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

Minutes of: Township Council  
Date of Meeting: October 5, 2005  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 1 of 7

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The Workshop Meeting of the West Milford Township Council was called to order by Council President William Gervens.

Council President Gervens advised that in accordance with Chapter 231, Public Laws of 1975 of New Jersey, adequate advance notice of this Workshop meeting was advertised in the Herald News in its issues of January 23, 2005 and January 30, 2005; copies were provided to the Suburban Trends, The Record, the 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**

**Roll Call**

Present: Councilmembers Paul Bailey, Joseph Elcavage, Robert Nolan, James Warden, Carmelo Scangarello, and Council President William Gervens.

Absent: Mayor Joseph DiDonato.

Also Present: Township Administrator Richard Kunze, Assistant Municipal Clerk Denise M. Loeffel, and Township Attorney Frederick Semrau.

**Meetings**

Council President William Gervens noted the future meeting schedule:

- a. October 13, 2005 - Regular Meeting
- b. October 19, 2005 - Workshop

**Presentations**

None.

**Public Comments**

Mike Hughes, Allison Ave., Newfoundland, West Milford Fireman:

- 1) requested that the Council make a decision on whether he should or should not be reinstated to his position following charges against him.

Barry McKennan, no address given.

- 1) asked for speed monitor on certain Township roads.

Frank Hannan, 83 Krattiger Court

- 1) commented on the Passaic County Democratic Party and the Pay to Play Ordinance.

Andrew Gargano, 45 Apshawa Cross Rd.

- 1) spoke in favor of the Pay to Play Ordinance,
- 2) commented on the former Township Attorney and Tax Attorney
- 3) spoke in support of the Council supporting the nursing home workers unions.

Martin O'Shea, 22 Greenbrook Drive:

- 1) comments as to remarks of Council President Gervens,

Paul Marino, 51 Alpine Ridge Rd.

- 1) spoke in favor of Council support for the Nursing Home Unions,
- 2) spoke in favor of the Pay to Play Ordinance.

Celeste Byrne, 1114 Macopin Rd.

- 1) noted political signs going up in the township,
- 2) spoke in support of Andrew Gargano for Council,
- 3) spoke in opposition to Councilman Scangarello and his voting record.

Phil Weisbecker, 36 Racetrack Drive commented as to:

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- 1) Passaic County for making deals with outsiders, and for not repairing dead man's curve. Township should consider a part time Clerk.
- 2) Spoke in favor of the Pay to Play Ordinance.

Doc Roland, Otterhole Road, spoke regarding:

- 1) Concern that vacation of Linden Court does not interfere with improvement of community roads and make sure that the developer does with that land ties in with area plans for safety.

Sandra Speer, no address given, spoke regarding:

- 1) Maintenance and improvement of roads in the Linden Court area. How will vacation of Linden Court affect drainage on Flanders Rd. and others.

Joe Smolinski, 28 Camelot Drive, commented regarding:

- 1) Recreation Committee
- 2) Nolan, Gargano, Marino comments upsetting to sports groups and recreation groups.
- 3) Gargano originally saw the need to expand fields, now he is against it.
- 4) Questions the motive when Gargano changed party.

Councilman Paul Bailey called a point of order following Joseph Smolinski's comments.

Council consensus to allow Councilman Bailey to speak.

Councilman Bailey commented as follows:

- 1) Complimented the Recreation Department for the excellent work that they do and noted that it is one of the most important departments in West Milford.

Councilman William Gervens stated that he is tired of all the vindictive comments.

Councilman Bailey moved to close the Public Comments portion of the Workshop Meeting.

Moved: Bailey

Second: Elcavage

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

Voted Nay: None.

Motion carried.

### **Council Comments**

Members of the Council commented on Government matters.

Councilman Paul Bailey - No Comments

Councilman Joseph Elcavage - "Shame on vindictive, spiteful comments"

Councilman Robert Nolan - Addressed the negotiations with the Township Unions. Concern with sending the former Clerk to Atlantic City at the Township's expense.

Councilman James Warden - commented that people that are criticizing Pay to Play are not aware of what it is, noting that politicians cannot give friends jobs. Nursing homes were given monies to pay the help, not supporting those people shows where you are. Terry Duffy lives in town and should be called if there are any questions. He does not know anyone in the room that has done as much for kids as Gargano has.

Councilman Carmen Scangarello - Stated that he is happy to help with problems and issues in town and can be called 24/7.

Councilman Gervens requested Administrator Kunze to comment on Dunham Road.

Township Administrator Richard Kunze stated that there is a draft of a letter going to the Chief of Company 2. Requested Councilman Gervens to call him to go over it with you.

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**Action Items**

The Township Council took action on the following items:

Agenda No. VI 1  
RESOLUTION NO. 2005 - 256

**RESOLUTION AUTHORIZING PASSAGE OF CONSENT AGENDA**

**WHEREAS**, the Mayor and Township Council of the Township of West Milford has reviewed the Consent Agenda consisting of various proposed Resolutions and Applications; and

**WHEREAS**, none of the Councilmembers or Mayor of the Township of West Milford is desirous of removing Resolutions or Applications for individual action from this Agenda.

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

- a. **Application** for Off Premise Draw Raffle No. 2005-44 by Our Lady Queen of Peace Home School Association for November 18, 2005.
- b. **Application** for Tricky Tray Raffle No. 2005-45 by Our Lady Queen of Peace Home School Association for November 18, 2005.
- c. **Application** Special Permit for Social Affair by Community Fire Company No. 1, Inc. for October 29, 2005.

Adopted: October 5, 2005

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Moved: Elcavage                      Seconded: Bailey  
Voted Aye: Bailey, Elcavage, Nolan, Warden, Scangarello, Gervens.  
Voted Nay:None.  
Resolution adopted.  
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Township Administrator Richard Kunze reported on the Ice Control Aggregate bid noting that only one bid was received at a cost which exceeded expectation.

Councilman Elcavage moved to reject the bid and to re-advertise to all Coops, Bergen Record, Greenwood Lake News, AIM, Trends, Star Ledger.

Moved: Elcavage                      Seconded: Bailey  
Voted Aye: Bailey, Elcavage, Nolan, Warden, Scangarello, Gervens.  
Voted Nay:None.  
Motion Carried.

Agenda No. VI 3  
RESOLUTION NO. 2005 - 257

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40a:2-26e**

**WHEREAS**, the Township of West Milford desires to make application to the Local Finance Board for its approval of a proposed financing principal payment authorizing a non-conformity maturity schedule; and

**WHEREAS**, the Governing Body believes:

- a. it is in the public interest to accomplish such purpose;
- b. said purpose or improvements are for the health, welfare, convenience or betterment of the inhabitants of the local unit or units;
- c. the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant;

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d. the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the local unit or units and will not create an undue financial burden to be placed upon the local unit or units;

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

Section 1. The application to the Local Finance Board is hereby approved, and the Bond Counsel and financial advisor, along with other representatives of the Borough, are hereby authorized to prepare such application and to represent the Township of West Milford in matters pertaining thereto.

Section 2. The Clerk of the Township of West Milford is hereby directed to prepare and file a copy of the proposed Resolution with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and approval as provided by the applicable New Jersey Statute.

Adopted: October 5, 2005

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Moved: Elcavage                      Seconded: Bailey  
Voted Aye: Bailey, Elcavage, Nolan, Warden, Scangarello, Gervens.  
Voted Nay:None.  
Resolution adopted.  
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Agenda No. **VI 4**  
RESOLUTION NO. 2005 - 258

**RESOLUTION APPROVING THE PAYMENT OF BILLS**

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

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

Acct. ID #

01	Current Account .....	\$ 299,798.31
02	Reserve .....	\$ 0.00
03	Dog Tax .....	\$ 0.00
04	Recycling .....	\$ 0.00
05	Recreation .....	\$ 0.00
06	Capital .....	\$ 215,011.69
07	Grants .....	\$ 8,817.25
08	Refuse .....	\$ 401.62
09	Refunds.....	\$ 500.00
10	Neighborhood Preservation .....	\$ 0.00
12	General Ledger .....	\$1,754,298.39
16	Heritage Trust .....	\$ 148.06
14	Open Space Trust .....	\$ 0.00
17	Trust .....	\$ 4,719.26
18	Development Escrow .....	\$ 1,702.58
19	LOSAP .....	\$ 0.00
20	Special Reserve .....	\$ 0.00
	<i>Total</i> .....	\$2,285,397.16
	<i>Less Refund Resolution</i> .....	- \$ ( 500.00)
	<i>Actual Bill List</i> .....	\$2,284,897.16
	<i>Other Payments</i> .....	\$ ( 0.00)

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*Less Refund Resolution* ..... - \$ (0.00)  
TOTAL Expenditures..... **\$2,284,897.16**  
Adopted: October 5, 2005  
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Moved: Nolan                      Seconded: Elcavage  
Voted Aye: Bailey, Elcavage, Nolan, Warden, Scangarello, Gervens.  
Voted Nay:None.  
Resolution adopted.  
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**Items For Discussion**

The following items were discussed by the Township Council:

Council President Gervens	Wonder Lake Small Cities
Township Administrator Richard Kunze	Bids: a. Rock Salt b. Snow Plowing Services
Township Administrator Richard Kunze	Resolution for Purchase of Police Vehicles
Township Administrator Richard Kunze	Resolution for Fire Department Scott Packs
Council President Gervens	Attorney for Foreclosure List 28 & 29 and Tax Appeals
Township Council discussion	
Township Attorney Frederick Semrau	
Councilman Robert Nolan	Water Surcharge Resolution for League of Municipalities
Township Administrator Richard Kunze	
Township Attorney Frederick Semrau	

Councilman Nolan moved to authorize the Township Administrator to send the Resolution to the League of Municipalities.

Moved: Nolan                      Seconded: Warden  
Voted Aye: Bailey, Elcavage, Nolan, Warden, Scangarello, Gervens.  
Voted Nay: None.  
Motion Carried

Township Administrator Richard Kunze	Vacation of Linden Court
Township Attorney Frederick Semrau	
Councilman Joseph Elcavage	

Councilman James Warden	Support of Nursing Home Workers
Councilman Robert Nolan	
Councilman Joseph Elcavage	
Councilman Paul Bailey	
Councilman Carmen Scangarello	

Councilman Bailey left the meeting at 9:05pm.

Township Attorney Frederick Semrau	Content of Meeting Minutes. Councilman Joseph Elcavage
Councilman Robert Nolan	
Council President Gervens	
Councilman Carmen Scangarello	

Township Administrator Richard Kunze	County not purchasing South Shore Marina.
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Township Administrator Richard Kunze	Co-sponsorship with Long Pond Ironworks to promote tourism.
Consensus of Council to proceed.	

Councilman Robert Nolan	Pay to Play Ordinance.
Councilman Joseph Elcavage	

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Councilman James Warden  
Council President Gervens  
Councilman Carmen Scangarello  
Township Attorney Frederick Semrau  
Consensus of the Council to have Fred Semrau prepare a draft Ordinance for discussion on October 19, 2005

Councilman Robert Nolan Policy on Charges for Copies  
Councilman Joseph Elcavage of Public Records.  
Councilman James Warden  
Consensus of the Council to have the Township Administrator to do a low-end/high-end study of costs for copies and the Attorney Fred Semrau to look into the legalities of different costs for residents vs the business community.

Councilman James Warden Include second Public Portion on  
Councilman Robert Nolan Council Agenda format  
Councilman Carmen Scangarello  
Council President Gervens  
Councilman Nolan moved to change the Agenda Format to include a second public portion.  
Moved: Nolan Seconded: Warden  
Voted Aye: Nolan, Warden.  
Voted Nay: Bailey, Elcavage, Scangarello,  
Motion defeated.

Township Administrator Richard Kunze Use of Township Vehicles by  
Employees and Officials.

**Township Administrator's Report**

Township Administrator Richard Kunze reported on several matters:

- a. American Legion asking for reimbursement for Memorial Day events.  
Councilman Gervens requested Township Administrator to find out what they need and find necessary funding.
- b. We have received resumes for the Township Clerk position and preliminary screenings have been done. Interviews will be set up within the next few weeks.
- c. Greenwood Lake drawdown stopped due to the present fire dangers.
- d. The West Milford Post Office will be renamed in honor of Brian Parrello at a ceremony on October 28, 2005.
- e. The problem of the business discharging into the stormwater pipe has been rectified. The Township Administrator will check with the Health Department to determine if summonses were issued.

**Mayor's Report**

None.

**Township Council Reports**

Councilman Elcavage requested that Candidates stop using Council meetings as campaign forums.

Councilman Nolan commented on the defeat of the proposal to include a second public portion at Council meetings.

Councilman Warden stated that it is not right for "me" to speak if the public cannot speak.

Councilman Scangarello praised the volunteer fire fighters for the longest public health and safety observance since 1925.

**Township Attorney**

