
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: August 9, 2006
Time of Meeting: 7:30 P.M.
Minute Page No: Page 1 of 13

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 Joseph Smolinski, William Gervens,
James Warden, Carmelo Scangarello.
Mayor Joseph DiDonato
Absent: Councilmembers Robert Nolan, Philip Weisbecker.
Also Present: Township Administrator Richard Kunze, Township Clerk Antoinette Battaglia, Township Attorney Frederick Semrau

Reading of or Approval of Unapproved Minutes

Councilman Warden moved to adopt the minutes of the June 28, 2006 Regular Meeting as presented.

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

Councilman Scangarello moved to adopt the minutes of the July 12, 2006 Workshop Meeting as presented.

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

Councilman Scangarello moved to adopt the minutes of the July 12, 2006 Executive Session Meeting as presented.

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

Councilman Warden moved to adopt the minutes of the July 18, 2006 Special Meeting as presented.

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

Councilman Gervens moved to adopt the minutes of the July 26, 2006 Regular Meeting as presented.

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

Councilman Warden moved to adopt the minutes of the July 26, 2006 Executive Session Meeting as presented.

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

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: August 9, 2006
Time of Meeting: 7:30 P.M.
Minute Page No: Page 2 of 13

Meetings

Mayor DiDonato noted the future meeting schedule:

August 23, 2006 Regular Meeting
September 6, 2006 Workshop Meeting
September 13, 2006 Regular Meeting
September 27, 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.

Ada Erik, Macopin Road, West Milford noted that she attended the Recreation Department's concert under the stars last night and advised that it was awesome. She advised that the last concert will be held next week and encouraged the Council to fund this program again next year. She stated that more and more people are attending this three-year-old program.

Renee Alessio, Upper Greenwood Lake thanked the Council for placing the global warming resolution on the agenda for discussion tonight. She asked the Mayor to consider joining with all the other mayors throughout the nation who have signed on to this initiative.

Jim Geist, 57 Bayonne Drive, Hewitt stated that the West Milford sunshine act is a great opportunity for this town. It will save time searching for documents, will allow greater access to government records, will afford citizens more opportunities to participate and will not cost any money to implement. The will of the people, he stated, should guide government. While the Council allows public comments at each meeting, the zoning board and other committees do not. Agendas and minutes from many committees are not posted on our internet. Under the proposed legislation, all minutes will be posted five business days after they are approved which will allow people to have input. He stated that people who object to this act will be held accountable for their actions when it is legislated.

Frank Hannan, Krattiger Court, West Milford thanked Congressman Garrett for securing a \$295,000 grant for a study of Greenwood Lake. He further thanked Paul Bailey for introducing that idea and Councilman Scangarello for following up with Congressman Garrett's staff. He stated that, this year alone, West Milford has received over \$600,000 thanks to the efforts of Congressman Garrett. He advised that the zoning board has a public portion at every meeting for every application. Noting that Republicans and Democrats alike have regularly complained about the burden state mandates cause for municipalities, he stated that he cannot understand adopting a local mandate that will cost hundreds of thousands of dollars and will not help the general population. He stated that the Passaic County Board of Chosen Freeholders should be broached to adopt such legislation as they may embrace the idea of hiring a whole new department. He stated that he will campaign against this act and asked the public to read the full document. He stated that he takes offense at Mr. Geist's assertions about back room deals. If Mr. Geist or anyone else has evidence of such illegal activity they should provide this evidence to the prosecutor's office. He stated that, in his opinion, these accusations are unfounded.

Jim Rauth, 8 Brown Court, West Milford stated that the West Milford sunshine act is about good government and will bring accountability and transparency to West Milford. He advised that the Office of Administrative Law posts all their transcripts online. He stated that public records are created by public employees and paid for by taxes so they should be available to those taxpayers. While opponents say that posting documents online will cost manpower and money, much of this is already being done. Therefore, if it is so expensive, why are we already doing it? Ultimately, by calling attention to waste and inefficiency, this will save taxpayers money and will make municipal employees think more before wasting tax funds.

Andrew Gargano, 45 Apshawa Cross Road, West Milford distributed envelopes to the press in attendance as well as to the Clerk for distribution to the Council, Attorney, Administrator and Clerk. He stated that he wished to speak to a memorandum sent to the Mayor and Council from the Administrator and Clerk in an effort to clarify fiction and fact about the sunshine act. He stated that the Administrator and Clerk state that the law requires that the public can speak at all meetings, they envision legal costs over \$100,000. He stated that all these claims are false. They claim that two employees will be needed; he stated that Randolph township has equivalent work done by one part time employee. They claim that scanners will cost \$25,000, he stated that they will cost about \$200. He stated that eight recording systems will not be necessary as claimed by the

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: August 9, 2006
Time of Meeting: 7:30 P.M.
Minute Page No: Page 3 of 13

Administrator and Clerk. \$2,500 to review executive session minutes and additional personnel to transcribe minutes are, in his opinion, false claims. He objected to the Administrator and Clerk's contention that they cannot produce minutes in five days. He noted that people can file anonymous records requests. He asked that the Committee and Council engage in a professional debate about this issue. He advised that there were no clandestine efforts used to get signatures on the petition. Good government, he said, depends on knowledgeable citizens who have access and can contribute to the process. He stated that public officials must be held accountable.

Doris Aaronson, 19 Bearfort Road, West Milford expressed embarrassment that far fewer Americans vote than citizens anywhere else in the world. The sunshine act, she said, will help curb this trend. She referenced the open debate process at the recent democratic primary that resulted in 26,000 new voters. She stated that West Milford residents need access to our government to keep apprised of local issues. She stated that the environmental commission does not allow for public input, people often want to speak about general issues at the zoning board but can't, and the MUA officials often go into executive session without stating the reasons. She stated that experience has shown her that it can take up to three weeks to get resolutions and minutes from the planning board. If this information was posted on the website, it would have an added bonus in that it would save secretarial labor which then could be used more efficiently. She advised that she gets copies made at UPS for five-cents per copy. She thanked Ella Filippone for getting a \$300,000 grant for Greenwood Lake and thanked Councilman Warden for working on the weed issues at Greenwood Lake.

Celeste Byrne, Macopin Road, West Milford stated that an uneducated populace is the doom of democracy. She recalled that the smart growth committee was squelched by government officials without the public getting any of their documents. She asked how the general population is expected to know what is happening in town without better access to public records and meetings. She stated that public comment is not allowed at every board meeting in town. She asked for costs of specific past events in town noting that the taxpayers do not know how much of their money has been spent on these matters. She stated to the Council that they are paid by the townspeople and that they are accountable for the money.

Martin O'Shea, 22 Greenbrook Drive, West Milford stated that he recently became aware that interviews are being held for a judge. He stated that when these interviews are being conducted by a committee rather than the full Council, there is no legal obligation to conduct the interviews in public. However, he sees no reason not to hold these interviews in a public forum. If the interviews are conducted in a back room, he stated, it suggests that the Council may be doing something untoward. It lowers the confidence the populace has in the Council and asked for an explanation of this practice.

Pat Restaino, 108 Timber Lane, Newfoundland stated that he has been reading about the sunshine act in the paper. He noted that there are some good points in the act and there are obviously differences of opinion on this subject. Some people, he noted, say there will be a cost, others say there will be no cost. He recommended that there be a debate where people can obtain the facts in an open forum so that they can vote in November. He stated that, whatever the outcome, he is willing to stand by the people's decision after a fair debate.

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

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

Council Comments

Councilman Warden thanked Ella Filippone for her efforts in securing grant money for the New Jersey side of Greenwood Lake. At a ceremony this afternoon Ms. Filippone explained that most of that money will be used for an engineering report to the DEP which is the first step in getting the lake dredged. As a result, it may be possible to have Greenwood Lake dredged by 2009. Some funds will be allocated for independent testing at Belchers Creek which will help determine the source of pollution. He agreed with Mr. Hannan that the voters should make the decision about the sunshine act. He stated that the public should know about enormous sums of money spent because previous councils refused to give out information. He stated that an uneducated voter is this Council's best customer. He opined that voters do not want elected officials who hide behind inaccessibility.

Presentations

None.

Action Items

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: August 9, 2006
Time of Meeting: 7:30 P.M.
Minute Page No: Page 5 of 13

endeavor to make the Township of West Milford' government a model of openness and transparency. It is understood, accepted and intended by the people of the Township of West Milford that this Act will impose responsibilities upon the Township's officials and employees greater than what is required by the Open Public Meetings Act and the Open Public Records Act.

3. Scope: This Act shall apply to the Township Council and to all authorities, boards, commissions, committees or other instrumentalities created by or within the Township, any multi-member committees or subcommittees within them, and all duly constituted advisory boards and bodies. Such shall be referred to as "bodies."
4. Meetings: All meetings of bodies shall be open to the public and subject to the adequate notice and other provisions of the Open Public Meetings Act and this Act, and the public may be excluded from meetings only when permitted by N.J.S.A. 10:4-12(b). All meetings of all bodies shall be conducted in accordance with the most recent edition of Robert's Rules of Order except when special rules of procedure, which were previously adopted and filed with the Clerk, hold otherwise.
5. Notice: Advance public notice of all bodies' regular, special or rescheduled meetings, but not emergency meetings called in accordance with N.J.S.A. 10:4-9, shall be given at least three (3) business days prior to the meeting and shall include the time, date, location and to the extent known, the agenda of the meeting, and shall accurately state whether formal action may or may not be taken.
6. Public Participation: A general public comment session shall be provided near the beginning of each public meeting of each body. Each person wishing to speak shall be provided with five minutes, and the length of the public comment session shall be one hour provided there are sufficient speakers to fill this time. The length of the public comment session may be extended beyond one hour in the body's discretion. Separate public comment sessions shall be provided prior to final action being taken on any matter and each person wishing to speak shall be provided with two minutes and shall limit his or her comments to the matter at hand.
7. Closed meetings: Any resolution authorizing any meeting from which the public is excluded, in addition to the provisions of N.J.S.A. 10:4-13, shall (a) describe the topic or topics to be discussed or acted upon as specifically as possible without undermining the purpose for holding the nonpublic meeting; (b) state the precise legal basis or bases for excluding the public; and (c) be read aloud at the public meeting at which it is passed.
8. Recording meetings: The Clerk or his or her designee shall sound record all meetings of all bodies, including emergency meetings and meetings to which the public is excluded, and shall retain the recordings for a period of six years. Any member of the public may also make his or her own audio or video recordings of any public meeting unless the body holding the meeting can demonstrate that the recording is unduly disruptive. Within eighteen (18) months after the effective date of this Act, the Clerk shall have established a system under which the audio recordings of all meetings occurring after implementation of the system shall be maintained as electronic files that can be listened to using generally available computer hardware and software. All sound recordings maintained by the Clerk shall be public records, except that recordings of nonpublic meetings may be redacted to the same extent as the minutes of those meetings.
9. Minutes: Meeting meetings shall be comprehensive and shall report the identity of every member of the public who spoke and a synopsis of what was said. Minutes of public meetings shall be publicly available in draft form, and marked as such, within five (5) business days after the meeting. Minutes of nonpublic meetings shall be publicly available in draft form, and marked as such, within ten (10) business days after the meeting, except that text may be excised or redacted from the minutes only to the extent necessary to prevent the purposes of the nonpublic meeting from being undermined. Every redaction shall be accompanied by a written, detailed explanation sufficient to enable the public to assess the applicability of the privilege or protection asserted. Minutes shall be approved at the following meeting.
10. Periodic review of nonpublic meeting minutes: Each body shall, in April and October, review its nonpublic meeting minutes and determine whether the passage of time or the occurrence of events permit public disclosure of matter previously redacted or excised from the body's nonpublic meeting minutes and sound recordings. The results of each review shall be announced at a public meeting immediately after the review takes place and shall be recorded in the minutes of that meeting.
11. Records to be made available on the Internet: The Township shall cause an Internet site to be created. The Internet site shall contain the material specified in this Act and shall be laid out in a logical, intuitive manner. No password or user name shall be required and no other restriction

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: August 9, 2006
Time of Meeting: 7:30 P.M.
Minute Page No: Page 6 of 13

imposed that would prevent a user from accessing the information on the site anonymously and at no cost. No record on the Internet site shall be removed prior to the time, if any, when the corresponding non-Internet version of that record is permitted by law to be destroyed. Items in subsections a through e below shall be made available in Microsoft Word, HTML and text-searchable PDF versions. Listings and rosters shall be made available in HTML and Microsoft Excel versions. All other documents, unless otherwise indicated, shall be scans of the paper versions converted into PDF format. The following records, created or maintained by any body shall be made available to the public on the Internet site as follows:

- a) All official advertisements as that term is defined by N.J.S.A. 35:1-1 et seq. shall be made available on the Internet site at the same time they are distributed to the newspapers designated to receive such advertisements.
- b) All meeting notices, as provided for in section 5 above, shall be made available on the Internet site at least three (3) business days prior to the meeting
- c) All proposed resolutions and proposed ordinances and revisions thereto shall be made available on the Internet site in draft form, and designated as such, within five (5) business days after they are approved as to form by the Township attorney, but not less than 24 hours before the public meeting at which they will be first considered or discussed. Resolutions and ordinances passed or enacted shall be designated as such and made available on the Internet site within 48 hours after being passed or enacted with their titles arranged in chronological order with hyperlinks to each resolution or ordinance.
- d) All meeting minutes shall be prepared and shall be made available on the Internet site within the time periods set forth in section 9 above. If the minutes as approved are identical to the draft version, the draft designation on the Internet site shall be replaced with a designation indicating that the minutes are approved within three (3) business days after approval. Otherwise, the draft version of the minutes shall remain and the approved version, designated as such, shall be made available on the Internet within three (3) business days after approval. Revised versions of nonpublic meeting minutes shall be made available on the Internet site within three (3) business days after the decision to disclose previously redacted matter.
- e) An up-to-date compilation of the Township's Ordinances. Hyperlinks shall also be provided to text-searchable PDF versions of any non-proprietary documents that are adopted by reference in any Ordinance.
- f) A list of nonpublic meetings for which minutes have not yet been entirely disclosed to the public shall be made available on the Internet site. Each such nonpublic meeting listed on the Internet site shall be linked to the resolution required by the Open Public Meetings Act authorizing the executive or closed session.
- g) All Financial Disclosure Statements filed with the Township pursuant to the Local Government Ethics Law, 40A:9-22.1 et seq. and all certificates of ethical conduct and ethics history reports received pursuant to Ord. #2003-50.
- h) A current roster of all Local Government Officers of the Township as that term is defined by Local Government Ethics Law, 40A:9-22.1 et seq. The roster shall list each officer's full name, position, office telephone number and email address, term expiration date, annual remuneration as reported to Internal Revenue Service for the most recent calendar year and a recent photograph. Email addresses, while visible to web site visitors, shall be masked to attempt to defeat automated processes used by spammers to harvest email addresses listed on the Internet.
- i) A current roster, updated at least monthly, of the members of each body providing the full name of the member and term expiration date.
- j) A current roster of the names and addresses, updated at least quarterly, of the officers and members of the Township's municipal committees of political parties as that term is defined by Title 19 of the New Jersey Statutes.
- k) A listing of each Tort Claim made against the Township, or any of its officers, employees or bodies. Each listing shall be made available to the public on the Internet within three (3) business days after filing. Each listing shall include (i) the name and address of the claimant, (ii) the names and titles of any employees or officials who are alleged to have caused the injury or loss; (iii) the date and place of the event or transaction giving rise to the claim; (iv) the general description of the

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: August 9, 2006
Time of Meeting: 7:30 P.M.
Minute Page No: Page 7 of 13

injury, damage or loss, as specified by N.J.S.A. 59:8-4(d), or a summary if the description contained in the claim exceeds 250 words.

- l) Exports of all data files containing full, unencrypted and password unprotected data from the Township's financial/accounting software program or suite of programs as well as descriptions of each field of data within each data table so that members of the public experienced in relational databases can access, query and produce reports on the exported data files with generally available database software, such as Microsoft Access. The exported data files shall suppress fields containing sensitive data, such as social security numbers. However, a detailed description of the suppressed data shall be provided for each suppressed field. Updated data files, including activity through the end of the current month, shall be made available on the Internet site monthly, in the same format, by no later than the tenth day of the following month. Also available on the Internet site shall be a listing of URL links to third party websites whose owners have notified the Clerk that their websites offer programming that permits members of the public to search, query or generate financial reports derived from the data files.
12. Information to be Available in Electronic Format: The Administrator, Clerk, and other public officers shall arrange the electronic (i.e. computerized) government records under his or her control so that electronic copies of the records' data can be promptly and inexpensively provided to the public on widely used media and in meaningful formats that can be accessed through widely used and publicly available computer hardware and software. For any electronic records that contain data that may be lawfully disseminated to the public as well as data that may be lawfully restricted from public view, methods shall be developed to allow the public data to be easily separated from the confidential data. Within ninety days after the effective date of this Ordinance and annually thereafter, each person subject to this section shall file a report with the Clerk setting forth an inventory of the classes of records under his or her control and his or her progress in complying with this section and such reports will be public records.
13. Fee for Photocopies and other Records: The fee for providing photocopies of records, including police reports and computer printouts, shall be five cents per copy. The fee for audio tapes, video tapes and CD-ROMs shall be one dollar, two dollars and one dollar apiece, respectively. Copies of maps shall be available at one dollar per square foot or part thereof. If any record is requested to be sent through the mail, cost of postage shall be added to the fee. If any record is requested to be faxed to any recipient within the United States, a cost of five cents per page shall be added to the fee. Any other records shall be made available at the cost of production, not including time and overhead expenses. All fees shall be prepaid before the record is issued. Nothing herein is intended to prevent the Clerk from assessing a higher charge when (a) the actual cost of production (i.e. the materials and supplies used to make a copy of the record, not including the cost of labor or other overhead expenses associated with making the copy) exceeds the fees provided for by this subsection, or (b) a special service charge is authorized by the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.
14. Enforcement: Any person who prevails in a civil action to enforce any provision of this Act, or whose complaint is instrumental in obtaining relief, shall be entitled to costs and a reasonable attorney fee, as determined by the Court, to be paid by the Township of West Milford
15. Effective Date and Scope: This Act shall take effect on the sixtieth day after enactment and shall be published as required by law. Minutes, agendas, resolutions and enacted ordinances created on or taking effect after January 1, 2000 but before the effective date of this Act shall be made available to the public on the Internet within one hundred eighty days after enactment.
16. Construction: This act is remedial and shall be liberally construed to effectuate its findings and purposes.
17. Saving Clause: If any portion of this Act shall be declared to be unconstitutional, invalid or inoperative, in whole or in part, by a court of competent jurisdiction, such portion shall, to the extent that it is not unconstitutional, invalid or inoperative, remain in full force and effect, and no such determination shall be deemed to invalidate the remaining portions of this Act.
18. Repealer: All ordinances inconsistent with the provisions of this Act are repealed to the extent of such inconsistency.

Discussion: Township Attorney, Fred Semrau, advised the Council that this ordinance was submitted by petition as an initiative from the voters. He advised that State statute mandates that the Clerk certify the ordinance to the Council based on her review of the petitions and that this is considered first reading and introduction. Therefore, the Council does not have to take a vote on this ordinance tonight. Rather it is

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
 Date of Meeting: August 9, 2006
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 9 of 13

WHEREAS, the project will involve increased impaired driving enforcement from August 18 – September 4, 2006; and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Milford, County of Passaic, State of New Jersey declares it's support for the *You Drink and Drive, You Lose 2006 Statewide Crackdown* from August 28 – September 4, 2006 and pledges t increase awareness of the dangers of drinking and driving.

Adopted: August 9, 2006

Discussion: Administrator Kunze advised that this is a statewide initiative. A press release is being sent out.

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

Agenda No. VIII 5

~ Resolution 2006-282 ~

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1615-33-022-002 BROOKSIDE GOURMET CORPORATION T/A SHENANIGAN'S 23 FOR THE 2006 - 2007 LICENSE YEAR WITH REQUIREMENTS

WHEREAS, the application for renewal of Plenary Retail Consumption License No. 1615-33-022-002 BROOKSIDE GOURMET CORPORATION T/A SHENANIGAN'S 23 for the 2006 - 2007 License year has been received and reviewed; and

WHEREAS, the Mayor and Township Council has conducted a public review of the application as stipulated in the guidelines of the Director of the Division of Alcoholic Beverage Control dated April 14, 1980; and

WHEREAS, as a result of that review the Township Council has determined as follows:

1. The submitted application is complete in all respects.
2. The applicant is qualified to be licensed according to all statutory, regulatory and local governmental A.B.C. laws and regulations.
3. The applicant has disclosed to the issuing authority the source of all additional financing obtained in the previous license year (July 1, 2005 - June 30, 2006).

WHEREAS, The Township Council was advised by the Police Department of investigations on these licenses; and

WHEREAS, the Police Department has recommended that the license be renewed to the current owner, and outstanding requirements must be completed within one month of date of renewal of license as noted below; and

NOW, THEREFORE, BE IT RESOLVED that the Township Clerk is directed to issue the license certificate for the Mayor and Township Council of the Township of West Milford as follows:

<u>LICENSE/LICENSEE/T/A</u>	<u>REQUIREMENTS</u>
BROOKSIDE GOURMET CORPORATION T/A SHENANIGAN'S 23 1856 Route 23 N West Milford, NJ 07480 1615-33-022-002	1. Tax Stamp must be displayed 2. Updated Employee list must be displayed, copy to be sent to the Office of the Township Clerk

Adopted: August 9, 2006

 Moved: Warden Seconded: Scangarello
 Voted Aye: Smolinski, Gervens, Warden, Scangarello

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
 Date of Meeting: August 9, 2006
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 10 of 13

Voted Nay: None.
 Motion carried.

Agenda No. IX

~ Resolution 2006-283 ~

RESOLUTION APPROVING THE PAYMENT OF BILLS

WHEREAS, the Township Treasurer has submitted to the members of the Township Council a report listing individual disbursement checks prepared by his office in payment of amounts due by the Township.

NOW, THEREFORE, BE IT RESOLVED that the Township Treasurer's report of checks prepared by him be approved and issued:

Acct #	Account Name	Amount
1	Current Account.	\$ 345,692.33
2	Reserve Account	
3	Animal Control Trust	1,153.04
6	Capital.	1,677.47
7	Grants.	1,954.00
8	Refuse.	101,568.68
9	Refunds.	95.00
12	General Ledger.	4,704,623.32
16	Heritage Trust.	125.00
14	Open Space Trust	
17	Trust	1,250.00
18	Development Escrow.	653.63
19	LOSAP	
20	Special Reserve	
	Total	\$ 5,158,792.47
	Less Refund Resolution	(95.00)
	Actual Bill List	\$ 5,158,697.47
	Other Payments	
	Less Refund Resolution	
	Total Expenditures	\$ 5,158,697.47

Adopted: August 9, 2006

Discussion: Councilman Warden asked the Administrator to explain the printout of legal expenditures. Administrator Kunze advised that that printout is not part of the bill list but has been distributed to assist in the discussion of increasing appropriations for the Township Attorney which is scheduled for later in the evening.

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

Items For Discussion

The Township Council discussed the following items:

1)	Fertilizer Ordinance – Administrator Kunze advised that the Council previously reviewed ordinances adopted by other municipalities. The environmental commission has also
----	---

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of:
 Date of Meeting:
 Time of Meeting:
 Minute Page No:

Township Council Workshop
 August 9, 2006
 7:30 P.M.
 Page 11 of 13

	<p>reviewed the ordinances and have made a recommendation which was distributed to the Council this evening. They are recommending drafting an ordinance based on the DEP model with some modifications. The planning department has envisioned this through the master plan process which is consistent with the overall thrust of planning. Princeton Hydro has advised that adoption of such an ordinance may reduce phosphorous runoff by about 20% which would translate to a 10.3% reduction of runoff into Greenwood Lake. Councilman Warden recommended that the environmental commission have greater involvement in the language of the ordinance. He suggested forming a committee, noting that Doris Aaronson should be involved. The Council instructed Mr. Semrau to draft an ordinance based on the DEP model as well as the environmental commission's recommendations for the next workshop meeting. Enforcement would be through educational and citizen awareness initiatives. Additionally, some municipalities opt to enact a licensing process for commercial entities that use fertilizers in a given municipality with fines for violations. The Council instructed Mr. Semrau to include such provisions in his draft ordinance.</p>
<p>2)</p>	<p>Testing of MUA Water Facilities – Council President Gervens stated that the Council should undertake independent random testing of the MUA facilities and compare the results with other tests. If our treatment plants need repair, we should know about it. He stated that accusations abound and this is creating conflict in town. Councilman Smolinski agreed that this would be a proactive means to address ongoing concerns expressed by various people. He stated that the current habit of finger-pointing is not productive. Councilman Warden stated that there are a lot of unanswered questions about the MUA. He would like to see their maintenance and upgrades rosters, their financial statements, a complete list of their DEP violations, and he would like to see the MUA answer questions posed by the Council. He noted that he wishes to know why they are attempting to condemn properties to install sewers for Valley Ridge even though the development has not been approved. He asked the attorney to find out if the Council can subpoena the MUA. Councilman Warden stated that he was present when Ms. Aaronson took her sample from Belchers Creek and he has since met with residents who cannot sit in their back yards because of the foul odor emanating from Belchers Creek. Although septic systems and fertilizers contribute to the problem, samples show that the MUA facilities play a role also. Mr. Semrau advised that there are two subjects being discussed here. The first is testing and the second is investigating the MUA. He will research whether or not the Council can investigate the MUA and he will begin the process of obtaining the requested documents from the MUA. Councilman Scangarello advised that he works for the 5th largest sewerage plant in the country. They are regulated by the DEP. He advised Mr. Semrau that officials at that authority may be able to provide him with some answers. Council President Gervens urged the Council to focus on obtaining the test results first and work together as a team to obtain answers. The Council instructed the Administrator to contact Princeton Hydro to obtain a model for the methodology of testing the MUA facilities and to obtain pricing for testing.</p>
<p>3)</p>	<p>US Mayor's Climate Protection Agreement (Global Warming) – Administrator Kunze, noting that he serves on the energy task force, advised the Council that they have reviewed this agreement and have recommended proceeding with it. He advised that the town would not be making any commitments to cost, it is more a pledge to attempt to reduce the impact of global warming. Mayor DiDonato asked Mr. Semrau to review the resolution to ensure that the adopted version clearly indicates that the Council is making a pledge and, noting that this would be a policy statement, he instructed that it should come from the Council rather than from the Mayor. He also asked the attorney to ensure that, whatever is drafted, does not commit West Milford to the Kyoto Treaty in any way.</p>
<p>4)</p>	<p>Bicycle Helmet Ordinance Agreement – Administrator Kunze reminded that the Council discussed this in the past and that the police department raised concerns about legal liability and practical issues like storage of confiscated property. Council President Gervens stated that the intent is to provide a safe environment for kids. He recalled that the Township had planned to create an educational program before making this a police issue and stated that this requires a public relations campaign more than an enforcement campaign. Councilman Smolinski advised that the recreation advisory committee is currently drafting a training program with the schools and local PTA groups. He recommended that we invite Mr. Remia of the recreation advisory committee to the next meeting to provide Council with an update. The Council instructed the attorney to re-draft the ordinance so that the police have more discretion. The ordinance should be ready for introduction on August 23rd. They further instructed the Clerk to invite Mr. Remia to that meeting.</p>
<p>5)</p>	<p>Wetlands Mitigation Agreement – Mr. Semrau advised that he and the Administrator have met with Ramapo officials a number of times and they negotiated a draft agreement for use of a portion of the Wallisch property for wetlands mitigation. They will pay the Township \$15,000 and the Board of Education \$15,000. Both the planner and Township engineer have provided comments, residents will be notified, there will be education initiatives, the DEP and the Township must approve the plans, the agreement will be for five years and</p>

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
 Date of Meeting: August 9, 2006
 Time of Meeting: 7:30 P.M.
 Minute Page No: Page 12 of 13

	can be extended or revoked at that time. If they do not obtain DEP approvals, the project will not go forward.
6)	Transfer 2005 Snow Removal Reserve to Trust Fund - Administrator Kunze reminded the Council that, in conjunction with the budget process, the Township had planned to put funds in a trust fund to cover unexpected snow removal costs in future years. The Council instructed the Administrator to place the resolution on the agenda for August 23 rd .
7)	Duplicate Tax Sale Certificate – Mr. Semrau advised that, when a certificate is misplaced or destroyed, there is a process to replace it. Council approval is needed in this process. The Council instructed the attorney to have a resolution on the agenda at the next meeting.
8)	Amend Township Attorney Contract – Administrator Kunze advised that, as the year progresses, we track expenditures against not to exceed amounts in contracts. The Council had appropriated \$90,000 for the legal fees for the Township Attorney. We are currently trending toward \$10,000 per month which has caused the 12-month projection to change to \$118,000. Therefore, he is recommending an amendment to increase the appropriations and the not to exceed amount in Mr. Semrau’s contract to \$120,000 which is the amount originally budgeted. He noted that Eagle Ridge required a significant amount of work accounting for 17% of the billing. The Council agreed.
9)	Discharge of Mortgage – Mr. Semrau advised that this is primarily a house-keeping matter wherein, because all conditions were met, we must dispose of a mortgage issued under the small cities grant program. The Council agreed.
10)	Resignations & Appointments – Mayor DiDonato asked the Clerk to provide an overview. Ms. Battaglia advised that resignations were received for Cornelia “Boots” DeVries – Library Board of Trustees, David Watson Hallowell – Tourism Commission, and Sheryl M. Fistal – Health Advisory Board. With the exception of the Library Board, these appointments are made by the Mayor. We received a letter of interest in the Library Board vacancy from Tom Hitchins.

Mayor’s Report

Mayor DiDonato advised that the committee concluded judge interviews this past Monday. Thirteen to fourteen candidates were interviewed and the committee was comprised of himself, Councilman Scangarello and Councilman Warden. The committee will meet for some post-interview follow-up. He asked Mr. Semrau to look at the court order to appoint a judge and provide an overview.

Township Administrator's Report

Administrator Kunze advised that the Township received in the mail today a letter from Randolph Township. The Morris Cooperative Pricing Council agreement will expire at the end of September and they were inquiring as to whether or not we plan to renew. The agreement is a five-year contract and they have asked that, if we renew, we do so before the end of August so that they can obtain DCA approval of the new contracts before the contract expires in September. The proposed contract is essentially the same as the last one and the membership fee will increase from \$900 to \$1,000 per year. Mayor DiDonato noted that we have recently found their pricing on many bid items to be better than the bids received through the bidding process. The Council instructed the Administrator to have a resolution on the agenda for August 23rd.

Administrator Kunze advised that the County is preparing to begin paving of Marshall Hill, Union Valley Road, and East Shore soon. The work on Greenwood Lake Turnpike is progressing.

Township Council Reports

Councilman Smolinski recognized the West Milford girl’s softball team who won the Babe Ruth championship recently. Also he congratulated the West Milford little league players who recently placed second out of 300 teams competing in the National Allstars. He noted that the parents and coaches dedicate a lot of time to teaching the sports and instilling the concepts of sportsmanship in these young people and commended them for their efforts. He asked for Council consent to invite the teams, parents, and coaches to a Council meeting, perhaps in September, so that the Council can recognize their achievements.

Council President Gervens commended the DPW and Engineering departments for the great work they are doing on our roads. He encouraged everyone to note, when driving on Gould Road, the berms that have been installed to direct water into catch basins.

Councilman Warden stated that the Greenwood Lake Bi-State Commission and Ella Filippone have made giant strides by getting grant money for Greenwood Lake. Noting that his children played on Little League teams in town, he conveyed his congratulations to the Little League team on their recent victory. He advised that the *Friends of Longpond Ironworks* will present *Shakespeare in the Park* this Saturday at

