

The Workshop Meeting of the West Milford Township Council was called to order at 7:30 p.m. 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 Aim Community News in its issues of December 14, 2003 and December 21, 2003; copies were provided to the Suburban Trends, The Record, North Jersey Herald & News, 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: Township Councilmembers Paul S. Bailey, Joseph Elcavage, William Gervens, Dennis Kirwan, Patricia Lotz-Moore, Carmelo Scangarello and Mayor Joseph DiDonato

Also Present: Acting Administrator Kevin J. Byrnes, Township Attorney William J. DeMarco, Assistant Municipal Clerk Denise M. Loeffel, Chief Financial Officer Arthur Magnotti, and Township Auditor Charles J. Ferraioli.

Meetings

February 4, 2004 - 7:30 P.M. - Regular Meeting
February 12, 2004 - 7:30 P.M. - Workshop
February 18, 2004 - 7:30 P.M. - Regular Meeting
February 26, 2004 - 7:30 P.M. - Workshop

The Mayor and Township Council reviewed the meetings listed for January and February 2004. Mayor Joseph DiDonato noted the addition of a Budget Workshop on February 14, 2004.

Mayor Joseph DiDonato asked that the Pledge of Allegiance be inserted as an Agenda Item after the Public Notice of Meeting is read.

Township Administrator's Report

Township Administrator Kevin J. Byrnes reviewed the items listed with the Mayor and Council as follows:

2004 Municipal Budget - Township Administrator Kevin J. Byrnes explained the municipal budget process, and introduced Township Auditor Charles J. Ferraioli who gave an overview of the municipal budget and discussed same with the Mayor and Township Council.

Township Auditor Charles J. Ferraioli left the meeting at this point.

14 Oak Drive
Regular Meeting Agenda Items
Bond Sale procedures
No Name Dam assessment

Watershed aid
Draft of Tourism Committee Resolution for next Regular Council Meeting
Release of performance bonds
Ordinance Accepting the Dedication of a Street Known As Stone Hedge
Way

Mayor's Report

Mayor Joseph DiDonato reported as follows:

Apple Acres - Meeting with owner regarding the purchase of this property for Open Space. Township Administrator Kevin J. Byrnes will look into all grants available for this purchase. Further meetings with the owner of Apple Acres will take place.

Township Administrator position remuneration - Council must discuss this matter with the Acting Township Administrator as he is currently working at the Clerk's salary.

Appointments must be resumed at the next regular meeting. The Mayor asked the Township Administrator to check the sunset provision of the Open Space Committee. The Mayor noted that it may be possible to merge the Environmental Commission and the Open Space Committee.

Sale of the redevelopment property to the State of New Jersey. Mayor DiDonato requested that Special Counsel Martin Murphy attend the next regular meeting to discuss this matter with the Council.

Township Council Reports

Councilman Paul Bailey made comments regarding the municipal budget, the Tourism Revitalization Committee and the water allocation hearing.

Councilman Joseph Elcavage commented on Eagle Scout presentations, neighborhood "pocket parks", fees for public documents, and the CASA committee.

Councilman Gervens commented on the Passaic County Planning Conference, information on state mandated programs, Greenwood Lake, grant money for a commuter railroad system from Sussex to Pompton, and the maintenance cost for the recycling yard.

Councilman Dennis Kirwan commented on the MUA's water permit public hearing, wastewater management report deadline in March, stormwater management report reclassification and a cut in county bus funding. Township Administrator Kevin J. Byrnes noted that the cut in funding affects the operating expenses not the purchase of vehicles.

Councilwoman Patricia Lotz-Moore had no report.

Councilman Carmelo Scangarello commented on the need by blood banks for donors and that there is a piece of property by Lake Melody which might make a "pocket park".

Township Attorney

Township Attorney William DeMarco reported on the Commercial Solid Waste bid and proposed contract, noting that the specifications were written very loosely which provided no guidance to arrange for this item in the budget. The Township Attorney also noted that a there was a mistake made in a bid, and that the award of this contract was incorrectly done, he noted that this matter might involve litigation, and that the Council should discuss this matter in closed session.

Township Attorney William DeMarco also commented on Tax Foreclosures, the Paterson Board of Education vs. Passaic County Freeholders litigation, and the Wallisch vs. Prospect Park issue.

Township Clerk's Report

None.

Public Comments

Mayor DiDonato opened the meeting to the public who wished to speak on matters of concern.

Several residents addressed the Council regarding matters of concern.

Councilman Bailey moved to close the Petitions & Requests of Public.

Moved: Bailey Second: Elcavage

Voted Aye: Bailey, Elcavage, Gervens, Kirwan, Lotz-Moore, Scangarello.

Voted Nay: None.

Motion carried.

Executive Session

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 29th day of January, 2003, 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.
- (X) 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.
- () b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
- (X) 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).

Moved: Bailey Seconded: Elcavage

Voted Aye: Bailey, Elcavage, Gervens, Kirwan, Lotz-Moore, Scangarello, DiDonato.

Voted Nay:None.

Resolution adopted.

Present: Councilmembers Paul Bailey, Joseph Elcavage, William Gervens, Dennis Kirwan, Patricia Lotz-Moore, Carmelo Scangarello, and Mayor Joseph DiDonato

Absent: None.

Also Present: Township Administrator Kevin J. Byrnes, Township Attorney William J. DeMarco and Assistant Municipal Clerk Denise M. Loeffel.

Items discussed during the Executive Session by the Mayor, Township Council and Township Attorney were as follows:

PBA and SOA arbitration matters

Councilman Bailey moved to adjourn the executive session at 10:08 p.m.

Moved: Bailey Seconded: Elcavage

Voted Aye: Bailey, Elcavage, Gervens, Kirwan, Lotz-Moore, Scangarello, and Mayor DiDonato

Voted Nay: None.

Executive Session adjourned.

MAYOR JOSEPH DIDONATO
PRESIDING OFFICER

DENISE M. LOEFFEL
ASSISTANT MUNICIPAL CLERK