 2005

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Agenda No. **IX 1e**  
RESOLUTION NO. 2005 - 127

**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>
Rene Manzo 26 Marlboro Road Hewitt, NJ 07421	704/16	\$ 1,200.00	72
Destiny Roskopf	201/2&3	\$ 2,025.00	72

1914 Clinton Road  
Hewitt, NJ 07421

Adopted: May 4, 2005

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Agenda No. **IX 1f**  
RESOLUTION NO. 2005 - 128

**RESOLUTION AUTHORIZING REFUND OF RECREATIONAL FEE**

**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> |
|-----------------------------------------------------------------|---------------------------------|------------------------|
| Beth Schaeffer<br>31 Somerville Road<br>Hewitt, NJ 07421        | Cancel<br>Kidsafe Karate        | \$ 55.00               |
| Maria Dell'Olio<br>50 Ramapo Road<br>Hewitt, NJ 07421           | Cancel<br>Art Class III         | \$ 45.00               |
| Susan McGurr<br>46 Old Hoop Pole Road<br>Oak Ridge, NJ 07438    | Cancel<br>Adult Art Class       | \$ 60.00               |
| Gina M. Van Ess<br>43 Hancock Drive<br>West Milford, NJ 07480   | Cancel<br>Winter Holiday Treats | \$ 15.00               |
| Dawn Diamante<br>24 King Arthur Court<br>West Milford, NJ 07480 | Cancel<br>Pee Wee Potpourri     | \$ 10.00               |

Adopted: May 4, 2005

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**Payment of Bills**

Councilman Elcavage moved to adopt the Resolution Authorizing the Payment of Bills as Amended to remove check no. 22941 in the amount of \$2,734.80.

Agenda No. **X 1**  
RESOLUTION NO. 2005 - 129

**RESOLUTION APPROVING THE PAYMENT OF BILLS AS AMENDED**

**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.



Township Attorney William DeMarco advised the Council that an Executive Session is necessary.

**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 4<sup>th</sup> day of May, 2005, that:

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

- ( ) b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
- ( ) b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
- ( ) b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
- ( ) 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: Gervens  
Voted Aye: Bailey, Elcavage, Gervens, Nolan, Warden, Scangarello  
Voted Nay:None.  
Resolution adopted.

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

Items for discussion at Executive Session were as follows:

