

WHEREAS, due to the recent passage of the Highlands Water Protection and Planning Act, West Milford, "Heart of the Highlands," is placed totally in the core region and has been identified as a "preservation area" in which further development is severely constrained in order to preserve the area as a natural water resource for the benefit of the State of New Jersey, and West Milford has accepted its responsibility to serve the State and preserve the precious water resources for citizens outside of the community; and

WHEREAS, at this point, the water supply for West Milford's own residents is on the verge of being severely depleted despite the sacrifices that its residents will endure to preserve and protect the water for other in the state of New Jersey; and

WHEREAS, the application for the Eagle Ridge Development of 280 town houses was forced upon the community by litigation prior to the passage of the Highlands Water Protection and Planning Act, which designated West Milford, "Heart of the Highlands," as a preservation area; and

WHEREAS, the Community has voiced its overwhelming opposition to said development, because it is contrary to the public good; and said development would have a negative impact upon the limited water resources within the Township; and in that certain scientific studies (e.g., Demicco & Associates, Inc., 2004) have clearly demonstrated that Eagle Ridge's proposed wells are inadequate in their recharge ability, and further, that representation made to the DEP regarding the estimate of long-term sustainable ground water yield is misleading and incorrect; and

WHEREAS, the Highlands Water Protection and Planning Act will severely limit the expansion of the Township's tax base and commercial growth, in order to serve the greater good of New Jersey Residents; and

WHEREAS, the Eagle Ridge development of 280 multi-bedroom town homes would put an unreasonable burden upon the education system and the infrastructure of the community; and

WHEREAS, the Highlands Regional Planning Commission has yet to draft a Master Plan for the preservation area which will clearly define and monitor growth in an appropriate manner in said area; and

WHEREAS, the construction of these town houses will do irreversible damage to the preservation area and the Township of West Milford, "Heart of the Highlands," thereby causing harm to the citizens that rely upon the area for its water resource; and

WHEREAS, the developer's rights would not be prejudiced by a delay in the Eagle Ridge well permit approval, and until a Highlands Master Plan is drafted, and the development's total impact can be reviewed by the Highlands Regional Planning Commission.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Voted Nay: None.
Resolution adopted.

Agenda No. **H 6**

RESOLUTION NO. 2005 - 19

**RESOLUTION ESTABLISHING THE 2005 TOWNSHIP COUNCIL MEETING
SCHEDULE AS AMENDED**

RESOLVED, by the Township Council of the Township of West Milford, in the County of Passaic, New Jersey that the following is the schedule of all Township Council Workshop and Regular Meetings for the year 2005;

BE IT FURTHER RESOLVED that the following meetings are all scheduled to begin at 7:30 p.m. and will be held in the Township Council Meeting Room, West Milford Town Hall, 1480 Union Valley Road, West Milford, New Jersey:

Wednesday February 2, 2005 Workshop Meeting
Thursday February 10, 2005 Regular Meeting
Wednesday February 16, 2005 Workshop Meeting

Wednesday March 2, 2005 Regular Meeting
Thursday March 10, 2005 Workshop Meeting
Wednesday March 16, 2005 Regular Meeting

Wednesday April 6, 2005 Workshop Meeting
Thursday April 14, 2005 Regular Meeting
Wednesday April 20, 2005 Workshop Meeting

Wednesday May 4, 2005 Regular Meeting
Thursday May 12, 2005 Workshop Meeting
Wednesday May 18, 2005 Regular Meeting

Wednesday June 1, 2005 Workshop Meeting
Thursday June 9, 2005 Regular Meeting
Wednesday June 15, 2005 Workshop Meeting

Wednesday July 6, 2005 Regular Meeting
Thursday July 14, 2005 Workshop Meeting
Wednesday July 20, 2005 Regular Meeting

Wednesday August 3, 2005 Workshop Meeting
Thursday August 11, 2005 Regular Meeting
Wednesday August 17, 2005 Workshop Meeting

Wednesday September 7, 2005 Regular Meeting
Thursday September 15, 2005 Workshop Meeting
Wednesday September 21, 2005 Regular Meeting

Wednesday October 5, 2005 Workshop Meeting
Thursday October 13, 2005 Regular Meeting
Wednesday October 19, 2005 Workshop Meeting

hearing will be held on February 10, 2005 at 7:30 P.M., time prevailing at the West Milford Town Hall.

Mayor Joseph DiDonato read the following Ordinance Providing for the Rezoning of Property in Block 6803 From CC (Community Commercial Zone) to R4 (Single Family Residential), by title, for introduction.

ORDINANCE PROVIDING FOR THE REZONING OF PROPERTY IN BLOCK 6803 FROM CC (COMMUNITY COMMERCIAL ZONE) TO R4 (SINGLE FAMILY RESIDENTIAL)

The Ordinance was introduced and passed it's first reading.

Moved: Gervens

Seconded: Bailey

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

Voted Nay: Nolan.

Motion carried.

Township Clerk Kevin J. Byrnes advised that the ordinance would be published in the Herald News newspaper in its issue of January 23, 2005, and that public hearing will be held on February 10, 2005 at 7:30 P.M., time prevailing at the West Milford Town Hall.

Mayor Joseph DiDonato read the following Ordinance Amending the Revised General Ordinances, Chapter 22, Garbage and Refuse Collection and Recycling, Section 22.1.3 Storage of Garbage and Refuse - Weight Limits on Solid Waste Containers, by title, for introduction.

ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES, CHAPTER 22, GARBAGE AND REFUSE COLLECTION AND RECYCLING, SECTION 22.1.3 STORAGE OF GARBAGE AND REFUSE - WEIGHT LIMITS ON SOLID WASTE CONTAINERS

The Ordinance was introduced and passed it's first reading.

Moved: Gervens

Seconded: Scangarello

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

Voted Nay: None.

Motion carried.

Township Clerk Kevin J. Byrnes advised that the ordinance would be published in the Herald News newspaper in its issue of January 23, 2005, and that public hearing will be held on February 10, 2005 at 7:30 P.M., time prevailing at the West Milford Town Hall.

Mayor Joseph DiDonato read the following Ordinance Amending the Revised General Ordinances, Chapter 3, Rules of Council, Section 3.3.1 Regular Meetings - Meeting Schedule, by title, for introduction.

ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES, CHAPTER 3, RULES OF COUNCIL, SECTION 3.3.1 REGULAR MEETINGS - MEETING SCHEDULE

**RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION TO N.J.
TRANSIT CORPORATION
FOR A GRANT UNDER THE FEDERAL TRANSIT ACT**

WHEREAS, the Secretary of Transportation is authorized to make grants for a mass transportation program or projects in other than urbanized areas under Section 5310 of the Federal Transit Act, as amended; and

WHEREAS, it is required by the U.S. Department of Transportation in accordance with the provisions of Title VI of the Civil Rights Act of 1965, that in connection with the filing of an application for assistance under the Federal Transit Act, as amended, the Recipient give an assurance that it will comply with Title VI 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 N.J. Transit for five (5) mobile radios with an estimated price of \$7,500.00.
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 Richard Kunze, 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.

Adopted: January 12, 2005

Moved: Elcavage

Seconded: Scangarello

<u>Name & Address</u>	<u>Block & Lot</u>	<u>Amount Refunded</u>	<u>Pg. No.</u>
Shoebox Storage LLC Box 521 Oak Ridge, NJ 07438	16006/1	\$ 200.00	71

Adopted: January 12, 2005

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 Agenda No. **I 1b**  
 RESOLUTION NO. 2005 - 23

**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> |
|-------------------------------------------------------------------|------------------------|------------------------|----------------|
| John J. Paranello<br>608 Snake Den Road<br>West Milford, NJ 07480 | 11103/5.03             | \$ 200.00              | 70             |

Adopted: January 12, 2005

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 Agenda No. **I 1c**
 RESOLUTION NO. 2005 - 24

**RESOLUTION AUTHORIZING THE TOWNSHIP ADMINISTRATOR TO
 MAINTAIN
 PETTY CASH FUNDS (AS LISTED BELOW) TO FACILITATE REQUIRED CASH
 REIMBURSEMENT
 FOR VARIOUS MINOR EXPENDITURES MADE BY THE TOWNSHIP
 EMPLOYEES**

WHEREAS, N.J.S.A. 40A:5-21 authorizes the establishment of petty cash funds;
 and

WHEREAS, it is necessary from time to time to allow the availability of cash fund for immediate unforeseen minor cash expenditures no greater than \$25.00 each
 as follows:

1. Administration, General \$250.00
2. Administration, NJDMV\$250.00

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 a reimbursable aforementioned impress funds aggregate of \$500.00 be re-established for 2005; and

BE IF FURTHER RESOLVED, that said WHEREAS, amounts are to be returned to the Township's General Fund no later than December 31st. each year.

Adopted: January 12, 2005

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Agenda No. **I 1d**  
RESOLUTION NO. 2005 - 25

**RESOLUTION AUTHORIZING REINSTATEMENT OF TAXES**

**WHEREAS**, there appears on the tax records receipt of payment of taxes; and

**WHEREAS**, the Collector of Taxes recommends the cancellation of receipt and reinstatement of taxes due to reasons stated below; and

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

REASON

1. INSUFFICIENT FUNDS

| <u>Name</u>                  | <u>Block/Lot</u> | <u>Amount</u>    | <u>Year</u> |
|------------------------------|------------------|------------------|-------------|
| Johnson, Elijah &<br>Francis | 13804-001        | \$101.89         | 2004        |
| <b>TOTAL</b>                 |                  | <b>\$ 101.89</b> |             |

Adopted: January 12, 2005

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Agenda No. **I 1e**
RESOLUTION NO. 2005 - 26

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

Block/LotName	Amount	Year	Reason
2407-4 Francis Ann Molinari 20 Audubon Road Hewitt, New Jersey 07421	\$ 250.00	2004	3
3504-2 Hudson United Bank Att. M. Frederick-Escrow Dept. 1000 MacArthur Avenue Mahwah, New Jersey 07430	2,888.45	2004	1
5312-1.14 Estate of R. Alice Bochicchio & Donnan Palatucci 3 Colonial Lane Kinnelon, New Jersey 07405	4.06	2004	3
5316-1.06 Lillian Lee Winston 9106 Richmond Road West Milford, New Jersey 07480	250.00	2004	3
5504-3.05 Gregory Bruno 1305 Richmond Road West Milford, New Jersey 07480	156.16	2004	3
7801-56.01Joan Behonick 56 A Beacon Hill Road West Milford, New Jersey 07480	250.00	2004	3
10502-15 Joseph & Phillis Barbaro 38 Osage Road West Milford, New Jersey 07480	250.00	2004	3
11001-58 Ernest & Barbara Suto 24 Dudley Street West Milford, New Jersey 07480	388.89	2004	5
12210-2 Thomas Garrison 27 Poplar Grove Terrace West Milford, New Jersey 07480	250.00	2004	3
TOTAL	\$4,687.56		

Adopted: January 12, 2005

Agenda No. I 1f
RESOLUTION NO. 2005 - 27

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/LotName	Amount	Year	Reason
401-7 Samuel & Dawn Kay 10 Tyler Place Hewitt, New Jersey 07421	\$ 54.26	2004	5
2406-12 Steven & Holly Stewart 41 Audubon Road Hewitt, New Jersey 07421	99.98	2004	5
3705-2 Romel & Emna Zamora 1904 Greenwood Lake Tpk. Hewitt, New Jersey 07421	178.23	2004	5
5003-8 Andrew & Beatrice Wood 28 Rockburn Pass West Milford, New Jersey 07480	2,829.51	2004	5
5316-3.14 Esther Karas 9314 Richmond Road West Milford, New Jersey 07480	2.99	2004	5
6701-13 Pen LLC 727 Galloping Hill Road Franklin Lakes, New Jersey 07480	310.96	2004	5
8801-17 James & Judith Davidson 1596 Macopin Road West Milford, New Jersey 07480	116.62	2004	5
9001-11 Richard & Lauren Fiorilla 1432 Macopin Road West Milford, New Jersey 07480	82.53	2004	5
12001-4 Robin & David Mills 237 Weaver Road West Milford, New Jersey 07480	198.42	2004	5
12001-35.01JVC A Partnership C/O Veltri 160 Maple Road West Milford, New Jersey 07480	5,384.59	2004	5
12001-35.02John V. & Cynthia M. Veltri	3,281.03	2004	5

160 Maple Road
West Milford, New Jersey

13202-2 Anthony & Kori Desenzo 39.53 2004 5
174 High Crest Drive
West Milford, New Jersey 07480

Block/LotName	Amount	Year	Reason
16302-5 Gregory & Paulette Andriello 23 Cooper Road Oak Ridge, New Jersey 07438	1,294.23	2004	5
TOTAL	\$13,872.88		

Adopted: January 12, 2005

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**Approval of Expenditures**

Agenda No. J 1  
RESOLUTION NO. 2005 - 28

**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 .....           | \$ 266,721.36 |
| 02 | Reserve .....                   | \$ 0.00       |
| 03 | Dog Tax .....                   | \$ 2,249.94   |
| 04 | Recycling .....                 | \$ 0.00       |
| 05 | Recreation .....                | \$ 0.00       |
| 06 | Capital .....                   | \$ 898,369.71 |
| 07 | Grants .....                    | \$ 100,000.14 |
| 08 | Refuse .....                    | \$ 81,128.92  |
| 09 | Refunds.....                    | \$ 2,000.00   |
| 10 | Neighborhood Preservation ..... | \$ 0.00       |
| 12 | General Ledger .....            | \$ 230,000.00 |
| 16 | Heritage Trust .....            | \$ 75.00      |
|    | Open Space Trust .....          | \$ 0.00       |
| 17 | Trust .....                     | \$ 2,652.00   |
| 18 | Development Escrow .....        | \$ 5,898.29   |
| 19 | LOSAP .....                     | \$ 0.00       |



















**BE IT RESOLVED** by the Township Council of the Township of West Milford on the 12<sup>th</sup> day of January, 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, Scangarello, Warden.

Voted Nay:None.

Resolution adopted.

Present: Councilmembers Paul Bailey, Joseph Elcavage, William Gervens, Carmen

Scangarello, James Warden and Mayor Joseph DiDonato.

Absent: None.

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:

Eagle Ridge Developers Agreement  
Litigation settlement  
Highlands Act

Councilman Gervens moved to adjourn the Executive Session.

Moved: Gervens

Seconded: Scangarello

Voted Aye: Bailey, Elcavage, Gervens, Nolan, Scangarello, Warden.  
Voted Nay: None.  
Executive Session adjourned.

**Adjournment**

There being no further business to come before the Council, the Township Council adjourned the meeting at 11:20 P.M.

Moved: Gervens

Seconded: Elcavage

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

Voted Nay: None.

Meeting adjourned.

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MAYOR JOSEPH DIDONATO  
PRESIDING OFFICER

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KEVIN J. BYRNES  
TOWNSHIP CLERK