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

Minutes of: Township Council  
Date of Meeting: October 19, 2005  
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

Mayor DiDonato 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 Mayor Joseph DiDonato.

Absent: Councilman William Gervens.

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

**Meetings**

Mayor Joseph DiDonato noted the future meeting schedule:

- a. November 2, 2005 - Regular Meeting
- b. November 10, 2005 - Workshop
- c. December 7, 2005 - Regular Meeting
- b. December 15, 2005 - Workshop
- d. December 21, 2005 - Regular Meeting

**Presentations**

Person to Person Transfer of Plenary Retail Consumption License No. 1615-33-024-011 Barbara Edwards Trustee (1A Ranch Corporation) to Thomas J. McGurr

The Township Council addressed Thomas J. McGurr regarding the transfer of the 1A Ranch liquor license, and proposed use of the premises.

Mayor Joseph DiDonato noted that the Resolution authorizing the transfer of Plenary Retail Consumption License No. 1615-33-024-011 Barbara Edwards Trustee (1A Ranch Corporation) to Thomas J. McGurr would be placed on the November 2nd. Agenda for action by the council.

**Public Comments**

Mayor Joseph DiDonato asked Township Attorney Frederick Semrau to comment on the legality of a Point of Order.

Township Attorney Frederick Semrau stated that according to Roberts Rules of Order on a Point of Order it is the Chair's decision to allow or not allow comment, and that the speaker should briefly state his point. There is not rebuttal allowed.

Frank Hannan, Krattiger Ct.:

- 1) Municipal Tax
- 2) County costs and spending abuse

Frank Russo, Land Engineer for the Pfeiffer Dam:

- 1) Application for state loan to repair dam.

Ray Zachmann, National Community Bank for the Pfeiffer Dam:

- 1) credit verification for Mr. Pfeiffer

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Wayne Gottlieb, 20 Richfield Rd.:  
1) Agendas not on township website  
2) Minutes not on township website

Joe Smolinski, Camelot Drive:  
1) Open Space referendum

William feffercorn, Greenwood Fire Department:  
1) Status of fire truck

Phil Weisbecker, 36 Racetrack Rd.:  
1) Clerk's position/parttime

Councilman James Warden entered the meeting at 7:58 p.m.

Todd Pierce, Orleans Lane:  
1) Recreation field maintenance problem

Michael Horner, Oak Ridge Road:  
1) Recreaion field problems

Frank Yevchak, Papscoe Road:  
1) Board of eduction fields  
2) Sports group volunteers  
3) Need for better township recreation fields

Lehman Mann, 12 Post Brook Road:  
1) Recreation fields maintenance

Karl Danckwerth, Gold Lane, Oak Ridge:  
1) November 11 Veteran's Day tribute at Veteran's Park

Councilman Elcavage moved to close the Public Comments portion of the Workshop Meeting.  
Moved: Elcavage Second: Bailey  
Voted Aye: Bailey, Elcavage, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Motion carried.

**Council Comments**

Members of the Council commented on Government matters.

Councilman Paul Bailey - Recreation field problems

Councilman Joseph Elcavage - Thank members of the recreation community  
Council meeting minutes

Councilman Robert Nolan - No need for a full time Clerk

Councilman James Warden - Weedharvesting

Councilman Carmen Scangarello - Recreation fields  
Fire truck

Karl Danckwerth called for a Point of Order to address comments about the Veterans Day tribute.  
Council consensus to allow Mr. Danckwerth to speak.  
Karl Danckwerth stated that he invites all people of every race, religion, creed to the Veteran's Day Tribute; noting that the celebration has nothing to do with politics.

Frank Hannan called for a Point of Order to address comments about weed harvesting.  
Council consensus to allow Mr. Hannan to speak.  
Frank Hannan stated that he supports weedharvesting on the lakes.

Councilman Carmen Scangarello left the meeting at this point.

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**Action Items**

The Township Council took action on the following items:

Agenda No. VI 1  
RESOLUTION NO. 2005 -

**RESOLUTION AUTHORIZING THE SUBMITTAL AND ACCEPTANCE  
OF A SECTION 604(b) WATER QUALITY PLANNING GRANT**

**WHEREAS**, the Township Council of the Township of West Milford has determined that there is a need for management plans for onsite wastewater treatment systems (OWTS); and

**WHEREAS**, the U.S. Environmental Protection Agency and the State of New Jersey DEP have made \$170,000 available to help community governments improve their wastewater programs through planning, septic system design, and long-term operation and maintenance of septic systems.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of West Milford hereby authorizes the submittal of a Section 604(b) Water Quality Planning Grant related to the water quality of the Belcher's Creek/Greenwood Lake area in the amount of \$60,000.

**BE IT FURTHER RESOLVED** that the Mayor or the Township Administrator be authorized and directed to approve the acceptance of said grant.

Adopted: October 19, 2005

Councilman Carmen Scangarello rejoined the meeting at this point.

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Moved: Elcavage                      Seconded: Bailey  
Voted Aye: Bailey, Elcavage, Nolan, Warden, Scangarello.  
Voted Nay:None.  
Resolution adopted.  
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Agenda No. VI 2  
RESOLUTION NO. 2005 -

**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 .....	\$ 314,134.57
02	Reserve .....	\$ 26,854.00
03	Dog Tax .....	\$ 1,961.17
04	Recycling .....	\$ 0.00
05	Recreation .....	\$ 0.00
06	Capital .....	\$ 2,142.45
07	Grants .....	\$ 4,935.96
08	Refuse .....	\$ 128,672.03
09	Refunds.....	\$ 220,363.26
10	Neighborhood Preservation .....	\$ 0.00
12	General Ledger .....	\$ 5,194.00
16	Heritage Trust .....	\$ 165.80
14	Open Space Trust .....	\$ 0.00



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Township Council consensus to have the Clerk's Office send a letter to remind the appointees of required committees to send in their Financial Disclosure Forms.

Township Administrator Richard Kunze reported on support of the Highlands Conservation Act (HCA) Appropriation.  
The Township Council discussed the Highlands Conservation Act appropriation.

Township Administrator Richard Kunze reported on a property owned by the Township on Continental Road, and that the neighboring owner of Lot 8 wishes to put up a fence which will abut the Township owned property.  
The Township Council discussed the fence to be put up by the neighbor to Township property which will abut the Township owned property.  
Township Council consensus to tell the owner of Lot 8 abutting Township Property that they should put their fence up on their property not the Township owned property.

**Township Administrator's Report**

None.

**Mayor's Report**

None.

**Township Council Reports**

Councilman Paul Bailey - Tourism  
Councilman Joseph Elcavage - Commissioner Campbell; Belchers Creek  
Councilman Robert Nolan - None.  
Councilman Jamaes Warden - Weed harvesting agreement  
Councilman Carmen Scangarello - NJDEP meeting regarding: Brown's Point; Jungle Habitat property, the redevelopment property.  
Helmet law enforcement  
Farrell Field cleanup  
Creative Playground committee

**Township Attorney**

Township Attorney Frederick Semrau reported on an ordinance to update violations costs.

**Township Clerk's Report**

None.

**Executive Session**

**MOTION FOR EXECUTIVE SESSION**

**BE IT RESOLVED** by the Township Council of the Township of West Milford on the **19th.** day of **October**, 2005, that:

- a. Prior to the conclusion of this **Workshop Meeting**, the Township Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-9, sub-section (s):
  - ( ) b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
  - ( ) b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
  - ( ) b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.

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- ( ) b. (4) A collective bargaining agreement including negotiations.
- ( ) b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
- ( ) b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
- (X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
- ( ) b. (8) Personnel matters.
- ( ) b. (9) Deliberations after a public hearing that might result in penalties.

2. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

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Moved: Bailey                      Seconded: Elcavage  
Voted Aye: Bailey, Elcavage, Nolan, Warden, Scangarello.  
Voted Nay:None.  
Resolution adopted.  
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Present: Councilmembers Paul Bailey, Joseph Elcavage, Robert Nolan, James Warden, Carmen Scangarello, and Mayor Joseph DiDonato.

Absent: Councilman William Gervens.

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

Items for discussion at Executive Session were as follows:

- \* Your Home Team

Councilman Bailey moved to adjourn the executive session at 11:16 a.m.  
Moved: Bailey                      Seconded: Nolan  
Voted Aye: Bailey, Elcavage, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Executive Session adjourned.

**Adjournment**

Councilman Bailey moved to adjourn the Workshop meeting at 11:17 p.m.  
Moved: Bailey                      Seconded: Scangarello  
Voted Aye: Bailey, Elcavage, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Meeting adjourned.

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MAYOR JOSEPH DIDONATO  
PRESIDING OFFICER

\_\_\_\_\_  
DENISE M. LOEFFEL  
ASSISTANT MUNICIPAL CLERK