

**PRINCETON HYDRO, LLC - LAKE RESTORATION PLAN FOR GREENWOOD
LAKE**

WHEREAS, in June 2004 the Township Council of the Township of West Milford supported the grant application of the Greenwood Lake Bi-State Commission to develop a Lake Restoration Plan for Greenwood Lake; and

WHEREAS, the Township Council of the Township of West Milford is dedicated to the preservation and protection of Greenwood Lake and the surrounding watershed; and

WHEREAS, the New Jersey Department of Environmental Protection, Division of Watershed Management, in conjunction with the EPA, has funded the development of a Lake Restoration Plan for Greenwood Lake through a Section 319(h) grant; and

WHEREAS, the Township of West Milford has accepted a NJDEP 319(h) grant in the amount of \$152,330.00 with a total in-kind match of \$45,724.00 (\$14,764.00 Township and \$30,960.00 Bi-State Commission) for the purpose of developing a Lake Restoration Plan to address water quality in the Greenwood Lake watershed; and

WHEREAS, there exists a need for professional services in connection with the development of a Lake Restoration Plan for Greenwood Lake; and

WHEREAS, the Township received a proposal in conjunction with the grant to provide these services from Princeton Hydro, LLC; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of a contract be available for public inspection;

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

1. The Mayor is hereby authorized and directed to execute a contract with Princeton Hydro LLC in the maximum amount of \$92,330.00 for professional services in connection with the Lake Restoration Plan for Greenwood Lake, subject to the terms of the Grant with the New Jersey Department of Environmental Protection.
2. That a contract is awarded without competitive bidding as a Professional Service in connection with N.J.S.A. 40A:11-5(1)(a).
3. 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 18, 2005

Moved: Elcavage Seconded: Bailey
Voted Aye: Bailey, Elcavage, Nolan, Warden, Scangarello.

Voted Nay: None.
Resolution adopted.

Agenda No. **VIII 6**
RESOLUTION NO. 2005 - 137

**RESOLUTION BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST
MILFORD
URGING THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL
PROTECTION,
DIVISION OF WATER QUALITY, TO REDESIGNATE WEST MILFORD
TOWNSHIP
AS A "TIER B" COMMUNITY FOR STORMWATER REGULATIONS**

WHEREAS, the State of New Jersey Department of Environmental Protection, Division of Water Quality has implemented a new Municipal Stormwater Regulation Program as part of the New Jersey Pollutant Discharge Elimination System (NJDES); and

WHEREAS, this proposed program places the Township of West Milford in the more stringently regulated "Tier A" category of the Municipal Tier Assignment List; and

WHEREAS, West Milford has been apparently erroneously included in "Tier A" category for implementation of the State's new stormwater management regulations; and

WHEREAS, the "Tier A" designation, appears to be applicable to the more densely populated communities prone to further development; and

WHEREAS, West Milford's population is less than 27,000 scattered over an 80+ square mile area, with very limited development potential, due both to vast state-protected watershed areas, severe environmental constraints and the Highlands Act; and

WHEREAS, the financial impact of "Tier A" is significantly greater than "Tier B", and West Milford is already one of the most highly taxed communities in New Jersey; and

WHEREAS, due to West Milford's topography and soil conditions, some "Tier A" regulations may actually be less beneficial to the environment than some "Tier B" regulations; and

WHEREAS, West Milford's rural character, low density, and mountainous terrain resemble our Sussex County neighbors in "Tier B" more than our neighbors to the south in the more populous portion of Passaic County.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Milford, in the County of Passaic and State of New Jersey, that the Department of Environmental Protection is urged to re-examine West Milford

714 Main Street
P.O. Box 228
Boonton, NJ 07005

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. 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 18, 2005

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

The Township Council proceeded to the Consent Agenda:

Consent Agenda

Agenda No. **IX 1**
RESOLUTION NO. 2005 - 141

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 Other Liens
- b. **Resolution** Authorizing Refund of Performance Guarantee
- c. **Resolution** Authorizing Partial Refund of Performance Guarantees
- d. **Resolution** Authorizing the Release of Unclaimed Municipal Court Bail and Refunds
- e. **Resolution** Authorizing Refund of Recreational Fees
- f. **Resolution** Authorizing Refund of Overpayments
- g. **Resolution** Authorizing Cancellation of Property Tax

05-035 03/09/2005 02406-022 \$ 6,716.45 ATF LLC HARRIS NESBITT
CORP AS

SEC. PART
P.O. BOX 862658
ORLANDO, FL 32886-2658

05-056 03/09/2005 05308-001 \$ 2,306.43 WAVERLEY STRATEGIC
ADVISORS LLC

721 WAVERLY ROAD
RIDGEWOOD, NJ 07450

05-058 03/09/2005 05501-022 \$ 660.60 CHUN T LI

9 MALJIM COURT
WAYNE, NJ 07470

05-059 03/09/2005 05602-001 \$13,686.09 DAXUAN WANG

11 WALNUT STREET
LIVINGSTON, NJ 07039

05-086 03/09/2005 10702-007 \$ 3,785.44 ATF LLC HARRIS NESBITT
CORP AS

SEC. PART
P.O. BOX 862658
ORLANDO, FL 32886-2658

05-095 03/09/2005 12208-001 \$13,308.00 ATF LLC HARRIS NESBITT
CORP AS

SEC. PART
P.O. BOX 862658
ORLANDO, FL 32886-2658

05-112 03/09/2005 16006-002 \$11,181.17 FIDELITY TAX LLC.

P.O. BOX 5707
FORT LAUDERDALE, FL 33310

Grand Total \$109,081.59

Adopted: May 18, 2005

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Agenda No. **IX 1 b**  
RESOLUTION NO. 2005 - 143

**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> |
|-----------------------------------------------------|------------------------|------------------------|----------------|
| Mitelin Motors<br>P.O. Box I<br>Riongwood, NJ 07456 | 5501/14                | \$ 2,150.00            | 72             |

Douglas Ott            7701/20.01    \$ 400.00    65  
48 Stephens Road  
West Milford, NJ 07480

Peter Goetz            102/29        \$ 600.00    61  
501 Ramapo Valley Road  
Mahwah, New Jersey

Adopted: May 18, 2005

Agenda No. **IX 1c**  
RESOLUTION NO. 2005 - 144

**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> |
|-------------------------------------------------------------------|------------------|------------------------|----------------|
| Mike Tallik<br>41 Greenbrook Drive<br>West Milford, NJ 07480      | 2414/16          | \$ 150.00              | 72             |
| Douglas Ott/Metcalf<br>50 Stephens Road<br>West Milford, NJ 07480 | 7701/20.02       | \$ 4,150.00            | 63             |
| Thomas Trill<br>550 Warwick Turnpike<br>Hewitt, NJ 07421          | 704/7.04         | \$ 1,350.00            | 66             |

Adopted: May 18, 2005

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Agenda No. **IX 1d**
RESOLUTION NO. 2005 - 145

**RESOLUTION AUTHORIZING THE RELEASE OF UNCLAIMED MUNICIPAL
COURT BAIL AND REFUNDS**

WHEREAS, the Municipal Court of the Township of West Milford County of Passaic, State of New Jersey has made numerous unsuccessful attempt to refund bail posted and un-cashed refunds issued; and

NOW, THEREFORE, BE IT RESOLVED that the following bail amounts and un-cashed refunds from the general account are hereby turned over to the Township of West Milford as miscellaneous revenue not anticipated.
The following are uncashed or unclaimed bail amounts:

<u>Name</u>	<u>Check #</u>	<u>Amount</u>
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Katherine Kenney3900	\$	2.00
John Kalinoski 4135		3.00
Glenn Slater 4223		1,500.00
Glenn Slater 4224		1,000.00
Glenn Slater 4283		500.00
George D. Goodenough Ilunclaimed		79.00
Stephen C. Aikey unclaimed		164.00
Christopher F. McKenna unclaimed		80.00
Sub-total		<u>3,328.00</u>

The following represent uncashed refunds from the general account:

<u>Name</u>	<u>Check #</u>	<u>Amount</u>
Harry M. Lawless	2611	\$ 6.00
Daniel Piscitelli	2613	3.00
Riley Leasing Corp.	2616	2.00
Joyce R. Kay	2639	1.00
John J. Fagan	2641	1.00
Manuel E. Cairo	2679	1.00
Jose J. Torres Jr.	2703	1.00
Lillie Johns	2722	200.00
Christine N. Flohr	2723	4.00
Elijah A. Armer	2739	4.00
Frank Rivera	2740	0.50

<u>Name</u>	<u>Check #</u>	<u>Amount</u>
Robert Villarevia	2773	1.00
Matthew R. Bates	2782	8.00
Armando F. Mola	2783	1.00

Sub-total 233.50

Total **\$ 3,561.50**

Adopted: May 18, 2005

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 Agenda No. **IX 1e**  
 RESOLUTION NO. 2005 - 146

**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> |
|--------------------------------------------------------------|--------------------------|------------------------|
| Chris Campbell<br>63 Tintle Avenue<br>West Milford, NJ 07480 | Cancel<br>Kidsafe Karate | \$ 55.00               |
| Sheryl Olson                                                 | Cancel                   | \$ 20.00               |

240 Bearfort Road Adult Art Class  
West Milford, NJ 07480

Kelly Hoiem Cancel \$ 20.00  
95 Germantown Road Adult Art Class  
West Milford, NJ 07480

Adopted: May 18, 2005

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Agenda No. **IX 1f**
RESOLUTION NO. 2005 - 147

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

Block/Lot	Name	Amount	Year	Reason
1501-2	Kelsie & Tina Marie Buller 21 Hillcrest Drive Hewitt, NJ 07421	\$1,717.00	2005	2

1612-36	Clarence B. Vreeland P.O. Box 325 Newfoundland, NJ 07435	\$1,273.00	2005	2
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Block/Lot	Name	Amount	Year	Reason
1802-7	Thomas Dutton 65 Fairview Drive Hewitt, NJ 07421	\$1,179.00	2006	2

2713-6	Gary & Mary Sadosky 16 Secaucus Road Hewitt, NJ 07421	\$1,013.00	2005	2
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4015-6	Peter & Deborah Hachey 215 Awosting Road Hewitt, NJ 07421	\$1,630.00	2005	2
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5619-2	Wayne Liebeskind 44 Hickory Avenue West Milford, NJ 07480	\$2,089.00	2005	2
5706-10	Anthony Perez & Teresa Allgayer 634 Ridge Road West Milford, NJ 07480	\$1,165.00	2005	2
7003-6	Robert Lesko & Kimberly Henrick 22 Windsor Road West Milford, NJ 07480	\$1,323.00	2005	2
7006-10	Patricia Sorochinski P.O. Box 413 West Milford, NJ 07480	\$1,569.00	2005	2
7103-8	Michael & Barbara Senyszyn 1702 Union Valley Road West Milford, NJ 07480	\$1,447.00	2005	2
7401-3	Denise Bove & Todd Bove 162 Bearfort Road West Milford, NJ 07480	\$1,719.00	2005	2
7621-15	Janice Modica 72 Overlook Road West Milford, NJ 07480	\$ 889.00	2005	2
7801-7.06	Robert & Dawn Greenway 7 F New Bedford Road West Milford, NJ 07480	\$1,099.00	2005	2
8401-19	Robert & Deborah McGrarran 1653 Macopin Road West Milford, NJ 07480	\$1,638.00	2005	2
10401-6	Dennis A. Walker 12 Green Terrace Way West Milford, NJ 07480	\$5,019.00	2005	2
10803-6	Alanna Joan Lungren 69 Lindy's Drive West Milford, NJ 07480	\$1,560.00	2005	2
12001-15	Hope Hatton P.O. Box 220 West Milford, NJ 07480	\$1,758.00	2005	2
14701-6	Ricky Sisco 29 B Kanouse Road Newfoundland, NJ 07435	\$ 987.00	2005	2

Block/Lot	Name	Amount	Year	Reason
16504-6	Edmond Doran 22 Dan Jennings Road Oak Ridge, NJ 07438	\$1,089.00	2005	2
1808-10	Stuart & Catherine DeLeeuw 710 Lakeshore Drive Hewitt, NJ 07421	\$3,413.43	2004	3
4107-7	West Milford MUA 1480 Union Valley Road West Milford, NJ 07480	\$ 810.21	2004	1
7801-23.02	West Milford MUA 1480 Union Valley Road West Milford, NJ 07480	\$1,074.51	2004	1
7801-26.08	West Milford MUA 1480 Union Valley Road West Milford, NJ 07480	\$1,461.17	2004	1
2605-15	Ekho M. Walker 32 Point Breeze Drive Hewitt, NJ 07421	\$1,066.00	2005	2
6101-11	Joseph & Denise Rizzo 9 Albert Street West Milford, NJ 07480	\$1,414.00	2005	2
TOTAL		\$39,402.32		

Adopted: May 18, 2005

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 Agenda No. **IX1 g**  
 RESOLUTION NO. 2005 - 148

**RESOLUTION AUTHORIZING CANCELLATION OF PROPERTY TAX**

**WHEREAS**, there appears on the tax records balances as listed below; and

**WHEREAS**, the Collector of Taxes recommends the cancellation of taxes due to reasons listed below;

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

REASON

1. Total Disabled Veteran

| BLOCK & LOT | NAME | AMOUNT | YEAR |
|-------------|------|--------|------|
|-------------|------|--------|------|

|         |                |            |                |
|---------|----------------|------------|----------------|
| 1808-10 | Stuart DeLeeuw | \$1,543.50 | 2004 4th. Qtr. |
| 1808-10 | Stuart DeLeeuw | \$1,543.00 | 2004 3rd. Qtr. |
| 1808+10 | Stuart DeLeeuw | \$ 326.93  | 2004 2nd. Qtr. |

**TOTAL** **\$3,413.43**

Adopted: May 18, 2005

Payment of Bills

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 Agenda No. X 1
 RESOLUTION NO. 2005 - 149

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	\$ 138,236.55
02	Reserve	\$ 4,221.29
03	Dog Tax	\$ 896.13
04	Recycling	\$ 0.00
05	Recreation	\$ 0.00
06	Capital	\$ 15,895.00
07	Grants	\$ 2,360.00
08	Refuse	\$ 108,494.49
09	Refunds.....	\$ 148,578.91
10	Neighborhood Preservation	\$ 0.00
12	General Ledger	\$ 0.00
16	Heritage Trust	\$ 0.00
	Open Space Trust	\$ 0.00
17	Trust	\$ 23,594.00
18	Development Escrow	\$ 2,847.00
19	LOSAP	\$ 0.00
20	Special Reserve	\$ 0.00
	<i>Total</i>	\$ 445,123.37
	<i>Less Refund Resolution</i>	- \$ (148,578.91)
	<i>Actual Bill List</i>	\$ 296,544.46
	<i>Other Payments</i>	\$ (5,218.50)
	<i>Less Refund Resolution</i>	- \$ (0.00)
	TOTAL Expenditures.....	\$ 291,325.96

Adopted: May 18, 2005

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

Also Present: Township Administrator Richard Kunze, Township Clerk Kevin J. Byrnes, Township Attorney Frederick Semrau, and Special Counsel Salvatore Alfano.

Items for discussion at Executive Session were as follows:

Councilman Nolan recused himself from the discussion regarding the O'Shea litigation #L-3330-04 matter.

O'Shea litigation #L-3330-04
Eagle Ridge matter

Councilman Bailey moved to adjourn the Executive Session.
Moved: Bailey Seconded: Elcavage
Voted Aye:Bailey, Elcavage, Nolan, Warden, 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 10:15 P.M.

Moved: Bailey Seconded: Scangarello
Voted Aye:Bailey, Elcavage, Nolan, Warden, Scangarello
Voted Nay: None.
Meeting adjourned.

MAYOR JOSEPH DIDONATO
PRESIDING OFFICER

KEVIN J. BYRNES
TOWNSHIP CLERK