
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: April 5, 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 Mayor Joseph DiDonato.

Adequate Notice Statement

Mayor DiDonato 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

Mayor DiDonato led all in attendance in a salute to the flag.

Roll Call

Present: Councilmembers Philip Weisbecker, Joseph Smolinski, William Gervens,
Robert Nolan, James Warden, Carmelo Scangarello.
Absent: None.
Also Present: Township Administrator Richard Kunze, Township Clerk Antoinette Battaglia,
Township Attorney Frederick Semrau

Presentation

Mayor DiDonato noted that Assemblyman Joe Pennachio is in attendance tonight and that he wishes to address both the Council and Township residents. Given his hectic schedule and the fact that he is going to another town from this meeting, Mayor DiDonato invited the Assemblyman to make his presentation at this time.

Assemblyman Pennachio stated that problems have arisen with the Highlands Act and he has serious concerns about the impact the Act has had on his constituents. In his opinion, the Highlands Act has resulted in regulatory annexation of property rights. He was assured that this bill would not pass until funds were allocated to compensate property owners and offset lost ratables for Highlands's communities. Obviously, funds were not allocated for either of these scenarios. He advised that there is proposed legislation before both the Senate and Assembly for a 4 cent per gallon water tax. While he is not familiar with the specifics of the senate bill, he has studied the bill being proposed for assembly action. Governor Corzine proposed the water tax to generate \$12 million per year. The current bill allows for \$6 million to go to general revenue and \$6 million to the DEP for use to pay off bonds, purchase lands, or for water treatment facilities. In the version being proposed, the DEP will determine how the money is distributed so it could become a political issue. He stated that he has concerns about this tax. Newark and Jersey City get our water, use it, sell it, and make a profit but nothing is given to West Milford in return for their protection of these water sources. He proposes that the DEP, pursuant to the State constitution, be forced to put bonding issues before the voters by referendum. He provided Mayor DiDonato with a copy of his comments on this subject and asked that they be copied and distributed to any interested parties.

Councilman Nolan thanked Assemblyman Pennachio for attending tonight's meeting and asked if he would advise the Council when the assembly hearings on this matter will be held. The Assemblyman answered in the affirmative and stated that the earliest he expects such hearings is early May. He would love for the Township Council to participate. Councilman Nolan advised that he read in a recent *Record* article that the proposed Senate bill has not been approved as yet. According to Senator Martin, the legislation proposes that funds be used for infrastructure and he wishes to see monies used to fund tax relief for watershed communities. Councilman Smolinski advised that he attended the Senate budget hearings on Monday last in Paramus and there is another such hearing scheduled for April 11th in Camden. The original plan proposed by the Governor proposed a 75-25% split of funds. Now, based on the statements from Assemblyman Pennachio, it is a 50-50% split - \$6 million to general revenue and \$6 million to DEP. There is no consideration being given to relief for Highlands communities. Assemblyman Pennachio confirmed this statement and added that, under the proposed legislation, West Milford will get no more than they put in; other towns are utilizing our resources and getting the same deal from the State. Knowing that Jersey City makes a profit off this water, we should at least get a share of that, if nothing else. Mayor DiDonato, having perused the Assemblyman's written statements, stated that the DEP will get funding for bonding for infrastructure and interconnection programs but it is clear that no money will be given to the municipalities that incur the associated

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burdens. Assemblyman Pennachio encouraged the Council to participate in the discussions in Trenton because we are so significantly affected by this legislation. Councilman Weisbecker asked if the Assemblyman has heard anything from the League of Municipalities on this subject and was answered in the negative.

Assemblyman Pennachio reiterated that he will advise when the hearings will be held, and he will make every effort to facilitate meetings with Councilpersons and State legislators. He anticipates that Senator Martin will be willing to meet with the Council. Councilman Nolan noted that Senator Martin and Senator Smith were the primary sponsors of this bill. Assemblyman Pennachio stated that, while this is the case, Senator Martin is open to suggestions. Assemblyman Pennachio believes that West Milford deserves to be compensated. Councilman Warden agreed that West Milford must become proactive in letting Trenton know that we are angry at this proposed legislation because of the manner in which the bill is crafted. Assemblyman Pennachio thanked the Mayor and Council for allowing him to speak tonight and they in turn thanked him for attending tonight's meeting.

Reading of or Approval of Unapproved Minutes

Councilman Nolan moved to adopt the minutes of the February 22, 2006 Workshop Meeting as presented.

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

Councilman Weisbecker moved to adopt the minutes of the February 25, 2006 Special Meeting as presented.

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

Councilman Nolan moved to adopt the minutes of the March 1, 2006 Regular Meeting as presented.

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

Councilman Nolan moved to adopt the minutes of the March 8, 2006 Workshop Meeting as presented.

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

Councilman Smolinski moved to adopt the minutes of the March 8, 2006 Executive Session Meeting as presented.

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

Councilman Nolan moved to adopt the minutes of the March 15, 2006 Special Meeting as presented.

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

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Meetings

Mayor DiDonato noted the future meeting schedule:

April 12, 2006 Regular Meeting
April 26, 2006 Workshop Meeting
May 3, 2006 Regular Meeting
May 10, 2006 Workshop Meeting

Proclamations

None.

Public Comments

Mayor DiDonato opened the meeting to the public after advising that there is a five-minute limit for each speaker. He invited interested parties to raise their hand and come forward when called upon.

Frank Hannan, 83 Krattiger Court, West Milford thanked Assemblyman Pennachio for speaking tonight. He noted that the 4-cent per gallon water tax is worse than initially thought because \$6 million is going directly to the State. He recalled a recent article in the *Record* that stated that the Highlands Council is in disarray; people have left and the master plan is not complete. This is distressing to communities in the preservation area. He congratulated Councilman Smolinski for his statements at the recent Senate budget hearings. He urged the Council to work toward getting tax relief through the proposed water tax because, he stated, something must be done.

Eric Hastings, Greenwood Lake Commission stated that he is the Council's appointee to the Greenwood Lake commission. He stated that lots of money is being spent on research at Belchers Creek which continues to pose a dilemma. He distributed literature to the Council and advised that he would be making a presentation to the planning board tomorrow evening.

Jim Novack, 53 Larchmont Drive, Hewitt, noted that the Council is not scheduled to discuss the budget tonight. He stated that they need to make some cuts. He advised that Beautification Day is fast approaching and stated that volunteers are needed to clean the Town. The main roads through West Milford are atrocious because people continuously dump garbage on our roads. As soon as SLAP cleans, there is more garbage dumped. The school board elections will be held in a couple of weeks. The school budget comprises a lot of tax dollars and we should be looking at that. He asked if the bid for ball field maintenance includes maintenance or if it is just grass cutting. He opined that fertilizer applications would help extend the life of the fields.

Ada Erik, 1693 Macopin Road, West Milford, stated that she has been walking through a number of neighborhoods in town and has met a lot of people. She stated that the percentage of homes that display house numbers is dismally low and asked what the Council proposes to do about that. She stated that this is a life and death issue because emergency services often find it hard to locate a residence or property in town. She advised that the collection and refurbishment of bicycle helmets continues and asked for everyone to donate. She stated that the Parks and Recreation department are currently designing the education program and commended the police department for a good job.

Paul Meydrech, representing Gordon Lakes property owners stated that he is protesting the change order scheduled for discussion tonight. He stated that this has already been discussed and that \$12,000 is more than sufficient. He advised that Civil Dynamics wanted \$5,000 to send a form into the Highlands Commission; after negotiation they reduced the amount to \$2,500. He stated that they simply charge too much money. This issue has been ongoing since 1999, the work is constantly stopped and they still need funds for the actual project.

Wayne Gottlieb, 20 South Ridgefield Road, West Milford cautioned about distributing used helmets. He advised that a modern-day helmet weight about 10oz. If it is ever dropped, that helmet is compromised and cannot be repaired. The foam core can also become deteriorated from lack of use and such helmets are also compromised. He is happy that kids are being forced to wear helmets but noted that refitting helmets is not always safe.

Arthur McQuaid, Morsetown Road, West Milford thanked Assemblyman Pennachio for speaking tonight. He is angry about the State's plans for the proposed water tax. He thanked Councilman Smolinski for starting a petition drive and stated that it has energized residents. He asked the Council to contact surrounding municipalities and get them involved in this effort. He thanked the Council.

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Tom McCann, Warwick Turnpike, West Milford stated that he wishes to clarify some comments in the newspaper about his property on Canistear Road. He stated that he is simply asking the town for guidance and assistance in getting more money from the State for this property. He stated that there are four basic groups in town; the naturalists, proponents of athletic fields, golf enthusiasts, and other sport enthusiasts. His property can accommodate some of the needs of these groups. He stated that residents voted for open space funds and they should see results of their appropriations by the purchase of land with these funds. In this town, there is room for a golf course, trails, ball fields and many other open spaces. His property could probably give the naturalists what they need and they may come back to help another group when their needs have been met. We need to spend our open space money and get the best value for these funds. He stated that he attempted to contact Kathleen Caren at the County but has been unsuccessful thus far. He will make himself available to walk his property with the Council and he asked the Township Attorney to review the law to determine if the State is required to offer him full value for his property.

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

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

Council Comments

Members of the Council commented on the following matters:

Councilman Weisbecker asked what would happen if the Civil Dynamics change order is not approved by the Council. Mayor DiDonato stated that this is a topic that is scheduled for discussion later in the evening.

Councilman Smolinski asked if Mr. McCann's property was ever put on the open space acquisition list. He noted that Mr. McCann has tried to speak with Ms. Caren with the open space committee in the County. He told Mr. McCann that he is willing to try to facilitate such a discussion if he continues to be unsuccessful. He advised that he has copies of a petition he has been distributing asking the legislature to provide tax relief to West Milford from the water tax funds. He stated that the reaction from residents has been very positive. He asked all Council members to take a petition and have it signed. He stated that we need to be loud, vocal, and visual on this matter so that Trenton knows how we feel. He asked for permission to contact the Mayor of Ringwood to seek support on this matter. He stated that the petition should be sent out with our resolution.

Councilman Nolan had no comments.

Councilman Warden stated that he and Councilman Nolan will be available to walk Mr. McCann's property on Saturday.

Councilman Scangarello had no comments.

Presentations

None.

Action Items

The Township Council took action on the following items:

Agenda No. VIII 1

~ Resolution 2006-123 ~

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

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NOW, THEREFORE, BE IT RESOLVED, that the following Resolutions and Applications on the Consent Agenda are hereby approved:

Resolutions:
Resolution 2006-124 – Refund Escrow

Applications:
RL-2006-19 – Apshawa Elementary School PTA – On-Premise 50/50
May 13, 2006

Adopted: April 5, 2006

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

Resolutions included in the Consent Agenda were:

Agenda No. VIII 1a

~ Resolution 2006-124 ~

RESOLUTION AUTHORIZING REFUND OF ESCROW MONIES

BE IT RESOLVED, by the Township Council of the Township of West Milford that, upon the report and request of the Township's Planning Director, the following Escrow monies be refunded:

<u>Name & Address</u>	<u>App. No.</u>	<u>Amount Refunded</u>
Charles Alessandrini 2737-4 Route 23 Stockholm, NJ 07460	0320-0136 Block 16605, Lot 22 3050 Route 23; HC Preliminary & Final Site Plan	\$ 5,775.92
William & Denise Ennis 5 Camden Place West Milford, NJ 07480	0430-0690 Block 9704, Lot 17 5 Camden Place, R-1 Zone Bulk Variance	\$ 42.05
George & Christina Stephens 131 Cherry Ridge Road Hewitt, NJ 07421	0530-0716 Block 17201, Lot 4 131 Cherry Ridge Road Bulk Variance	\$ 133.41

Adopted: April 5, 2006

Agenda No. VIII 2

~ Resolution 2006-125 ~

A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE SETTLEMENT OF THE 2005 TAX APPEAL INVOLVING BLOCK 14702, LOT 1

WHEREAS, an appeal of the 2005 real property tax assessment of Block 14702, Lot 1, 40 Old Route 23, in the Township of West Milford has been filed; and

WHEREAS, said property is owned by 40 Old Route 23 Land Trust; and

WHEREAS, settlement of the 2005 appeal is in the best interest of the Township.

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

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	put this bill back on the bill list because a purchase order has been issued and he does not want to see the town sued over this matter. He stated that we have a legal obligation to pay regardless of the circumstances. Councilman Warden reiterated the stance he previously made on this matter and added that the Tourism Commission stepped out of bounds on this without advising the Council. He will not support this expenditure because it is an ill-conceived plan. The Council gave consensus to put this bill on the bill list for next week. Councilman Nolan asked that a separate bill list be issued for this item only thus allowing the Council to vote on this matter separately.
6)	Wetlands Mitigation; Ramapo Agreement – Administrator Kunze reminded the Council that they had instructed him to approach Ramapo College again to ask for more money for the Township. He reported that they are now offering an additional \$5,000 each to both the Township and the Board of Education bringing the total compensation, excluding additional expenses, to \$15,000 for each entity. The Council gave consensus to the Administrator and the Attorney to proceed with the specifics of the agreement. It is anticipated that Ramapo will begin their project in the fall.
7)	Brown’s Point Agreement – The Township Attorney, Fred Semrau, advised that this contract is basically an extension of the current agreement with DEP for the use of Brown’s Point. The agreement pertains to 10 acres and allows use of the park and recreational facilities by the Township for twenty years. It does not allow use of the adjoining state park. The Town indemnifies and holds the DEP harmless. He directed the Council to his recent memo which outlines the specifics of the agreement. The Council agreed that they would like broad-based clarification from the DEP about actual use for coordinated events and tourism opportunities. Councilman Smolinski noted that page six of the agreement addresses the use of fees and the requirement that they be used for maintenance of the premises. He asked if this applies if we use these premises to complement our recreation programs. He advised that he would like to see our intentions spelled out in the lease so that future councils and state administrations understand this Council’s intent. Mr. Semrau will try to incorporate the items discussed here tonight in a review letter to the DEP and will report back to the Council.
8)	Jungle Habitat – Mr. Semrau advised that Councilman Scangarello brokered a change to the contract wherein the term is extended to twenty years instead of the ten previously negotiated. The language pertaining to the removal of the existing asphalt requires clarification. He will send a letter to the DEP outlining some of the proposed uses. Councilman Smolinski asked that the word “active” be inserted everywhere the word “recreation” is reflected in the agreement. The Council will discuss the potential uses at a future workshop meeting as well as associated costs. Right now, Councilman Scangarello, reminded the Council, we are just negotiating the lease agreement. Mr. Semrau will send a letter to the DEP and will report back to the Council before the lease is executed.
9)	Land Use Ordinance Notification Requirements – Administrator Kunze noted that the proposed changes would affect time limits on planning board approvals and applicant’s notification requirements. Mr. Semrau advised that our code mirrors the State statute and advised that we cannot make any further amendments because it is not allowed for in the state code. Our ordinance is consistent with municipal land use law. At Councilman Nolan’s urging, Mr. Semrau will research if the applicant’s can be required to notify adjoining property owners when public hearings are rescheduled.
10)	Bicycle Helmet Ordinance - Mr. Semrau reminded the Council that they had asked that an ordinance consistent with the State statute but which strengthens enforcement be drafted. He noted that the Council had suggested confiscation as a penalty for violators. Therefore, the ordinance he drafted allows for a warning and confiscation for the first offense and the equipment will be returned to the owner when they present proof of ownership and safety equipment. A second offense would require a municipal court appearance by the parents and a possible \$25 fine with the item being confiscated and released by the court after proof of ownership of a helmet is presented to the court. The third offense would result in a \$100 fine in addition to the confiscation provision. Council President, noting the Police Chief’s comments, stated that a higher fine is better than confiscation. Confiscation becomes burdensome to the police department. Councilman Smolinski expressed concern that this may erode the positive relationship that has been forged by the police presence in our schools. Mr. Semrau will re-draft the ordinance and return to Council.
11)	Finance Committee – Councilman Weisbecker stated that he does not agree with Mr. Semrau’s opinion and memo about a finance committee in this town. He read a point-by-point response to the Attorney’s opinion citing excerpts from the statute that supports his contention that a finance committee can be formed under this form of government. Mr. Semrau responded by saying that he does not disagree with Councilman Weisbecker’s comments but he disagrees with everything he read and the legal opinions contained therein. The type of finance committee being proposed by Councilman Weisbecker is simply not permitted under this form of government. He cautioned that one cannot select sections of a statute out of context to support an opinion. He reviewed the authority of the Administrator in our current form of government to oversee the finances of the municipality.

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	<p>He reiterated that, with this form of government, the type of finance committee being proposed by Councilman Weisbecker, is not allowed. Councilman Nolan stated that he is in favor of a finance committee to the extent allowed by statute. He recommended that the Council review the statute more thoroughly. He stated that he is perplexed because the Council has not been receiving reports from the treasurer and the tax collector. He stated that random sampling is good but minute oversight of every purchase order is not and he noted that preparation of the budget is the administrator's job. Councilman Smolinski stated that the Council reviews and questions bills now. Discussion ensued about getting the bill list to the Council earlier than it is currently being provided. Ultimately, the bills are being presented as early as possible to allow for vendors to be paid in a timely fashion. Councilman Weisbecker stated that he respects Mr. Semrau's position but he stated that the Council is seeking information that they are legally entitled to. He said he is not trying to supersede the administrator's position but is attempting to keep the Council focused on the financial status of the municipality. He stated that the Council has a duty to keep their eyes on the municipality's finances. Mr. Semrau stated that, while we can have a committee that complies with our form of government, the form of committee proposed by Councilman Weisbecker is not allowed. Mayor DiDonato stated that he strongly disagrees with many comments made on this subject. He stated that we have one attorney who rendered a strong opinion. You don't streamline government by creating more committees. These bill lists are put together up to the day the packets go out and asked when the committee would have an opportunity to meet. He recommended that any Council member who has a question about any bill or any bill list go directly to the source and ask the question. Councilmen Weisbecker, Nolan, and Warden asked that more consideration be given to forming a finance committee. Councilmen Gervens, Smolinski, and Scangarello received agreement from Mayor DiDonato not to move forward.</p>
12)	<p>Recycling Tonnage Grant Application – Administrator Kunze noted that this is an application that is submitted annually. The Council gave consent to have a resolution placed on the agenda for action on April 12th.</p>
13)	<p>Handi-Lift Contract – Administrator Kunze advised that the ADA Committee has been working on this project for some time in an effort to make Town Hall ADA compliant. The proposal is for a chair lift that would be installed outside his office and allow access to the health department. The chair lift will cost \$17,380 and needed ceiling modifications will cost \$1,500. The funding is available in a previously approved capital budget for ADA compliance. Because the vendor needs to comply with pay-to-play, we anticipate taking action in May.</p>
14)	<p>Civil Dynamics Change Order – Administrator Kunze advised that this contract was awarded in 2003 for repairs to the Gordon Lakes Dam. The proposed design involved encroachments on a neighbors property and the association at the time did not think the neighbor would object. However, the owner did object and the plans had to be changed and redesigned thus necessitating the change orders we have seen. The Gordon Lakes Association did approve the changes but they also need Council approval. Additional engineering work is also required to ensure that the new plan will work properly. The revised increase to the contract is \$22,650 and the Township Engineer has recommended approval of the change order. Work has stopped pending Council action. Ultimately, the homeowners will be paying these costs. Administrator Kunze advised that he had not heard of any objection from the homeowner's association until tonight. After a brief discussion about the history surrounding this project, the Council instructed the Administrator to contact the President of the Homeowner's Association and report back to them before any action is taken.</p>
15)	<p>Identifying Persons Posting on the Internet – Administrator Kunze advised that at Councilman Warden's urging, the Council had requested a draft resolution supporting legislation that would make it easier to identify persons who post defamatory statements on websites. Councilman Warden stated that the intent of this resolution is to oppose slanderous anonymous postings on the web; it in no way violates one's right to free speech. He asked the Township Attorney to make some minor changes to protect free speech and clarify that the intent of the resolution is limited to people who engage in slanderous, defamatory postings. He stated that anonymous speech is allowed in America; slanderous defamatory speech is not. The Council granted consensus to continue with this resolution.</p>
16)	<p>Fireworks Display at Jungle Habitat – annual application and fireworks display for the July 4th weekend. Council gave consensus to proceed.</p>
17)	<p>Right of Way Acceptance – Administrator Kunze directed the Council to the engineer's report which recommends accepting Lone Pine Lane; Split Rock Road; Hearthstone Drive. These streets are in Alpine Ridge and Fieldstone Estates. The Council gave consensus for an ordinance accepting these streets for introduction in May.</p>
18)	<p>Snow Trust Transfer – Administrator Kunze advised that money was transferred last year into the snow budget because the Township did not think there would be sufficient funds to cover costs. All these funds were not expended and the Administrator proposed adoption</p>

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	of a resolution to transfer those funds into the trust account that was established last year to offset future costs and soften the financial blow to taxpayers if we have a harsh winter. The alternative would be for the money to back into surplus and be used to offset current costs. The Council consensus was to defer action on this transfer until after the current budget is adopted.
19)	<p>Nominations: <u>Energy Committee</u> Councilman Weisbecker nominated Michael Tfrank Nomination seconded by Councilman Scangarello Councilman Nolan nominated Tim Dalton Nomination seconded by Councilman Warden Motion to close and confirm - Council President Gervens/Second Councilman Scangarello. The Council instructed the Clerk to have appointing resolutions for next week.</p> <p><u>Telecommunications Committee</u> Councilman Nolan advised that Barry DiGiacinto had offered to serve if no one else showed an interest. Given that we have two interested parties, he asked that Mr. DiGiacinto's name be removed from consideration. Councilman Nolan nominated Lawrence MacKinnon Nomination seconded by Councilman Warden Councilman Nolan nominated Jeffrey Miller Nomination seconded by Councilman Warden Motion to close and confirm – Councilman Scangarello/Second Councilman Nolan. The Council instructed the Clerk to have appointing resolutions for next week.</p> <p><u>Chief Public Defender</u> Councilman Weisbecker nominated Joseph Affinito Nomination seconded by Council President Gervens Motion to close and confirm – Councilman Nolan/Second Councilman Scangarello. The Council instructed the Clerk to have an appointing resolution for next week.</p> <p><u>Greenwood Lake Bi-State Commission</u> Councilman Nolan nominated James Dykes II Nomination seconded by Councilman Warden Councilman Weisbecker nominated Paul Zarillo Nomination seconded by Councilman Scangarello Motion to close and confirm – Council President Gervens/Second Councilman Scangarello.</p>
20)	Drunk Driving Grant – Administrator Kunze advised that this is an annual grant application which covers overtime salaries for DWI patrols and checkpoints. The amount is determined through the use of a state-designed formula. The Council gave consensus to proceed.
21)	Tax Maps - Administrator Kunze advised that we update the tax maps every year. The State requires that they be reviewed and signed by a professional land surveyor. The proposed resolution is for the professional services to review the maps and have them signed and is for an amount not to exceed \$2,600. The Council gave consensus to proceed.

Mayor's Report

None.

Township Administrator's Report

Administrator Kunze advised that he and the CFO are putting budget scenarios together and they hope to have a draft to Council next week.

Township Council Reports

Councilman Weisbecker the planning board discussed the Council's request for the Township Attorney to offer assistance to the Planning Board Attorney to resolve the outstanding O'Shea litigation through mediation. Both the Board and the Board Attorney are amenable to this suggestion. He advised that he has received calls from former constables requesting that they be retired rather than their position being rescinded. He asked the Administrator if he had contacted the DOT about safety lanes on Canistear Road and Upper Greenwood Lake at Lakeshore and Warwick Turnpike. The Administrator advised that he had contacted DOT who found that there is no warrant for such action but he will contact them again. They are still reviewing our proposed ordinance for No Left Turn on Eisenhower. Councilman Weisbecker stated that Lou Wallisch was once a Mason and he has been approached by the Masons who are asking if they can host a car show at the Wallisch estate. He will forward the information to the Administrator.

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Councilman Smolinski advised that he has petitions available for anyone who wishes to take some. He asked for and received consent to contact the Mayor of Ringwood to solicit support for tax relief through the proposed water tax.

Council President Gervens had no report.

Councilman Nolan asked for a copy of Councilman Smolinski's testimony before the Senate Budget Committee on Monday last. He stated that he has questions and concerns about the Hillcrest and Wallisch proposals and requested that the Council have an opportunity to discuss these matters before the joint meeting with the Board of Education scheduled for June 10th.

Councilman Warden stated that he, too, received calls from former constables. Noting that they served this community well, he stated that he is not opposed to retiring some of them and sending out letters of appreciation. He stated that the Council appreciates all the efforts made by the constables through the years. He stated that he is disappointed that the water surcharge will not be used for the form of relief for which it was initially intended. He urged the Council to send a clear message to Trenton that we must be compensated. He asked for consensus for a stronger resolution and stated that we need both help and publicity.

Councilman Scangarello concurred with Councilmen Weisbecker and Warden about retiring the constables. He advised that the "Creative Playground" will be set up on Monday when construction is scheduled to start. Everything has been delivered to the Johner Building and now must be delivered to Bearfort Shopping Center. He made a plea for volunteers and participation from the Council to move the equipment on Saturday at 8 a.m. He commended Councilman Smolinski on his testimony before the Senate Budget Committee on April 4th. He asked the Township Attorney to follow up with Kathleen Caren and the letter recently sent to her asking if the open space funds can be transferred to the Eagle Ridge property.

Township Attorney

Mr. Semrau advised he and the Administrator drafted a letter to the Governor about the water surcharge. He asked that each member of the Council read the letter and contact either him or Mr. Kunze if they have any suggested edits. Mayor DiDonato and Council President Gervens stated that they have read the letter and are prepared to sign it now. He noted that the Highcrest Property Owner's Association has had an application with the health department for some time. The matter went to the DEP and most of the issues involved with this application have been resolved. In an on-going property development suit, the Township was dismissed from the case last week. He anticipates an executive session next week to discuss the Stelmach matter. Farrell field is still in the mediation process. He is hoping that he will have a mediation plan to bring to the Council next week.

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

None.

Adjournment

There being no further business to come before the Council, the Township Council adjourned the meeting at 10:55 P.M.

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

Approved:

JOSEPH DiDONATO, MAYOR, PRESIDING OFFICER

ANTOINETTE BATTAGLIA, TOWNSHIP CLERK