
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: February 22, 2006
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 Council President William Gervens.

Adequate Notice Statement

Council President Gervens 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

Council President Gervens led all in attendance in a salute to the flag.

Roll Call

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

Council President Gervens announced that Mayor DiDonato has been called away on business.

Reading of or Approval of Unapproved Minutes

Councilman Weisbecker moved to adopt the minutes of the February 1, 2006 Workshop Meeting as presented.

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

Councilman Weisbecker moved to adopt the minutes of the February 4, 2006 Special Meeting as presented.

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

Councilman Nolan moved to adopt the minutes of February 8, 2006 Regular Meeting as presented.

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

Meetings

Council President Gervens noted the future meeting schedule:

February 25, 2006 Special Meeting - Budget
March 1, 2006 Regular Meeting
March 8, 2006 Workshop Meeting
March 22, 2006 Regular Meeting
April 5, 2006 Workshop Meeting

Proclamations

Council President invited Dr. Joanne Schaper to join him to receive two proclamations that the Mayor had prepared for this evening. He conveyed Mayor DiDonato's apologies and noted that the Mayor was sorry he could not present the proclamations personally. Council President Gervens noted that Dr. Schaper is instrumental in art and music education in the West Milford school system and she is also

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active in the production of the annual play. This year the High School production is *Footloose* and the shows begin on March 1st. Dr. Schaper invited her students to join her and Council President Gervens and she introduced each student to the audience. Council President proceeded to read the proclamations and noted that Mayor DiDonato had signed them earlier:

- Proclamation -

Music in Our Schools Month

WHEREAS, the study of music is basic to the complete education, provides a competitive edge for successful educational reform, engages students in individual and group activity, develops creativity, problem-solving, and critical and evaluative skills; and

WHEREAS, music education helps students acquire skills in production and performance of music, as well as an understanding of history and culture; and

WHEREAS, the *New Jersey Music Educators Association* is concerned with maintaining and improving school music programs for all students regardless of their socio-economic status or their abilities.

NOW, THEREFORE, I, JOSEPH DiDONATO, Mayor of the Township of West Milford, on behalf of the Township Council and Township Residents, do hereby proclaim the month of March 2006 as

MUSIC IN OUR SCHOOLS MONTH

in the Township of West Milford and call upon all residents to support the purposes and practices of music education.

- Proclamation -

Youth Art Month

WHEREAS, art education contributes powerful educational benefits to all elementary, middle, and secondary school students; and

WHEREAS, among the many benefits students derive from art education are the following:

*art education develops students' creative problem-solving and critical thinking abilities;

*art education teaches sensitivity to beauty, order, and other expressive qualities;

*art education gives students a deeper understanding of multi-cultural values and beliefs;

*art education reinforces and brings to life what students learn in other subjects; and

*art education interrelates student learning in art productions, art history, art criticism, and aesthetics;

and

WHEREAS, our national leaders have acknowledged the necessity of including art experiences in every student's education, and

WHEREAS, support should be given to art teachers as they attempt to strengthen art education in their schools and communities.

NOW, THEREFORE, I, JOSEPH DiDONATO, Mayor of the Township of West Milford, on behalf of the Township Council and Township Residents, do hereby proclaim the month of March 2006 as

YOUTH ART MONTH

in the Township of West Milford and call upon all residents to take interest in and give full support to quality school art programs for children and youth.

Council President Gervens presented Dr. Schaper with the proclamations. She thanked the Mayor and Council.

Presentation

Council President Gervens noted that Freeholder Duffy is in attendance and invited him to come forward to speak to the Council. Freeholder Duffy acknowledged Dr. Schaper and commended her for all her work with the youth in our community. He advised that he is here tonight for informative reasons. He congratulated Councilman Smolinski on his recent appointment. He noted that the county is moving forward with the construction project and distributed maps of Greenwood Lake turnpike. Freeholder Duffy stated that his primary reason for being here tonight is to address Councilman Scangarello's concerns about the Sheridan Property and the Freeholder's resolution awarding Open Space funds to the acquisition of this property. He referred to an article in the *Aim* newspaper which he noted contained inaccuracies. He clarified that West Milford and the non-profit organization *Helping People Help Themselves* will each receive \$300,000 in open space funds toward the acquisition of the

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Motion carried.

Council Comments

Members of the Council commented on the following matters:

Councilman Weisbecker asked when volunteer night is. Administrator Kunze responded that the volunteer of the year and lifetime achievement awards for 2004 and 2005 will be presented on March 1st. Councilman Weisbecker noted that this is diversion from past practices. He expressed his opinion that this change is not good, advised that he will be actively involved in next year's volunteer program, and requested that the Council consider returning to the former format. He stressed the importance of having one night that is 100% devoted to our volunteers. Discussion ensued and was ultimately deferred to later in the evening.

Councilman Smolinski stated that he would like to see the four individuals recognized alone on March 1st as arranged so that they have their own night. They can be invited to join in the volunteer day celebrations in April also. He noted that persons who coach sports in town are required to be trained in how to prevent injuries. Skateboarders do not have that. He recommended consideration of a program and a designated site for skateboarders so that their safety can be addressed through education. Councilman Smolinski noted that he likes to have proclamations like this evening's recognition of Dr. Schaper because it reflects the West Milford community spirit. He would like to see all meetings start on such a positive note.

Council President Gervens noted that the Council was instrumental in ensuring that fines would be assessed to persons caught dumping illegally within the Township. He officially asked the press to report on such court activities. This would assist the Township in creating a deterrent for people who are contemplating illegal dumping.

Councilman Nolan thanked Freeholder Duffy for attending tonight's meeting and providing needed clarification. He was unaware of past practices for honoring volunteers and supports Councilman's Weisbecker's recommendation that we resume those past practices.

Councilman Scangarello thanked Dr. Schaper and the children who attended tonight for a job well done. He advised all present that *National Volunteer Week* is being celebrated throughout our nation during the week of April 23rd through April 29th. He would like to see a celebration scheduled for that week. He advised that signage is not allowed by utility companies but we had previously looked at obtaining DOT approved poles for such postings. Administrator Kunze noted that the research indicated that such "breakaway" poles are very expensive.

Attorney Fred Semrau stated that, naturally, every Council member is entitled to attend the Valley Ridge Project hearing before the planning board tomorrow night. However, he cautioned them that, if they do attend and speak, they should ensure that they clearly state that they are speaking from a personal perspective and not as a Council representative.

Presentations

None.

Action Items

The Township Council took action on the following items:

Agenda No. VIII 1

~ Resolution 2006-061 ~

**A RESOLUTION OF THE TOWNSHIP OF WEST MILFORD,
COUNTY OF PASSAIC AND STATE OF NEW JERSEY
ESTABLISHING A TELECOMMUNICATIONS ADVISORY COMMITTEE**

WHEREAS, the Mayor and Township Council have discussed the escalating telecommunications costs and demands in order to maintain municipal operations; and

WHEREAS, telecommunications competition and various changes in the telecommunications industry have resulted in a variety of possibilities that may result in a cost savings to the Township; and

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WHEREAS, in order to identify methods to help with the ever-changing telecommunications industry as well as to reduce Township costs, it is necessary to continue to investigate the industry and possible need for upgrades in providing telecommunications services to the Township; and

WHEREAS, the Mayor and Township Council desire that a Telecommunications Advisory Committee be established to achieve these objectives.

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 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: the Township Business Administrator; the Township Chief Financial Officer; 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.

Adopted: February 22, 2006

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

Agenda No. VII 2
~ Resolution 2006-062 ~

RESOLUTION APPROVING THE PAYMENT OF BILLS (AMENDED)

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:

| <u>Acct #</u> | <u>Account Name</u> | <u>Amount</u> |
|---------------|-----------------------------|-----------------------------------|
| 1 | Current Account. | \$ 220,265.77 |
| 2 | Reserve Account | 141,533.90 |
| 3 | Animal Control Trust | 684.60 |
| 6 | Capital. | 73,238.67 60,738.67 |
| 7 | Grants. | 8,839.69 |
| 8 | Refuse. | 185,369.65 |
| 9 | Refunds. | 4,689.55 |
| 12 | General Ledger. | |
| 16 | Heritage Trust. | |
| 14 | Open Space Trust | |
| 17 | Trust | 1,100.00 |
| 18 | Development Escrow. | 3,502.50 |
| 19 | LOSAP | |
| 20 | Special Reserve | |
| | Total | \$ 639,224.33 |

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|--|---------------------------|--|----------------------|
| | Less Refund Resolution | | <u>(4,689.55)</u> |
| | | | |
| | Actual Bill List | | \$ 634,534.78 |
| | | | \$ 622,034.78 |
| | Other Payments | | |
| | Less Refund Resolution | | |
| | | | |
| | Total Expenditures | | \$ 634,534.78 |
| | | | \$ 622,034.78 |

Adopted: February 22, 2006

Motion by Councilman Nolan to place this resolution on the floor for consideration.
 Seconded by Councilman Warden.

Discussion: Councilman Nolan noted that the bill list contains bills from the Planning and Zoning Board Attorney, Mr. Glatt, that date back to work done in January 2005. He stated that Mr. Glatt should be notified that bills must be submitted on a more timely basis. Administrator Kunze advised that he has had that discussion with the Planning Department staff. Councilman Nolan questioned if the Auditor's bill for work done in connection with the bond sale is included in the not-to-exceed amount of \$50,000 outlined in the resolution authorizing his contract. Administrator Kunze noted that this bill is for a partial payment and another bill for these services will follow. He stated that he has to check with the CFO as to whether or not it is included in the \$50,000 but, because we have not exceeded that amount, we can process this bill. Mr. Kunze will report back to the Council. Councilman Nolan asked for an explanation of the Timmins bills. The Administrator advised that this bills are related to work performed relative to the tax appeals.

Councilman Nolan moved to amend his motion to exclude the \$12,500 bill from Mr. Ferraioli, the Township Auditor, pending an explanation from the Chief Financial Officer.

Moved: Nolan Seconded: Warden
 Voted Aye: Weisbecker, Smolinski, Gervens, Nolan, Warden, Scangarello
 Voted Nay: None.
 Abstain: Councilman Nolan abstained from the Valley Health Bill
 Motion carried.

Items For Discussion

The following items were discussed by the Township Council:

| | |
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| 1) | Donation of Fire Engine – Administrator Kunze asked Mike Woch, the Fire Marshall, to come forward to discuss this matter. Mr. Woch advised that, after Hurricane Katrina, an organization called <i>Firefighters-Helping-Firefighters</i> reached out to say that they were looking for replacement equipment for communities affected by the hurricane. Subsequently, the fire department learned that a small town in Alabama named Delmar is in dire need of a fire truck. They currently use a fire truck they built themselves in the 1950's. The fire department would like the Township to make this donation. This would be the last truck the Township would ever donate because all our new trucks now have custom chassis so they have more trade-in value. Mr. Woch provided an overview of the truck being considered for donation. The Township Attorney, Fred Semrau, noted that he would draft a hold harmless agreement to be executed by Delmar officials and would insist on getting a receipt for the truck in "as-is" condition with no representations or warranties. Administrator Kunze noted that the agreement would also include a clause wherein Delmar would be prohibited from selling the truck for some time. Council consensus was to have a resolution authorizing the donation on the agenda for next week's regular meeting. |
| 2) | House Numbers – Administrator Kunze advised that he has checked the Township ordinance requiring residents to display house numbers. Mr. Kunze noted that there is no enforcement provision in the ordinance as written. He recommends that we issue a press release touting the benefits of clearly posting house numbers. The ordinance will be corrected in the recodification process. |
| 3) | Gordon Lakes Dam Restoration – the Township Attorney, Fred Semrau, provided a brief background of this subject. He advised that, in 2002, the Township foreclosed on the property where this dam is located. The engineer expressed concerns that the dam would need repair. The Township obtained a grant and entered into an agreement with the Gordon Lakes Property Owners Association. At the conclusion of the dam repair, |

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| | residents who benefit from the repair will receive an added assessment and we will transfer the property over to the association. Mr. Semrau would like the agreement amended to include a clause that would require the association to assist in taking action if we cannot collect the special assessment from any property. The Council consensus was to allow Mr. Semrau to negotiate with the Association to amend the agreement. Administrator Kunze noted that we are currently proceeding through design issues and the deadline to sign the loan agreement is at the end of March. |
| 4) | Pay-To-Play – Mr. Semrau reminded the Council that they had discussed a local pay-to-play ordinance last year. He noted that the Council did not take action at that time because the State law was not in place. The regulatory requirements are now in place and municipalities can now draft their own ordinances. However, more rules and regulations are expected in March. Generally, it is believed that individuals will be required to register with the State and local laws will also be filed with the State. The Council unanimously agreed that they wish to see a local law in place in the near future. However, they instructed the Attorney to wait until the new regulations are released to ensure that such a law is reasonable, comprehensible and not over-burdensome. Discussion ensued. The Attorney advised that he will have a draft available for Council review some time in April. |
| 5) | Bikeway Section 1 – Administrator Kunze advised the Council that there is a change order for this project scheduled for the March 1 st meeting and that the project is substantially complete. The Council gave consensus for the change order resolution for March 1 st . |
| 6) | Change Order and Closeout for Bikeway Project – Administrator Kunze advised that the final calculations for this project require a change order. This change order represents a 4% increase to the original contract estimate and is funded by a DOT grant. The Council gave consensus to move forward. |
| 7) | Clinton Road – Administrator Kunze advised the Council that major repairs are needed on Clinton road. At the same time, Passaic County is planning to effectuate bridge repairs on that road. The Administrator has provided the Council with a draft agreement to coordinate both projects thus reducing the cost as well as eliminating the need to close the road on two separate occasions. The Council gave consensus for the agreement. |
| 8) | COAH Resolution - Administrator Kunze reminded the Council that COAH resolution had been sent to the State in December last year. The Council on Affordable Housing (COAH) has contacted the Town to request that a new resolution be adopted to conform to their format. The contents will remain the same but the format is an issue for them. Councilman Nolan expressed concerns because of his recollection of a meeting in December attended by the Township Planner wherein the Council was advised that they would not have to take any further action on this matter. He also asked if the Valley Ridge project is included in the plan that was submitted to COAH. The Township Attorney cautioned that this topic should be discussed in closed session. The Council agreed to defer discussion to the next meeting's executive session meeting. |
| 9) | Interlocal Agreement with the Board of Education (BOE) for Athletic Fields – Administrator Kunze advised the Council that the agreement being proposed is a successor agreement to the one that expired last year. There are minor changes. It has been reviewed by the Attorney and the Recreation Director. Under the agreement, the BOE is responsible for basic maintenance of the fields. The town is responsible for the lights at the tennis court and Marshall Hill School. The Council will receive the revised copy with changes for the next meeting. |
| 10) | Wetlands Mitigation Project – Administrator Kunze reminded the Council that Ramapo college had requested use of 3 acres of the Wallish property that is forestry wetlands to run a wetlands mitigation project. Pursuant to Council directive, the Administrator and Attorney negotiated an agreement, a draft of which was provided to Council in their packets for this meeting. The Administrator outlined some specifics of the agreement. The school has reviewed the agreement and it has been presented to the full school board. The Council instructed the Administrator to negotiate for more money for the Township from Ramapo. |
| 11) | Fire Truck Bid – Administrator Kunze advised that Council that the Township received one bid for the fire truck and that the bid was over the amount allocated for that purchase. He recommended that the Township reject the bid and re-bid this item. He also proposed that the bid specifications be revised in an effort to attract more bidders. The fire department has already begun the process. |
| 12) | Drainage Materials Contract – there are two parts to this contract. Contract A is complete and the engineer has recommended that it be awarded to the lowest bidder. However, contract B has been found to be deficient in that the bidder did not include the consent of surety. Therefore, the Administrator recommended that the bid for Contract B be rejected. The Council concurred and instructed that resolutions be placed on the agenda for the regular meeting. |
| 13) | Hydraulic Hammer Bid – John Joseph Inc. was the lowest responsible bidder on this contract and the engineer has recommended that we award the bid to him. Councilman Weisbecker asked who ensures that the contractor provides services pursuant to the bid specifications. Administrator Kunze advised that the Engineering department is charged |

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| | with ensuring such compliance in this instance as part of their administrative oversight of the projects. The hammer will be used in various road construction projects. |
| 14) | Ice Control Grits Contract – Administrator Kunze advised that the Township had previously awarded a contract to Tilcon for these services at a rate of \$16/ton. Tilcon has notified the Township that, due to potential problems with sanding equipment, they cannot meet the specifications and have asked that the contract be voided. Morris County Coop has a contract for grits which we can use for purchases for the Township. New Jersey law mandates that ice control grits be very fine and Tilcon cannot wash and dry the screens to the State standards. The Council instructed the Township Attorney to determine if Tilcon can be held responsible to some extent for our losses as a result of their failure to conform to the contract specifications. Mr. Semrau will review, contact Tilcon, and report back to the Council. |
| 4) | Open Space – the Administrator noted that this topic was discussed earlier this evening. |

Township Administrator's Report

Administrator Kunze had no report this evening.

Mayor's Report

None.

Township Council Reports

Councilman Weisbecker stated that he is aware of two people who are willing to serve on the energy task force. They are Bill Messmer and Mr. Hastings. He instructed the Administrator to place a notice on the website asking for volunteers. He distributed a draft letter from Duane Warren which he requested be placed on Township letterhead and signed by the Mayor. He stated that the letter is one of introduction for him and Mr. Warden to the Newark Council so that they may begin the process of opening dialogue on behalf of the Township of West Milford. The Township Attorney, Fred Semrau, indicated that he would review the letter and speak with the Mayor. Mr. Semrau expressed some concern that Mr. Warren's law firm is involved in pending litigation against the Township's first aid squad. Councilman Weisbecker noted that Passaic County is providing low-income subsidies for heating and cooling costs to eligible County residents. He gave the application forms to the Clerk and asked that they be made available to residents at the front counter. He provided a brief overview of who may qualify. He advised that he attended the project meeting at the County for the Deadman's curve project which is scheduled to begin on March 6th. It was a positive meeting. He asked that the Council consider a resolution to be sent to the President and Congress expressing concern about Arab companies being allowed to operate US ports. He asked the Attorney to draft a resolution.

Councilman Nolan agreed with Mr. Weisbecker that a resolution opposing any foreign control over our ports should be drafted and sent out to a myriad of legislators. However, he noted that, when discussion took place about the Patriot Act, Councilman Weisbecker made a statement wherein he opined that the Township should not be involved in federal issues.

Councilman Warden proffered his support for a resolution that condemns any foreign country having control over our ports. He stated that sending a message to Washington expressing unhappiness with many recent decisions which have effectively eroded our civil liberties since 9/11 is long overdue.

Council President Gervens stated that no foreign country should be in control of our ports.

Councilman Weisbecker stated that the issue of foreign control of our ports affects us, as did 9/11 as does the war in Iraq.

Councilman Nolan stated that funds allocated to the heating assistance program are being cut in the federal budget. He asked the Administrator when the Council can expect the quarterly reports from department heads. Administrator Kunze noted that he is currently reviewing the reports and expects to distribute them to Council soon. Mr. Nolan asked the Administrator to look into fencing for the Wallish property and the feasibility of having sensors placed on the lights at bubbling springs.

Councilman Warden advised that the Weed Harvesting program is on schedule. He expects that the weed harvester will be in the water by April 15th. It is anticipated that this will be a bad year for weeds because we have had minimal ice on the lake over the winter. He urged that the contract be moved forward post haste. Mr. Warden noted that the Public Defender, Mr. Affinito,

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has received a second request to file his ethics form and has yet to do so. He asked what the next step in the process is. Mr. Semrau advised that he will look into the ordinance and report back to the Council. The Council instructed that Mr. Semrau send Mr. Affinito a letter advising him that they will be discussing this matter further at the next meeting. Mr. Warden asked about the status of the issue of Constables. Administrator Kunze advised that letters have been sent out and we are awaiting responses which will be compiled and provided to Council for discussion at the March work session meeting. Mr. Warden noted that, of the seven constables in the Township, four are from the same neighborhood. He stated that it is a pleasure to work with the current Council and the newest members, Mr. Smolinski and Mr. Weisbecker. He distributed packets to the Council containing copies of e-mails obtained through OPRA from former Councilman Elcavage's e-mail account. He noted that, while on the Council, Mr. Elcavage sat at the dais and stated that he was not involved with "fleecingwestmilford.com". He stated that the data in the packets he distributed indicate that he was involved and was using the Township e-mail account to forward e-mails. The Township Attorney, Mr. Semrau, cautioned Mr. Warden not to speak about any matters that may be involved in litigation. Councilman Warden stated that he wishes to see the Council united against the Hovnanian project. Mr. Semrau clarified that Mr. Warden is referring to the need to ensure that there is appropriate water at any site that is proposed for development of any sort. Councilman Warden stated that he will not support a tourism budget as long as Mr. Bailey is Chairman of this commission based on the e-mails generated by Mr. Bailey and their negative impact on the Township.

Councilman Scangarello had no report.

Township Attorney

Mr. Semrau noted that the Sheridan property issue had been discussed earlier in the evening. He clarified that there was a miscommunication from the County wherein they did not advise the Township that West Milford was to receive funds for the Sheridan property. Mr. Semrau advised that the Township's brief in the Eagle Ridge matter is due next week. He and Councilman Warden went to Trenton to do some research on this matter where they obtained a considerable amount of technical information.

Township Clerk's Report

The Township Clerk referred the Council to the memo she had distributed and asked if there were any questions. There being no questions from the Council, the Clerk had no report.

Executive Session

**Agenda No. X
~ Resolution No. 2006-063 (Amended) ~**

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 22nd day of February, 2006, 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.
 - DiMinno Settlement Agreement
 - Your Home Team v. Township of West Milford, docket #05-4354
 - () b. (8) Personnel matters.

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() 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: February 22, 2006

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

The Council went into executive session at 10:45 p.m.

Present: Councilmembers Philip Weisbecker, William Gervens, Robert Nolan,
James Warden, Carmelo Scangarello.

Absent: Mayor Joseph DiDonato.

Also Present: Township Administrator Richard Kunze, Township Clerk Antoinette Battaglia,
Township Attorney Frederick Semrau, Labor Counsel, Fred Knapp, Esq.

Items for discussion at Executive Session were as follows:

- DiMinno Settlement Agreement
- Your Home Team v. Township of West Milford, Docket #05-4354

Executive Session adjourned at 10:02 p.m.

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

Adjournment

There being no further business to come before the Council, the Township Council adjourned the meeting at 11:05 P.M.

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

Approved:

WILLIAM GERVINS, COUNCIL PRESIDENT
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK