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

Minutes of: Township Council Workshop  
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designations were made based on information received from the municipality. She asked the Council to determine from whence that information was derived and who provided it to the State.

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

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

Councilman Schimmenti advised Ms. Aaronson that the Council will look into her concerns and he thanked her for the information she provided.

Councilman Nolan seconded Councilman Schimmenti's comments and advised that no member of the Council communicated to the Highlands Council as indicated. He stated that the Council must find out how this happened.

Township Attorney, Fred Semaru, stated that the Highlands Master Plan is quite extensive. It is critical that the Township attend the hearings and he stated that the Administrator is working with the Planning Director to have the Council updated on the contents of the Master Plan.

Councilman Warden thanked Ms. Aaronson and noted that the water surcharge is the only viable tax relief for our town. He encouraged the Council to unite and exert pressure on our State legislators. He asked the Township Attorney to contact the Highlands Council for a definitive answer as to where their information came from.

Councilman Scangarello assured Ms. Aaronson that the Council will follow up on her concerns.

Councilman Weisbecker stated that, in 1999 and 2000, the MUA drafted a plan designating certain areas in town for sewer line installations. He stated that it is possible that this plan was given to the Highlands Council although it does not mean that the areas in question will every be sewerred. He expressed concern that lake areas are being designated for growth because the water systems cannot take additional pressure. He stated that the MUA plan is also on file with the DEP. They may have used that information to designate sewer areas without realizing that this will never happen in West Milford. He stated that he has issues with the proposed water surcharge because of concerns about effectively verbalizing to the legislature that these surcharges or taxes should be used to benefit watershed communities. Last year, the legislature appeared to be earmarking these proceeds for the benefit of the producers, the water authorities, with no consideration for the host municipalities. He recommended forming a multi-municipal team to structure a bill to provide real relief to watershed municipalities.

Councilman Smolinski stated that this topic was discussed in Morristown yesterday. The petition is now in Trenton and he encouraged elected officials to unite to brainstorm and take our needs to the State. We supply a commodity for which we are not compensated.

Councilman Nolan stated that, at last year's meeting with Senators Smith and Martin, Township officials were advised that the Senators would be agreeable to rewriting the bill to include watershed relief if they were to have Republican support of such measures from this part of the State. He recommended that the Republican Councilmembers ask Assemblymen DeCroce and Pennachio to reach out on our behalf.

**Presentations**

None.

**Action Items**

The Township Council took action on the following items:

Agenda No. VIII a

~ Resolution 2007-035 ~

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING RESOLUTION 2007-008 TO ADD A COUNCIL LIAISON POSITION ON THE TELECOMMUNICATIONS ADVISORY COMMITTEE**

**WHEREAS**, the Mayor and Township Council did establish a Telecommunications Advisory Committee to identify methods to help with the ever-changing telecommunications industry as well as to reduce Township costs; and

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**WHEREAS**, upon consideration, it is the opinion of the Mayor and Township Council that the Committee should continue its efforts; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Council of the Township of West Milford, County of Passaic, State of New Jersey that a Telecommunications Advisory Committee be re-established that will strive to investigate and recommend ways to upgrade and reconfigure the telecommunications systems within the Township of West Milford in order to minimize costs as well as to identify any new telecommunications changes and trends.

**BE IT FURTHER RESOLVED**, that the Mayor and Township Council shall annually identify up to seven members to serve one-year terms as members of the Telecommunications Advisory Committee, the members shall consist as follows: a member of the Township Council to serve as Council Liaison; the Township Business Administrator; the Township Network Administrator; the Township Chief of Police or designee; and up to three citizen members who each have demonstrated knowledge and expertise in telecommunication systems and trends.

**BE IT FURTHER RESOLVED**, that the Telecommunications Advisory Committee shall report to the Mayor and Council, make recommendations, render opinions and input with respect to issues effecting the Township's telecommunications services and implemented systems.

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Moved: Weisbecker Seconded: Scangarello  
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Abstained: None.  
Motion carried.  
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Agenda No. VIII 2

~ Resolution 2007-036 ~

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY RATIFYING MAYOR'S APPOINTMENT OF MUNICIPAL COURT JUDGE**

**WHEREAS**, the Mayor of the Township of West Milford appointed Joseph C. Perconti to the position of Municipal Judge with the advise and consent of the Council at the annual reorganization meeting on January 3, 2007; and

**WHEREAS**, the Mayor and Council wishes to formally ratify this appointment by virtue of resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of West Milford, in the County of Passaic and State of New Jersey, that they do hereby ratify the following appointment made at the Annual Reorganization Meeting held on January 3, 2007:

**Municipal Judge, Joseph C. Perconti**, to fill an unexpired 3-year term to expire Dec. 31, 2008, at an initial annual salary of \$30,000.

Adopted: January 10, 2007

Township Attorney, Fred Semrau, advised that, when the Mayor made the appointment, he did so to fill the unexpired term of the judge. However, research has indicated that the Township would be best served by and case law supports making a 3-year appointment to this position. Therefore, he is asking Council to ratify the Mayor's appointment tonight and advised that he may seek an amendment to the term of this appointment at a future date, pending discussion with Mayor DiDonato.

Discussion: Councilman Nolan asked if the judge is on payroll or if this is a professional services appointment. Mr. Semrau advised that, statutorily, the judge is considered an employee. Councilman Nolan expressed concern that the Township has to pay benefits and contribute to the State pension when making such an appointment. He asked if the attorney accountability ordinance applies to the judge, to which the Clerk responded in the affirmative and advised that Judge Perconti has submitted the requisite paperwork.

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Moved: Weisbecker Seconded: Scangarello  
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Scangarello.  
Voted Nay: None.  
Abstained: None.  
Recused: Councilman Warden recused himself because of a conflict involving litigation.

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Motion carried.

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Agenda No. VIII 3

**~ Resolution 2007-037 ~**

**A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE TOWNSHIP ATTORNEY TO TAKE NECESSARY ACTION TO CALL LETTER OF CREDIT IN THE NAME OF FRANCES VANDERBEEK, ROARING BROOK ESTATES**

**WHEREAS**, Frances Vanderbeek, in the name of Roaring Brook Estates, received final subdivision approval for the construction of residential homes within the Township; and

**WHEREAS**, as part of the approvals the developer was required to post the appropriate bond or Letter of Credit in the amount of \$31,800 to insure certain improvements to the common areas of the development; and

**WHEREAS**, the Township has been notified that the Letter of Credit in the amount of \$31,800 is about to be withdrawn; and

**WHEREAS**, the Township Engineering Department has reviewed the status of the project and has determined that the estimates for the completion of improvements to the common areas of the project now amount to the sum of \$35,050; and

**WHEREAS**, the withdrawal of the Letter of Credit would violate the terms of the approval and provide the Township with insufficient collateral relevant to the completion of the said improvements.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Council of the Township of West Milford, County of Passaic and State of New Jersey that the Township Attorney is hereby authorized to take any and all necessary action in order to call the Letter of Credit #1373551 issued to the Township of West Milford in connection with the final subdivision approval granted Frances Vanderbeek, Roaring Brook Estates.

This Resolution shall take effect immediately.

Adopted: January 10, 2007

Discussion: Mr. Semrau advised that this letter of credit pertains to a development named Roaring Brook Estates. He received a letter from the banking institution advising that the Letter of Credit will not be renewed upon expiration and he is seeking Council's adoption of this resolution which would authorize him to draw this Letter of Credit and deposit cash collateral with the Township. Councilman Nolan expressed concern that the Planning Department did not correctly monitor this Letter of Credit stating that, in his opinion, the Planning Director should have been the first entity to know that it was about to expire. Councilman Weisbecker stated that it is the responsibility of the CFO to monitor such things, not the Planning Director. Councilman Nolan stated that, at a future Workshop meeting, the Council should establish procedures for such monitoring.

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Moved: Weisbecker Seconded: Scangarello  
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Abstained: None.  
Motion carried.  
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Agenda No. VIII 4

**~ Resolution 2007-038 ~**

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE SALE OF CERTAIN LANDS AND PROPERTIES WHICH ARE NO LONGER NEEDED FOR PUBLIC USE BY THE TOWNSHIP**

**WHEREAS**, the Township of West Milford is the owner of certain lands and premises within the Township of West Milford; and

**WHEREAS**, the Mayor and Township Council of the Township of West Milford does hereby determine that the lands and properties set forth in Schedule A are no longer needed for public use; and

**WHEREAS**, the Township of West Milford desires to make available for public sale said lands, with the right of prior refusal to be afforded to adjacent property owners pursuant to N.J.S.A. 40A:12-13.2.

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

1. The Township of West Milford hereby declares that the lands and premises set forth in Schedule A are no longer needed for public use and should be sold in accordance with appropriate statutes of the State of New Jersey.
2. The Township Council of the Township of West Milford hereby authorizes the Township Clerk to offer for sale to the highest bidder by open public sale at auction the property set forth in Schedule A attached hereto and made a part hereof.
3. The public sale shall take place at the West Milford Township Municipal Building, 1480 Union Valley Road, West Milford, New Jersey, on February 28, 2007, at 6:00 p.m. or as soon thereafter as the matter can be heard and publicly announced, provided the sale is not cancelled.
4. The public sale, if not cancelled, shall take place by open public sale at auction to the highest bidder.
5. The successful bidder at the time of the sale must present cash or a check or money order, payable to the Township of West Milford, in the amount of ten percent (10%) of the suggested minimum bid and the balance of the purchase price no later than sixty (60) days following the acceptance by the Township and the tender of marketable title to the purchaser and submitted to the Township. The purchaser shall be entitled to possession immediately following closing of title.
6. The Township makes no representation as to the title or any other aspects of the land to be sold.
7. At closing of title, purchaser shall also pay to the Township a buyer's premium in the amount of ten (10%) percent of the bid amount.
8. The Township reserves the right to accept or reject any and all bids at the public sale and not to award to the highest bidder.
9. In the event the Township of West Milford is unable to convey clear and marketable title, insurable at regular rates by a title insurance company authorized to do business in the State of New Jersey, the Township shall forthwith return to the purchaser the deposit and neither party shall have any further rights against the other. The acceptance of a deed by the purchaser from the Township shall extinguish any claims the said purchaser may have against the Township of West Milford in connection with the quality of title conveyed.
10. All conveyances by the Township shall be made by way of a Quit Claim Deed, unless an adequate title binder prepared at the expense of the purchaser is forwarded to the Township prior to the conveyance and discloses that the Township holds marketable title in which case a Bargain and Sale Deed with Covenants Against Grantor's Acts will be the form of conveyance. The Township will include within its deed a metes and bounds description based upon a survey if a survey and metes and bounds description is obtained by the purchaser.
11. The Township Council of the Township of West Milford reserves the right to waive any and all defects and informalities in any proposal and to accept or reject the highest responsible and responsive bidder deemed to be in the best interests of the Township.
12. In those cases where the property being offered is an under-sized lot, adjoining property owners shall be given the first right to bid. If purchased by an adjoining property owner, the under-sized property shall merge into the purchaser's current lot. Furthermore, the property shall not be further subdivided as the conveyance is being made to accommodate the adjoining property owner as to his/her current residence, not for subdivision purposes.
13. If no adjoining property owners bid, the bidding will be opened to the public. The deed of conveyance for all under-sized lots that are sold to any party other than an adjoining property owner shall contain a restriction that the lot cannot be built upon.
14. A public notice of sale shall be published in the Township's official newspaper at least once a week for two consecutive weeks, the last publication being no earlier than seven (7) days prior to the date set forth for the public sale, which notice shall contain the conditions of this sale in accordance with N.J.S.A. 40A:12-13(a).
15. The lowest acceptable bid recommended to be accepted by the Council will be in compliance with Schedule A.
16. In the event the successful bidder fails to close on the property, he shall forfeit the ten percent (10%) deposit.
17. The resolution shall take effect immediately.

Adopted: January 10, 2007

SCHEDULE A					
BLOCK	LOT	ACREAGE	ZONE	LOCATION	ASSESSOR'S SUGGESTED MINIMUM BID
2702	10	3,650 sf	LR	Landing Road	\$ 1,000
2705	10	10,000 sf	LR	Flanders Road	\$ 2,500
2710	7	8,000 sf	LR	Mapleshade Road	\$ 2,000
2713	11	6,000 sf	LR	Greenwich Road	\$ 1,500
3012	4	2,900 sf	LR	Lakeside Road	\$ 1,000
3402	7	2,000 sf	R-1	Reidy Place	\$ 300
5715	3	4,000 sf	LR	Roosevelt Road	\$ 1,400
5716	2	3,400 sf	LR	Roosevelt Road	\$ 250

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6602	11	6,500 sf	R-2	John Street	\$ 1,700
6604	4	760 sf	R-2	Louis Avenue	\$ 200
6704	7	6,000 sf	R-2	Pine Lane	\$ 1,800
6704	8.01	50 x 100 ft	R-2	Spring Avenue	\$ 1,250
6803	12	2,800 sf	CC	Union Valley Road	\$ 800
6902	6	1.2 acres	R-4	Warwick Turnpike	\$ 2,600
7202	1	2,800 sf	LR	Hemlock Lane	\$ 800
7305	1	1,300 sf	LR	Terrace Road	\$ 100
7306	1	6,000 sf	LR	Bearfort Road	\$ 1,600
7306	2	6,000 sf	LR	Bearfort Road	\$ 1,500
8201	21	43,000 sf/	R-1	Macopin Road	\$ 2,100
13802	4	1,200 sf	LR	Leonard Avenue	\$ 300
13802	5	3,000 sf	LR	Leonard Avenue	\$ 750
13803	1	7,400 sf	LR	Cypress Place	\$ 1,500
13812	14	3,800 sf	LR	Germantown Road	\$ 1,000

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 Moved: Weisbecker Seconded: Nolan  
 Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Warden, Scangarello.  
 Voted Nay: None.  
 Abstained: None.  
 Motion carried.  
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**Payment of Bills**

Councilman Nolan expressed concern that there is no bill list on tonight’s agenda. He noted that, at the reorganization meeting, the Council authorized the automatic payment of certain bills, and is concerned that bills are being paid without Council review. The Township Clerk advised that there is never a bill list at the first meeting after a reorganization meeting because the computer system must be “rolled over” and no bills can be entered during this process. She assured Councilman Nolan that no bills are being paid at this time and they will not be paid until this process is completed and the bill list is submitted for Council review at the next meeting.

**Items For Discussion**

The Township Council discussed the following items:

1)	Formation of Committee to Study Use of Jungle Habitat – Council President Smolinski invited Recreation Director Renee Palermo and RAC Chairman Bill Remia to the podium to speak to Council on this subject. Ms. Palermo provided each Councilman with an updated proposal for the establishment of a subcommittee of the RAC which would ultimately present a plan to the Council for the use of Jungle Habitat. The Committee would be called <i>The Jungle Habitat Planning and Development Committee</i> (JHPDC) and would be made up of eleven members including two staff members and one Council liaison. After the appointments to the JHPDC, subcommittees would be formed to research specific uses for the property. Each subcommittee would appoint a chair person who would ultimately report back to the JHPDC who would then provide Council with a proposed plan. The Council would appoint JHPDC members based on their expertise in certain areas. Councilman Warden asked if anyone has contacted DEP to pre-determine if there are any limits of the municipality’s use of this property. Councilman Scangarello advised that, ultimately, the DEP has final say over any plan presented for their approval. Councilmen Nolan and Warden stressed that appointments to this committee must be bi-partisan because, they said, they have been voted down on every nomination they have proposed in the past two years. Mr. Remia stated that the RAC has worked diligently on this project with the thought that the entire process will be all-inclusive, noting that he has served as Chairman of the RAC for many years even though he is not a member of the majority party. He stated that the focus is on attracting people with expertise. After discussing possible means to sift through the resumes, the Council instructed that all interested parties submit their resume to the Clerk who will then distribute them to the Council for review. From there, the Council will make the appointments.
2)	Possible Joint Project with the BOE to Install Artificial Turf on High School Football Field – Mr. Semrau advised that the Administrator is seeking direction from the Council with regard to the information needed to proceed with discussions of this topic. Council President Smolinski stated that he gave the Clerk a list of questions tonight. He asked that answers be brought back to the Council and instructed the Clerk to provide the list to the Administrator and the BOE. He stated that the answers will give the Council a better understanding of what such a project entails. The Council agreed that they would like to have additional information and Councilman Weisbecker stated that he would like to review the budget before making any decision on this subject. Council President Smolinski agreed asking if any entity has looked into funding options such as open space funding, donations, and corporate sponsorship. The Council gave consensus to have the Administrator and the BOE obtain answers to the list of questions provided by Council

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	President Smolinski.
3)	Contract with Bloomingdale for Registrar Services – Mr. Semrau directed the Council to Mr. Kunze’s report wherein he referenced the potential for a shared services agreement for registrar services. He advised that labor counsel has provided an opinion that the Administrator has yet to review and there are potential civil service issues that must be researched. He asked the Council to postpone discussion of this subject pending the Administrator’s return. Councilman Weisbecker asked how residents are obtaining vital statistic records at this time. Ms. Battaglia advised that Mr. Rodda, the recently retired registrar, has agreed to stay on a volunteer basis through the end of January to perform the functions of this position. Ms. Shanahan continues to serve as his deputy during this time.
4)	Guild Salary Ordinance – Mr. Semrau advised that he will have an ordinance ready for introduction at the next Council meeting and that it will be in accord with the contract.
5)	Change Order, 2006 Road Resurfacing Phase II – Councilman Nolan expressed concern that, once again, the Council is being asked to approve a payment after the fact. He stated that, upon reading the Engineer’s report, it becomes evident that this work has already been done, the Engineer has spent the funds, and now the Council is being asked to rubber stamp his decision. Council President Smolinski stated that the change order is the result of unforeseen circumstances. Councilman Nolan reiterated that Township staff proceeded with the work before the Council agreed to it. He asked that this discussion be tabled to the next Workshop so that the Administrator can answer questions. The Council agreed.
6)	Paving Materials Contract – Ms. Battaglia advised Council that, as a general rule, they do not see a recommendation for these contracts so early in the year. However, with the mild winter, the Engineer can begin regular road maintenance work earlier than usual and this contract will allow for the purchase of supplies. The Council gave consensus to proceed.
7)	Appointments – Reappointment of Michael Ramaglia to the MUA – Councilman Nolan stated that he would like to have Mr. Ramaglia come before the Council to answer questions and review his qualifications for this appointment. Councilman Warden agreed noting that the MUA does not cooperate with the Council in matters pertaining to high-density developments. He cautioned that the Council cannot continue to indiscriminately appoint people to such an important position. Mr. Ramaglia currently serves on the MUA and he would like to know what his position is on development in town. Councilman Weisbecker noted that the MUA is autonomous from the Council and answers to the DEP. He asked that the floor be opened to nominations.

Municipal Utilities Authority Commissioner

Councilman Weisbecker nominated Michael Ramaglia for reappointment to the MUA. Seconded by Councilman Scangarello.  
 Councilman Nolan nominated Ed Spirko for appointment to the MUA. Seconded by Councilman Warden.  
 Councilman Weisbecker made a motion to close and confirm. Seconded by Councilman Scangarello.

Ramaglia:

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

Councilman Weisbecker nominated Councilman Nolan to serve as Council Liaison to the Telecommunications Committee. Seconded by Councilman Scangarello.  
 Councilman Weisbecker moved to close and confirm. Seconded by Councilman Scangarello.

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 Moved: Weisbecker Seconded: Scangarello  
 Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Warden, Scangarello.  
 Voted Nay: None.  
 Abstained: None.  
 Motion carried.  
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Beautification and Recycling Committee

Councilman Scangarello nominated William J. Weaver, Bill Messmer, Elfrieda Leibenstein, and Renee Allesio to the Beautification and Recycling Committee. Seconded by Councilman Weisbecker.  
 Councilman Weisbecker moved to close and confirm. Seconded by Councilman Schimmenti.

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 Moved: Scangarello Seconded: Weisbecker

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Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Abstained: None.  
Motion carried.  
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Municipal Utilities Authority Alternate #1

Councilman Weisbecker nominated Ed Spirko to the MUA. Seconded by Councilman Nolan.  
Councilman Scangarello nominated James Burns to the MUA. Seconded by Councilman Schimmenti.  
Councilman Weisbecker moved to close and confirm. Seconded by Councilman Scangarello.

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

Councilman Nolan nominated Andrew Gargano to CASA. Seconded by Councilman Warden.  
Councilman Scangarello nominated Jacqueline Boshart to CASA. Seconded by Councilman Schimmenti.  
Councilman Weisbecker moved to close and confirm. Seconded by Councilman Scangarello.

Gargano:  
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Moved: Nolan Seconded: Warden  
Voted Aye: Nolan, Warden.  
Voted Nay: Weisbecker, Smolinski, Schimmenti, Scangarello.  
Abstained: None.  
Motion defeated.  
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Boshart:  
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Moved: Scangarello Seconded: Schimmenti  
Voted Aye: Weisbecker, Smolinski, Schimmenti, Warden, Scangarello.  
Voted Nay: Nolan.  
Abstained: None.  
Motion carried.  
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**Reports**

Councilman Weisbecker stated that two vacancies on the Parks and Recreation Advisory Committee are no longer valid. Mr. Semrau advised that to change those positions, the ordinance would have to be amended. Clerk Battaglia asked the Council to defer action on these matters until the re-codification effort has been completed. Councilman Weisbecker, noting that the Highlands Council may extend the period for public comment on the Master Plan, asked if West Milford can have the Highlands Council come before Council to engage in an open dialogue on this matter. Mr. Semrau stated that he can request that a representative come but recommended that Council have an in-house presentation first so that they are prepared for a thorough discussion. Mr. Semrau noted that, at the public hearings, there is no response from the Highlands Council. Councilman Weisbecker advised the Council that there is a "time of decision" before the Senate and Assembly which gives benefits to builders and developers and takes certain discretion away from municipalities. The New Jersey League of Municipalities opposes this bill and he read the League's notice in this regard. He asked for Council consent to have a resolution opposing these bills for Council consideration at the next meeting. The Council gave consent.

Councilman Schimmenti congratulated Jessica and Richard Kunze on the birth of their daughter. He thanked Mr. Rodda for volunteering his time to the Township. He stated that he is hoping to start the new year without grudges and hoping that the Council will work together to serve the Township.

Councilman Nolan stated that the Blood Drive will be held on January 21, 2007 from 8:30 a.m. to 2:30 p.m. at the First Aid Building on Ridge Road. He announced that there are seven vacancies on the Heritage Committee and any interested party should contact Tonya Cubby in the Clerk's office. He noted that the Governor recently had his State of the State address wherein he spoke about holding the line on property taxes. The governor is talking about a 20% rebate for some residents and, ultimately, if the Legislature cannot do the job, the Governor will recommend a citizens convention. He noted that the median tax rate in West Milford is \$6,534, Clifton \$6,525 and, in Wayne which has had so much development, the tax rate is \$8,000 plus. With all that development, they pay more taxes than

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surrounding communities. He advised that the DCA recently sent out a notice about a low-income senior's energy assistance program. Interested parties should contact the State offices. He stated that, based on the nomination votes tonight, he is cynical about the RAC Committee.

Councilman Warden stated that it is hypocritical to say there is no partisanship in West Milford. Knowing the struggle to keep high-density development at bay, it is hypocritical to make an appointment to the MUA without allowing the person in question to be interviewed by the Council. He stated that he and Councilman Nolan cast votes based on the Township's best interests while the Republicans cast votes based on what is best for the party. He asked that the Council reconsider their votes when the appointing resolutions come before them next week.

Councilman Scangarello commended Council President Smolinski on a job well done presiding over tonight's meeting. He stated that CASA had its New Year's Eve party for 7<sup>th</sup> and 8<sup>th</sup> graders and he thanked the volunteers and community members who worked so hard. He stated that the Teen Coffee House will be hosting a party for kids age nine and up. The Parks and Recreation Advisory Committee is establishing a high school advisory committee to plan events at the Coffee House and interested parties should contact Sue Pappas in the Recreation Department.

Councilman Smolinski stated that preschool registration for 2007-2008 will be held at Hillcrest on January 20<sup>th</sup> from 8:00 to 10:00 a.m. Interested persons should contact the Recreation Department.

**Executive Session**

Agenda No. XII

~ Resolution 2007-039 ~

**MOTION FOR EXECUTIVE SESSION**

**BE IT RESOLVED** by the Township Council of the Township of West Milford on the 10<sup>th</sup> day of **January**, 2007, that:

1. Prior to the conclusion of this **Workshop Meeting**, the Township Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
  - ( ) b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
  - ( ) b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
  - ( ) b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
  - ( ) b. (4) A collective bargaining agreement including negotiations.
  - ( ) 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.
    - Valley Ridge – Township of West Milford Planning Board v TCR Passaic County Docket #PAS-L-14-29-06
    - Eagle Ridge v. West Milford, Docket No. A-6031-04T3
  - ( ) b. (8) Personnel matters.
  - ( ) b. (9) Deliberations after a public hearing that may 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).

Adopted: January 10, 2007

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Moved: Weisbecker Seconded: Scangarello  
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Motion carried.  
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The Council went into Executive Session at 9:30 p.m.

The Council reconvened in public session at 9:48 p.m. with all present as before.

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

Minutes of: Township Council Workshop  
Date of Meeting: January 10, 2007  
Time of Meeting: 7:30 P.M.  
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Mr. Semrau asked for a motion from Council authorizing West Milford to intervene in the matter known as West Milford v. TCR which motion will authorize an intervention in this lawsuit on behalf of the Township and on behalf of the residents of the Township of West Milford.

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

There being no further business to come before the Council, the Township Council adjourned the meeting at 9:50 p.m.

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Moved: Weisbecker Seconded: Scangarello  
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Warden, Scangarello.  
Voted Nay: None.  
Motion carried.  
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Approved: February 7, 2007

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COUNCIL PRESIDENT JOSEPH SMOLINSKI  
PRESIDING OFFICER

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ANTOINETTE BATTAGLIA  
TOWNSHIP CLERK