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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

Minutes of: Township Council Workshop  
Date of Meeting: February 1, 2006  
Time of Meeting: 7:30 P.M.  
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The Workshop Meeting of the West Milford Township Council was called to order by Council President William Gervens.

**Adequate Notice Statement**

Council President Gervens read the following statement:  
Please note 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 December 26, 2005 and January 8, 2006; copies were provided to the Suburban Trends, the Record, 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**

Council President Gervens led all in attendance in a salute to the flag.

**Roll Call**

Present: Councilmembers Philip Weisbecker, William Gervens, Robert Nolan,  
James Warden (arrived at 8:50 p.m.), Carmelo Scangarello.  
Absent: Mayor Joseph DiDonato  
Also Present: Township Administrator Richard Kunze, Township Clerk Antoinette Battaglia,  
Dominick Dianni, Esq. of the law firm Dorsey & Semrau until the arrival of the  
Township Attorney Frederick Semrau at 7:55 p.m.

Council President Gervens announced that the Mayor will not be here tonight and the Attorney will be late.

**Reading of or Approval of Unapproved Minutes**

Council President Gervens noted that the Council received the minutes late in the day today and may need more time to review them before taking action to approve. By consensus, the Council agreed to defer action on these minutes to the February 8, 2006 regular meeting.

Voted Aye: Weisbecker, Gervens, Nolan, Scangarello.

Voted Nay: None.

Abstained:

**Meetings**

Council President Gervens noted the future meeting schedule:

February 04, 2006 Special Meeting - Budget Discussions  
February 08, 2006 Regular Meeting  
February 11, 2006 Special Meeting - Budget Discussions  
February 15, 2006 Special Meeting – Budget Discussions  
February 22, 2006 Workshop Meeting

**Public Comments**

Ada Erik, 1693 Macopin Road, West Milford, advised that the County has put two barrels on Macopin Road by the pothole. She has interpreted this action as an indication that the pothole is scheduled for repair. She advised the Council that there is a dangerous place by Evergreen Farm where there is a sharp drop off from the road to fences. Recently a car went off the road. She urged the Council to use their influence to get the County to address this. Deadman's Curve continues to be a very dangerous situation and the residents of this town are living with a very sharp, bumpy curve that knocks cars from one lane to another. This situation must be addressed. Council President Gervens asked Ada to provide details on exact locations to a Council member before leaving tonight so that the Administrator's office can follow up.

Wayne Gottleib, 20S Richfield Road, Hewitt, advised that he had sent an e-mail to Councilman Nolan stating his opinion on the formation of lakes committee. He asked why lake communities need special consideration. Are they more important than other residents in town? How are members to be chosen? He asked if the Council knows that the largest lake community in town does not offer representation. He also asked why FAR is no longer alive in town? Mr. Gottleib stated that the local government ethics law admonishes that public officials not be party to anything that puts their interests before those of community-at-large. Councilman Weisbecker, the primary proponent of the lakes committee, is a property owner in one lake community; establishing such a committee might be improper because of benefits to Councilman Weisbecker above other property owners in town.

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Martin O'Shea, 22 Greenbrook Drive, West Milford, advised that he has brought grandfathers stick as a gavel to tonight's meeting to counter the gavel being used by Council President Gervens. He stated that the Council has access, on their side of the dais to a buzzer which can summons police officers when residents speak out of turn or get rowdy. He would like to petition for a buzzer on the public side of the dais for residents to be protected from Council. He advised that this Council has foisted many bad decisions on the public and tonight they are interviewing a GOP candidate to fill a Council vacancy. He perceives a problem with the process because the public cannot ask the candidates questions. In his opinion, this system is unfair. If one of the three candidates is selected, there will be two council members from the recreation commission. He asked the Council to reconsider and allow the audience to ask questions.

Harry Clark, Upper Greenwood Lake, West Milford, thanked the Council for everything being done in town. He stated that his opinion on the process for interviewing the candidates tonight differs from Mr. O'Shea's and he hopes these people will not run for the door.

Councilman Weisbecker moved to close the Public Comments portion of the meeting.

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Moved: Weisbecker Seconded: Scangarello  
Voted Aye: Weisbecker, Gervens, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Motion carried.  
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**Council Comments**

Members of the Council commented on the following matters:

Council President Gervens noted that there were boy scouts in attendance in the back of the room. The Boy Scout leader advised that their attendance is a civic lesson for the young members. Council President Gervens commended the boy scouts and their leaders for their interest and involvement.

Councilman Scangarello asked the Administrator to follow up on the Deadman's Curve issue with the County.

**Presentations**

Council President Gervens advised that we have three 5-minute presentations scheduled for tonight. These presentations will be made by the three candidates to be considered to fill the current Council vacancy. He asked for Council consensus to delay this portion of the agenda until Councilman Warden arrives. The Council gave unanimous consensus.

**Action Items**

The Township Council took action on the following items:

**Agenda No. VI1 1  
~ Resolution 2006-043 ~**

**RESOLUTION AUTHORIZING AN AMENDMENT TO A NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS GRANT AGREEMENT FOR WONDER LAKE STORAGE AND SUPPLY INFRASTRUCTURE IMPROVEMENTS AND AN AMENDMENT TO THE ASSOCIATED AGREEMENT BETWEEN THE TOWNSHIP OF WEST MILFORD AND THE WONDER LAKE PROPERTIES ASSOCIATION**

**WHEREAS**, the State of New Jersey Department of Community Affairs, Division of Housing and Community Resources, Small Cities Program Unit, has determined that the Wonder Lake Water Storage and Supply Infrastructure Improvements qualify as an eligible activity and satisfy one of the National Objectives of the Housing and Community Development Act of 1974, as amended; and

**WHEREAS**, the Township of West Milford has agreed to apply for and process this grant application with the understanding that it will loan money from this grant application to the Wonder Lake Properties Association under the terms and conditions set forth in this Agreement; and

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**WHEREAS**, the Township of West Milford applied for a grant from the New Jersey Department of Community Affairs for approximately \$144,000.00 to carry out a project to assist the Wonder Lake Properties Association in correcting inadequate water storage and supply infrastructure; and

**WHEREAS**, the Township of West Milford, upon notification from the State that they had been awarded grant monies in the amount of \$198,100.00 for this project, adopted Resolution 2005-75 authorizing execution of a Grant Agreement for these funds and additionally memorializing the terms and conditions of the Township of West Milford's agreement to loan the Wonder Lake Property Association funds for the Water Storage and Supply Infrastructure Improvements; and

**WHEREAS**, the Township of West Milford has been notified that the State of New Jersey Department of Community Affairs, Division of Housing and Community Resources, Small Cities Program Unit has increased the funding to the Township from the original approved amount of \$198,100.00 to \$250,600.00.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of West Milford that the Township Administrator be and is hereby authorized to execute an amendment to the grant agreement with the State of New Jersey for an increase in funds granted under the Small Cities Program to fund Water Storage and Supply Infrastructure Improvements to the Wonder Lake Water System; and

**BE IT FURTHER RESOLVED** as follows:

1. The Agreement between the Township of West Milford and the Wonder Lake Property Association memorialized in Resolution 2005-75 adopted on March 16, 2005 be and is hereby amended to reflect the change in funds as follows:
2. Increase in grant amount from the State of New Jersey Department of Community Affairs, Division of Housing and Community Resources, Small Cities Program Unit from the original approved amount of \$198,100.00 to \$250,600.00 is incorporated into the agreement; and
3. All other terms and conditions of the agreement between the Township of West Milford and the Wonder Lake Property Association memorialized in Resolution 2005-75 adopted on March 16, 2005 shall remain in full force and effect.

Adopted: February 1, 2006  
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Moved: Nolan Seconded: Scangarello  
Voted Aye: Weisbecker, Gervens, Nolan, Scangarello.  
Voted Nay: None.  
Motion carried.  
Councilman Warden had not arrived at the meeting as yet.  
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**Agenda No. VI1 2**  
**~ Resolution 2006-044 ~**

**A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD,  
COUNTY OF PASSAIC AND STATE OF NEW JERSEY  
AUTHORIZING THE SETTLEMENT OF GRC COMPLAINT #2005-187**

**WHEREAS**, the Township of West Milford has been named in Government Records Council Complaint ("GRC") #2005-187; and

**WHEREAS**, GRC Complaint #2005-187 alleges a violation to the Open Public Records Act; and

**WHEREAS**, the Petitioner in the Complaint, Martin O'Shea, and the Township agreed to participate in Mediation sponsored by the Government Records Council; and

**WHEREAS**, the parties have agreed to resolve this matter by way of a Mediation Settlement Agreement; and

**WHEREAS**, the Municipal Clerk and the Township Attorney recommend that the Mediation Settlement Agreement be accepted by the Township Mayor and Council.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey that the Township Attorney is

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hereby authorized to execute the Mediation Settlement Agreement attached hereto and incorporated as part of this Resolution.

Adopted: February 1, 2006  
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Moved: Weisbecker Seconded: Scangarello  
 Voted Aye: Weisbecker, Gervens, Scangarello.  
 Voted Nay: None.  
 Abstain: Nolan  
 Motion carried.  
 Councilman Warden had not arrived at the meeting as yet  
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**Items For Discussion**

The following items were discussed by the Township Council:

1)	Filling Council Vacancy – deferred until Councilman Warden arrives.
2)	Recodification of Township Code - Administrator Kunze explained that, in December the Council authorized a contract with General Code to codify the construction code. Further discussion indicated a need to have the Township code codified. We subsequently received a proposal from General Code wherein they can codify both the Township code and the construction code concurrently and merging the projects into one would generate a significant savings for the Township. The Administrator stated that codification at this time is sorely needed and he requested Council approval to move forward. Councilman Weisbecker recollected that some codification work was done in 2002. Mr. Kunze advised that he found some documents showing that former Township Attorney Murphy had worked on the code. However, it was never properly codified and there have been many updates since then. Councilman Scangarello noted that the firm is from Rochester NY and questioned their knowledge of New Jersey municipal needs. Administrator Kunze advised that General Code handles more than half municipalities in New Jersey. They come highly recommended. The Council gave consensus to proceed and instructed the Administrator to plan to keep the code current in the future to ensure that we are not faced with the same dilemma in years to come.
3)	Constables – Administrator Kunze reminded that the Council requested information on the role constables play in West Milford. The Township Attorney researched pertinent statutes and spoke with the Police Chief. Mr. Semrau defined a constable as a peace officer whose primary function is to serve subpoenas and warrants. However, Mr. Semrau cautioned, we have no local ordinances to insulate the Township from liability. The Chief of Police does not feel that they assist his department in any way. Councilman Nolan recommended that the Council heed the Chief’s recommendation. Councilman Weisbecker stated that the police department could use constables to serve subpoenas and the Township could adopt an ordinance to protect. Currently, the constables are required to post a bond. Discussion ensued with regard to compensation, bonding, risks and liability. The Council requested that the Administrator and Attorney garner information about liability and bonding for the next workshop meeting. They further requested that the Administrator send letters to the current constables to ascertain if they would be interested in continuing as constables if required bond amounts were raised by ordinance.
4)	Greenwood Lake Weed Harvesting Agreement – Council President Gervens asked the Council to defer discussion of this matter until Councilman Warden arrives. Ho noted that Councilman Warden has significant involvement in this matter. The Council concurred.
5)	Establishing the Formation of a Lakes Committee – Administrator Kunze noted that, after the last meeting, he and Fred Semrau met with Councilman Weisbecker to outline the parameters which Fred used to prepare the ordinance before the Council tonight. The current draft asks for eleven members, one member of Council and one planning board member. Each association can appoint an alternate. The appointments would be made by the Council, some for two-year terms, some for one-year terms. The ordinance requires that meetings be held in public with minutes generated and the meetings would be subject to advertising requirements under the Open Public Meetings Act. Councilman Weisbecker noted that he does not sit on any lake board. He expressed his support for the formation of a Lakes Committee. The Council agreed to move forward on this matter by establishing the committee by resolution for the first two years before adopting an ordinance. The Council instructed the Administrator to contact each of the lake communities to determine that they are interested and to ensure that all lake associations are included in the draft.
6)	Change Order and Closeout for Bikeway Project – Administrator Kunze advised that the final calculations for this project require a change order. This change order represents a 4% increase to the original contract estimate and is funded by a DOT grant. The Council gave consensus to move forward.
7)	Establishing an Energy Task Force – Administrator Kunze noted that Councilman

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	<p>Weisbecker had previously recommended establishing a task force to have staff and interested citizens look at ways to minimize energy costs. The task force would also be charged with looking for grants and programs to assist homeowners reduce their energy costs. The Council gave consensus to move forward on this matter and cautioned that it is important that the right people be selected to serve and that those serving be aware that they must report to the Administrator.</p>
8)	<p>Establishing Council Liaison Positions w/ Passaic County – Councilman Weisbecker noted that he has discussed this with everyone. West Milford does not stand alone; we have to deal with other towns and the county. The intent of this action is to give the Governing Body a forum to speak with Freeholders and be kept informed about what is happening and being planned at the county level. Council President Gervens noted that the Administrators throughout the County have recently begun a series of meetings to accomplish the same goals. Councilman Scangarello noted that Freeholder Duffy lives in West Milford and is very accessible to everyone. The Council agreed to defer appointing a Passaic County Liaison at this time.</p>
9)	<p>Establishing Council Liaison Positions w/ City of Newark – the Council unanimously agreed that there is a need to appoint Council liaisons with the City of Newark. They gave consensus to move forward with these appointments at the next regular meeting.</p>
10)	<p>JCP&amp;L Power Outages – Administrator Kunze advised that he has spoken with a representative from JCP&amp;L who wishes to meet with officials of the Township to discuss matters. The Administrator recommended that he and the Mayor conduct the initial meeting and report back to the Council. The Council consensus was that this is a reasonable approach to take at this time.</p>
	<p>Councilman Warden arrived at the meeting {8:50 p.m.}</p>
11)	<p>Legal Budget – Administrator Kunze noted that Councilman Nolan had provided the Township Attorney with a proposal last week outlining ways to reduce legal costs. Mr. Semrau counseled that, by law the Planning Board has discretion to make determinations without Governing Body interference. However, he agreed, sometimes issues overlap and we could consider having one attorney handle such a case. An ordinance governing this would not work because the Governing Body does not have legal right to regulate the Planning Board. A reciprocal agreement with the Planning Board is possible especially for overlapping cases where, at least, there is dialogue. Mr. Semrau recommended seeking an understanding from the Planning Board where, when a case comes in not related to land use law, that will be communicated to the Governing Body. The Council unanimously agreed that communication on these matters is critical. They instructed the Administrator and Attorney to meet with the Chairpersons of the Planning Board and Zoning Board to discuss this topic and report back to the Council.</p>
12)	<p>Telephone Budget – Councilman Nolan recommends establishing a telecommunications task force to recommend upgrades to and reconfiguration of our telephone and cell plans. Administrator Kunze noted that he and the CFO had planned to address this issue this year. Volunteers with expertise would be a benefit. The Council gave consensus to proceed and cautioned that it is important that the right people be selected to serve and that those serving be aware that they must report to the Administrator.</p>
13)	<p>Non-Union Salary Ordinance Amendment – Establishing Board/Commission Secretary Positions – Administrator Kunze noted that this is primarily a house-keeping matter because previous ordinances did not include these secretarial positions that are currently in place. He also reviewed some personnel changes this year and explained how he determined the salary ranges in the ordinance. The Council gave consensus to proceed.</p>
14)	<p><del>Amusement Game License for Valley View Pub</del></p>
4)	<p>Greenwood Lake Weed Harvesting Agreement – Council President Gervens asked that this matter be discussed at this time since Councilman Warden is now in attendance. The Township Attorney prepared a draft agreement subject to change as a result of tonight’s discussion. Councilman Warden had previously met with Mr. Semrau where the following specifics were determined. West Milford will handle collection and disposal of weeds, the sheriff’s office will provide labor, the Township will fund part of the labor costs of about \$10,000 and determine if the county will contribute, and the Greenwood Lake Bi-state Commission will pick up costs for parts. The initial focus was the southern part of the lake. Councilman Warden noted that he possesses copies of e-mails from former Councilmen indicating that there was an attempt to sabotage weed harvesting in the past. He wants to avoid that this year and wants to know that every Council member is on board to make this program happen. He spoke with the sheriff’s office today and they are on board. Councilman Warden advised that the machine has been repaired and it will be housed at Brown’s point. The Council gave consensus to proceed. Fred Semrau asked for direction on points in the agreement. Councilman Warden stated that the agreement is to remain same as last year except for naming the machine operator. He requested that the agreement be sent to Steve DeFeo tomorrow for his edits. Then it should be returned to Mr. Semrau and then on to the County.</p>

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**Presentations**

Council President Gervens thanked the three presenters for their patience tonight and invited them to come forward to make their presentations. He advised that each person will be given five minutes and then the Council will have five minutes to ask questions of each candidate. He reiterated that the presentations are being made by the candidates vying to fill the Council vacancy.

Dr. Salvatore Schemmenti stated that he is here because he wants to help the Township of West Milford. He expressed hope that we can all learn from the past. He is here as a friend and wants for all the Council members to work together on the issues facing the town. He would like to see the Council work elbow-to-elbow, listen to the residents, and address the issues they present. Dr. Schemmenti provided a brief overview of his educational background which culminated in his chiropractic degree. Personally, he has very strong feelings on many issues. He takes things seriously and seeking to fill this vacancy is no different. He is a busy man and it often takes a busy man to get the job done. In his opinion, the future of West Milford is in our children. He tries to raise his kids well and he volunteers with a lot of kids. He has a great deal of pride in this town. If we do not stand behind our children now and represent their best interests, our kids won't be able to afford to live here. We all moved here because it was affordable and we should take steps to ensure that it will be affordable for our children. He is willing to work on that. He is willing to learn and grow, listen and serve the citizens of West Milford.

Dan Jurkovic, 24 Seymour Drive stated that he has been a resident of West Milford since 1988. he is president of a lake association, serves on the zoning board and has been the vice-chair for three years. He provided an overview of his educational background and noted that he is a member of the New York and New Jersey bar. His specialty is elder law. He serves as a trustee of the Guardian Association of New Jersey and serves on the New Jersey Arbitration Committee for Essex County. Mr. Jurkovic opined that, had this opportunity presented itself five or six years ago, he would not have sought this office. However, in recent years he has become concerned about the lack of decorum in politics. He knows several council members personally and has heard fine things about the others. He feels that he can work with each Council member to accomplish the agendas of the full Council. He does not have a position on a lot of issues by design because, in the past, he has tried not to formulate opinions to avoid any conflict because of his position on the Township's Zoning Board. He will work hard and maintain a level of decorum and professionalism at all times.

Joseph Smolinski, 28 Camelot Drive, has been a West Milford resident since 1987. He has a 23-year old daughter who graduated West Milford High School and Bloomfield University and who now serves in the US Navy. His son is 15-years old and currently attends West Milford High School where he is involved in the High School band. He has been married for 25 years and his wife works for the Board of Education driving special needs kids. She is also a CCD instructor in St. Josephs. Without his family's backing he would not seek this position. He is not as formally educated as the other candidates. He attended New Jersey State College and Fairleigh Dickenson University. He owns his own auto repair business. He is involved in West Milford recreation and has been a coach for several sports over the years. He has served on the West Milford First Aid Squad for 15 years and he is in charge of fleet rehab. He chaired the ambulance purchase committee and assisted in the formulation of the specifications which realized a \$150,000 savings for West Milford on the last two ambulance purchases. Most recently, he worked on a fundraiser for the Board of Education wherein, through the efforts of many organizations, business entities, and groups the schools in town now have defibrillators. He is involved in behind-the-scenes politics which keeps him informed about issues and concerns of residents. His priorities are Township priorities. If selected, he feels he is ready and knows he is willing to start working for the best interests of the town.

Councilman Weisbecker saluted all three candidates for the services they already provide to the Township. He asked what the see as major issues to be addressed?

Mr. Jurkovic stated that the increasing tax rate is a cause for concern. West Milford is a beautiful town and we need to maintain that. However, we need to be able to support ourselves. Through creative thinking and bi-partisan effort we can bring new businesses to town. Those businesses should be diverse in services so that they can thrive. He commended the Council for their efforts to rein in costs.

Councilman Weisbecker advised that he knows that recreation, CASA and children are a concern to Dr. Schemmenti. He asked him how he feels about seniors. Dr. Schemmenti said that the issues facing seniors and children are comparable. He noted that he recently paid \$40 to watch High School wrestling and all that money went to the County. He recommended that we bring

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recreation back to the Township for both seniors and children. We have lakes and the Jungle Habitat property that can be better utilized.

Mr. Smolinski stated that property and water taxes are the biggest issues facing residents. We provide a service to many New Jersey towns and we need to be compensated. If selected, he would seek assistance from the democrats to petition the governor for assistance to get tax monies back to West Milford for use of our water resources.

Councilman Nolan thanked all three gentlemen for their presentations tonight. He asked the Township Attorney if there are any issues with memberships on Parks and Recreation Commission. Mr. Semrau opined that this is not an issue but the Zoning Board membership may need restructuring based on the selection made by the Council. Councilman Nolan asked Dr. Schemmenti and Mr. Smolinski about their thoughts on reestablishing the Open Space Committee.

Dr. Schemmenti stated that, in his opinion, the Open Space Committee should not have been disbanded. Anyone who is willing to volunteer, does not need a title.

Mr. Smolinski stated that the Committee's function at the time was to look for land to purchase. That was done, a list was made and provided. Now there is more open space. We need funding that is not available. Without funding, the Committee cannot do any more. He is open to discussion on reestablishment based on the needs of the Township.

Referring to Mr. Smolinski's earlier reference to seeking the governor's assistance in returning water surcharges to the Township, Councilman Nolan asked if Mr. Smolinski would advocate with himself and Councilman Warden in such an effort. Mr. Smolinski stated that he would and that, given the greater access he would have to information as a Councilman, he would read and educate himself on all issues and would proceed accordingly.

Councilman Warden reminded Mr. Smolinski of recent distasteful events where an innocent resident was dragged into partisan politics and a line got crossed. He asked Mr. Smolinski if he supports partisan or non-partisan politics. Mr. Smolinski said that he favors the partisan form of government for West Milford because good things have come from partisan government such as increased county services.

Councilman Warden asked if you had \$500,000 and you had to use those funds for either ball fields in town or to stop the construction of 288 town homes, where would you spend the money?

Mr. Smolinski stated that he would split the money between both. Dr. Schimmenti stated that he would call those people who offered to put \$14 apiece into the recreation program and ask them to do so. He further stated that we need more land and he would put ball parks on the land. Mr. Jurkovic stated that he will be cautious in his answer because he does not want to compromise anything that may potentially come before the Zoning Board. Therefore, he clarified that his answer does not apply to any specific property. He stated that there is merit to both sides. We need recreation and we need to protect our community. For example, Eagle Ridge first received approvals in 1988; eighteen years later, many things have changed. An open space committee may have different results now than it did a few years ago because we face different land issues. To summarize, the best compromise would probably be to kill two birds with one stone.

Councilman Scangarello asked the candidates how much time and effort they think is needed to address town issues.

Mr. Jurkovic advised that he has given much consideration to this question. Knowing some of the current Councilmen, he realizes that they devote considerable amounts of time to Council business. He cannot quantify at this time but advised that he will make every effort to expend whatever time is needed while remaining accessible and reachable. Dr. Schemmenti noted that he too knows many of the current Council members and, like them, wishes there were 25 hours in a day. However, within the confines of a 24-hour day, he will do his best and find the time to devote to Township matters. He may have to readjust some of his priorities. He has already discussed this with his family and they are poised to help him.

On behalf of the Council, Council President Gervens thanked the candidates for their presentations, time, and patience tonight. The Council agreed that they are ready to proceed tonight. Mr. Semrau outlined the procedures based on whether there is one or multiple nominations made.

Councilman Weisbecker nominated Joseph Smolinski to fill the Council vacancy. Council President Gervens asked if there were any more nominations.

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There being no further nominations, Councilman Scangarello made a motion to Close and Confirm. Councilman Weisbecker seconded the motion.

Township Attorney, Fred Semrau, read the following resolution of appointment for Council consideration:

**RESOLUTION TO FILL COUNCIL VACANCY**

**WHEREAS**, a vacancy exists on the township council from a republican seat as of January 17, 2006 for a term that expires December 31, 2006; and

**WHEREAS**, the West Milford Republican Committee has submitted the names of three individuals to the Township Council for consideration to fill that vacancy.

**NOW, THEREFORE, BE IT RESOLVED** by the West Milford Township Council that Joseph Smolinski is hereby appointed to fill the unexpired term of Joseph Elcavage, said term to expire December 31, 2006.

Adopted: February 1, 2006  
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Moved: Nolan Seconded: Scangarello  
Voted Aye: Weisbecker, Gervens, Nolan, Scangarello.  
Voted Nay: None.  
Abstained: Warden  
Motion carried.  
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**Township Administrator's Report**

Administrator Kunze reminded the Council that there is a budget meeting on Saturday morning at 9:00 a.m.

**Mayor's Report**

None.

**Township Council Reports**

Councilman Weisbecker noted that the Township had received a legal notice from the Borough of Ringwood about a zoning change. He asked the Township Administrator to look into the change to ascertain if it will have any impact on West Milford. He also noted that the NJLM is hosting a seminar on pay-to-play in Freehold on Tuesday March 14<sup>th</sup>. He recommended that two Council members attend and stated that he will attend. Councilman Nolan noted that he will check his calendar for availability on that date.

Council President Gervens had no report.

Councilman Nolan asked the Administrator to schedule discussion of the tub grinder and landscaper fees on the next work shop agenda. Administrator Kunze noted that this may be a discussion that takes place during budget meetings. Councilman Nolan asked for pay-to-play to be placed on the work session agenda. He asked if the Council can begin receiving monthly reports from department heads as was the practice in the past. The Administrator advised that we have changed the schedule to quarterly reports and advised that the Council should be receiving those very soon. Councilman Nolan asked the Township Attorney to opine on a former Councilman with a real estate license serving on the Planning Board. Mr. Semrau recommended that such a member should check with his or her office to determine if there is any relationship with an entity coming before them. Councilman Nolan asked Mr. Semrau to follow up on that subject with the Planning Board to ensure that they are aware that they should be doing that.

Councilman Warden thanked Dr. Schemmenti and Mr. Jurkovic for their presentations tonight and for all the time they dedicate to the Township. He congratulated Mr. Smolinski and stated that he is looking forward to working with him.

Councilman Scangarello congratulated the coaching staff, wrestlers, and parents of the West Milford wrestling who took the County Crown back recently. He stated that West Milford received \$250,000 for open space and \$250,000 for Westbrook Park. However, Helping People Help Themselves received \$600,000. he asked the Administrator to look into that to determine why they received such a large amount by comparison to either of our projects. Mr. Semrau advised

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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that he will be providing the Council with a summary of the rules pertaining to a question posed last week by Councilman Scangarello about preserved land and Mount Laurel housing.

**Township Attorney**

To the delight of the audience as evidenced by their applause, the Township Attorney advised that he received decision today on Eagle Ridge. Their petition was denied and the judge further permitted a consolidation of appeals. The Judge allowed Hovnanian to add to documents information obtained from newspapers. The appellate division agreed with West Milford and the DEP. Hovnanian did not convince the court that anything should be changed on a summary disposition. There is still one more round to go. Mr. Semrau advised that pursuant to Councilman Warden's request he researched the feasibility of West Milford changing their current form of government. He has determined that a change of that nature cannot be effectuated until January 1, 2009 because of our change in 2004. He also advised that the tax appeals will be discussed in a later executive session.

**Township Clerk's Report**

The Township Clerk referred the Council to the memo she had distributed and asked if there were any questions. There being no questions from the Council, the Clerk had no report.

**Executive Session**

**Agenda No. X  
~ Resolution No. 2006-045 ~**

**MOTION FOR EXECUTIVE SESSION**

BE IT RESOLVED by the Township Council of the Township of West Milford on the 1<sup>st</sup> day of February, 2006, that:

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.
  - Acquisition of Sheridan Property
- ( ) 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.
  - Tax Foreclosures & Fox Keller Matter (Docket #L7670-97)
- ( ) b. (8) Personnel matters.
- ( ) b. (9) Deliberations after a public hearing that may result in penalties.

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).

Adopted: February 1, 2006  
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Moved: Nolan Seconded: Scangarello  
Voted Aye: Weisbecker, Gervens, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Motion carried.  
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The Council went into executive session at 10:35 p.m.

Present: Councilmembers Philip Weisbecker, William Gervens, Robert Nolan, James Warden, Carmelo Scangarello.

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

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Absent: Mayor Joseph DiDonato.

Also Present: Township Administrator Richard Kunze, Township Clerk Antoinette Battaglia,  
Township Attorney Frederick Semrau, and Robert Oostdyk, Esq.

Items for discussion at Executive Session were as follows:

- Tax Foreclosures & Fox Keller Matter (Docket #L7670-97)
- Acquisition of Sheridan Property (ultimately not discussed)

Executive Session adjourned at 10:50 p.m.

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Moved: Scangarello Seconded: Gervens  
Voted Aye: Weisbecker, Gervens, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Motion carried.  
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**Adjournment**

There being no further business to come before the Council, the Township Council adjourned the meeting at 10:52 P.M.

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Moved: Scangarello Seconded: Weisbecker  
Voted Aye: Weisbecker, Gervens, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Motion carried.  
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Approved:

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WILLIAM GERVINS, COUNCIL PRESIDENT  
PRESIDING OFFICER

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ANTOINETTE BATTAGLIA  
TOWNSHIP CLERK