





---

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

Minutes of: Township Council Workshop  
Date of Meeting: August 12, 2009  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 3 of 13

---

Councilman Jurkovic stated that he is sympathetic to Mr. Leonescu's issues with local ordinances. He has experienced similar problems in the course of his business practices and agreed that it is very frustrating. Mr. Boyle stated that wetlands is a major issue and the Health Officer, Engineer and Land Use Administrator are working with the Township Attorney to address these issues and address associated problems. Mr. Semrau agreed adding that the wetlands rules and regulations are constantly changing and evolving. It is important that these issues be addressed properly. This will be a long term project which is constantly changing and evolving. About two years ago, the Township adopted a wetlands policy which was withdrawn earlier this year. He received information from the Health Officer and Land Use Administrator about two weeks ago and he agreed that it would be helpful to get input from those contractors who regularly work on these issues. The Highlands Act itself requires the adoption of a number of ordinances and, in fact, new model ordinances were just released this week for municipalities to study and comment on. He advised that the Township had an issue last week with Highlands applicability wherein the DEP and Highlands Council gave differing opinions. The applicant assisted in the process and his input proved very helpful in resolving the matter which will ultimately affect policy. There is a lot of new legislation that makes it difficult to keep current and which such legislation comes administrative issues. The Highlands Act is administered by the DEP and the Township is trying to keep pace with both that and wetlands issues. He urged interested residents to contact the Administrator saying that he appreciates their input and assistance. Mr. Boyle stated that he has been in touch with the Highlands Council and is arranging a meeting with their officials and Township staff to work on a number of issues and to seek their assistance in refining the application process for our residents. Councilman Jurkovic asked Mr. Boyle to review Mr. Lanza's complaints.

Council President Smolinski stated that he favors the concept of having the contractors who regularly work with these laws to have input in refining the policies and procedures. He trusts Township staff will receive the comments in the constructive manner they are being submitted. He asked Mr. Boyle to follow up with the County about the bridge on Clinton Road stating that Mr. Gottleib's comments about safety concerns and emergency services were accurate. He stated that the Township does not produce verbatim minutes and Mr. Steele sought to be heard from the audience. Councilman Jurkovic stated that he recalled that Mr. Steele did indeed refer to the need for a majority vote rather than the affirmative vote of all members. He noted that the meeting minutes of this meeting will ultimately reflect the correction. Council President Smolinski asked for a roll call to allow Mr. Steele to be heard.

Voted Aye: Smolinski, Lichtenberg, Jurkovic.  
Voted Nay: Schimmenti.

Council President Smolinski advised Mr. Steele that four affirmative votes are required and thus he can not be heard. Mr. Steele stated that it is imperative that the minutes accurately reflect what is said and that he is merely seeking accuracy in the minutes. He asked the Council to make the change to the June 10<sup>th</sup> meeting minutes. Discussion ensued about the minutes and Mr. Boyle urged the Council to refrain from having the Clerk resort to verbatim transcripts because such is very time consuming.

Agenda No. VIII

**Discussion Items**

- |    |  |
|----|--|
| 1) | Revaluation Process – Mr. Boyle stated that there has been discussion among the Council about a Townwide revaluation. A large number of tax appeals have been filed thus placing a larger burden on fewer taxpayers. The revaluation process is very lengthy and ultimately every municipality is compelled to conduct a revaluation. West Milford is long overdue. He stated that he will ask the Tax Assessor to attend the next Council meeting to make a presentation to the Council on the process. Council President Smolinski stated that he would like this topic rescheduled because it would be best to have professionals in attendance to answer questions and explain the process to the public. Mr. Semrau suggested that the Council may wish to receive a short report from the Tax Assessor in advance of the presentation so that they know what is involved in the process. Council agreed.                                       |
| 2) | Ordinance – Vacate Portion of Shady Lane – Mr. Boyle stated that Mr. Anderson who owns block 7101, lots 6, 7, & 9 is requesting that a portion of Shady Lane be vacated to address several issues he has encountered relative to developing his property. This matter has been addressed by staff over the past few years and Mr. Anderson's attorney has sent notification to all involved residents advising of his request. He recommends that Council consider an ordinance to move this request forward. Mr. Semrau gave a brief history of the request and advised that neighbors and affected property owners who were notified did not file any objections to the request. Councilman Jurkovic stated that he reviewed this application when he sat on the Zoning Board and asked if that constitutes a conflict to which Mr. Semrau replied in the negative. Council gave consensus to have Mr. Semrau draft an ordinance for introduction. |
| 3) | Ordinance – Numbering of Buildings – Mr. Boyle advised that the Council has received a draft ordinance with comments from staff. Councilwoman Lichtenberg stated that she broached this  |

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

Minutes of: Township Council Workshop  
 Date of Meeting: August 12, 2009  
 Time of Meeting: 7:30 P.M.  
 Minute Page No: Page 4 of 13

	subject last year and supports this ordinance. She stated that some minor changes are needed to the draft. She asked that the work “existing” be removed from section 90-3, three inches should be changed to four inches and there should be a reference to the state statute in this section. In section 90-4 the words “hereinafter erected or enlarged” should be removed so that this legislation can be properly enforced. The Council gave consensus to proceed with the proposed changes.
4)	Ordinance – Amend Chapter 138 – Application of Fertilizers – Mr. Boyle advised that the Township did adopt a fertilizer ordinance which now must be amended to comply with stormwater regulations. He explained that West Milford is considered a tier 1 community by the State and thus must comply with regulations pertaining to tier 1 communities. The Council gave consensus to proceed to introduction.
5)	Ordinance – Repeal Chapter 305, “Sex Offenders” of the Township Code – Mr. Semrau advised that the Township adopted an ordinance in 2006 prohibiting convicted sex offenders from residing near schools and day care centers in town. A number of courts have ruled that these ordinances are invalid and it is being recommended that municipalities repeal these ordinances to minimize the potential for claims. The Council expressed concern that the State is compelling the repeal of local law that is intended to protect local residents. Councilwoman Lichtenberg asked if the legislation can be suspended rather than repealed and Councilman Jurkovic asked if it could be restructured to comply with these decisions while retaining the legislation. Mr. Semrau advised that there is proposed State legislation that would impose some restrictions on residency for convicted sex offenders. However, it would not be a local law if enacted. He will provide copies of that legislation to Council. Council directed that he draft a resolution supporting such legislation and also asked that the ordinance repealing West Milford’s sex offender legislation be written to make it clear that the Council is taking this action to protect the municipality but does not do so willingly. Council President Smolinski expressed concern that a New Jersey municipality cannot enact legislation to protect its citizens.
6)	Ordinance - Snow & Ice Removal from Sidewalks – Mr. Boyle stated that he is seeking Council direction as to how to proceed with this ordinance. He stated that the draft ordinance should be changed to make the Zoning Officer the enforcement agent. He stated that there are concerns about the time frame after a storm and that requires clarification. Councilwoman Lichtenberg stated that the ordinance should reference the owner of a property as the responsible party because the Township cannot issue violations to tenants or occupants. Mr. Boyle stated that he will work further on this ordinance and bring it back to Council at a future workshop.
7)	Highlands Water Use & Conservation Management Plan – Mr. Boyle stated that the Highlands Council has asked a number of municipalities to participate in a pilot program to draft a water use and management plan. The Mayor executed the form and submitted it because there was a deadline date. However, the submission of that form does not compel the Township to participation which ultimately is a Council decision. Council President Smolinski stated that the State will be allocating \$5,000 to the Township for this work and he asked why Paul Ferriero was designated as the Engineer on this project. Mr. Boyle stated that there is currently no agreement in place. Such an agreement would only be executed if the Council ultimately decided to proceed which is in part dependent upon being asked to do so by the Highlands Council. If the Township does proceed to such an agreement, the work will be limited to the \$5,000 funding appropriated by the State.
8)	Contract – Proposed Change Order –Labor Counsel – Mr. Boyle stated that the Township is close to having expended the annual appropriation for labor counsel and he has asked Mr. Giacobbe to provide a cost estimate to allow him to conclude these matters through the end of the year. However, Mr. Giacobbe is on vacation and has not replied as yet. There are a number of outstanding personnel issues, litigation matters, and contract negotiations to be concluded this year. Councilwoman Lichtenberg asked if the Township can expect reduced costs relative to negotiations because the Guild and AFSCME have the same representation. Mr. Boyle replied that the only savings will be due to the fact the negotiations for both bargaining units will be held on the same day.
9)	Contracts – Engineering Services - Wastewater Management Plan, Open Space, Highlands – Mr. Boyle advised that he is recommending that the Council approve additional contracts for Mr. Paul Ferriero who was hired at the beginning of the year by the Planning Board as their engineer. The Township has had Mr. Ferriero work on open space matters and has sought his assistance with Highlands. To ensure proper accounting, Mr. Boyle recommended that the Council authorize contracts for these services and restore the funding expended thus far to the Planning Board’s account. Council President Smolinski expressed concern that open space funds are being used by professionals and he questioned why this work is not done in-house. Councilman Jurkovic agreed adding that he hopes these projects are being coordinated with the Township Engineer. Mr. Semrau advised that Mr. Ferriero has experience with Highlands matters and that Mr. McFadden has worked on many of the open space issues too. Currently, Mr. McFadden is reviewing the reports pertaining to the CYO dam. The Council gave consensus to proceed.
10)	Contract - Bubbling Springs Lower Pond Dam and Westbrook Park Dam – Professional Services – Mr. Boyle advised that the Township issued an RFP for this work and received five responses. The Township Engineer has recommended Pennoni for the work and the Council gave consensus to proceed.

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: August 12, 2009
Time of Meeting: 7:30 P.M.
Minute Page No: Page 5 of 13

- 11) Contract – Solid Waste Disposal – Mr. Boyle advised that he will review the comments made regarding this bid including the disposal area and travel time. He advised that Mr. Semrau and Mr. McFadden have discussed issues pertaining to the bidders and have found that Waste Management is the lowest, responsive, responsible bidder. He will meet with Mr. Semrau to determine if travel time can be legally considered as a reason to reject bids and will advise Council if the recommendation is changed. In the meantime, he will prepare a resolution awarding the contract to Waste Management in accordance with the bid and the recommendation. The Council gave consensus to proceed.
12) Contract - 2009 Road Resurfacing - Phase II – the Council gave consensus to proceed.

Mr. Semrau advised that he researched the right of a person to be heard and has determined that such requires a majority vote of those present. Therefore, Mr. Steele was erroneously told earlier that he could not be heard a second time. Mr. Semrau asked that Mr. Steele be provided an opportunity now to be heard based on the earlier vote.

Gary Steele, North Glenwood Road, West Milford stated that he feels that he was heard earlier and thanked the Council.

Agenda No. IX

Action Items

The Township Council took action on the following items:

Agenda No. IX 1

~ Ordinance No. 2009- 013~

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 84, BICYCLES, SKATEBOARDS AND SCOOTERS, OF THE REVISED GENERAL ORDINANCES WITH THE ADDITION OF ARTICLE II, MT. LAUREL SKATE PARK

BE IT ORDAINED by the Municipal Council of the Township of West Milford, County of Passaic, State of New Jersey, as follows:

SECTION 1. Chapter 84, Bicycles, Skateboards and Scooters, of the aforesaid Revised General Ordinances is hereby amended and supplemented with the addition of Article II, Mt. Laurel Skate Park, to read as follows:

ARTICLE II Mt. Laurel Skate Park

§ 84-7 Skate Park registration required; fees

- A. Limits of use; permits required. Skating in the Mt. Laurel Skate Park is limited to the operation of skateboards and in-line skates and by persons who have paid the appropriate annual fee as set forth herein and who have completed the annual registration form prepared by the Township Department of Community Services and Recreation. Persons who are under 18 years of age must apply for their permit with their parent or legal guardian.
B. Permit fees; display of permits.
(1) The cost of annual permits shall be as follows:
(a) West Milford Township residents: \$2.00
(b) Non-residents: \$4.00
(2) Permits are valid from January 1 through December 31.
(3) Permits must be displayed on helmets at all times.

§ 84-8. Skate Park rules and regulations.

- A. Each skater must have the membership sticker displayed on his or her helmet
B. The skate park is a skate AT YOUR OWN RISK facility, designed for skateboarding only. Bicycles, scooters and any type of motorized vehicles are not permitted at any time
C. Skate Park hours are: daily 10:00 AM to dusk. Park will be open from the second Saturday in April to the third Saturday in October (weather permitting)
D. The park may be closed without notice or due to inclement weather- DO NOT skate when the equipment and/or surfaces are wet, snowy or icy
E. Safety equipment must be worn at all times – shirt, shoes, helmet, elbow pads and kneepads. All safety equipment must be securely fastened and worn per manufacturer’s specifications
F. Participants must provide their own equipment







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

Minutes of: Township Council Workshop  
 Date of Meeting: August 12, 2009  
 Time of Meeting: 7:30 P.M.  
 Minute Page No: Page 9 of 13

**NOW, THEREFORE, BE IT RESOLVED** that the Township Clerk is directed to issue and deliver the license certificate for the Mayor and Township Council of the Township of West Milford.

**574 MACOPIN, INC.**  
 t/a S & S Pub & Liquors  
 574 Macopin Road  
 West Milford, NJ 07480  
 1615-33-009-004

Adopted: August 12, 2009

Moved: Jurkovic Seconded: Smolinski  
 Voted Aye: Smolinski, Schimmenti, Lichtenberg, Jurkovic.  
 Voted Nay: None.  
 Motion carried.

Agenda No. IX 5

~ Resolution No. 2009- 301 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE ISSUANCE OF A PEDDLER LICENSE FOR LICENSE YEAR 2009, AN EXTENSION OF LICENSED PREMISE ON SEPTEMBER 7, 2009 AND OCTOBER 10, 2009**

**WHEREAS**, applications have been for various Licenses for the year 2009; and

**WHEREAS**, reports of recommendation have been received from various Township Departments recommending the issuance of said license as listed below;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of West Milford does hereby approve the issuance of 2009 Licenses as listed below:

Peddler License No.	Applicant Name	T/A	Conditions
2009 – 5	Robert L. Sargent 29 Vreeland Road West Milford, NJ 07480	Sarge’s Mobil Mess Hall	The applicant must provide servicing area information to the Health Department and have the mobile truck inspected prior to operation.
Date of License Extension	Applicant Name	T/A	Conditions
09/07/2009 1 – 9 p.m.  and 10/10/2009 1 – 9 p.m.	Normtra LLC	Big John’s Pub 49 Old Rt. 23 Newfoundland, NJ 07435	1. Amplified music should be restricted to the interior of the building <b>only</b> . This pertains to both live music and a DJ. Any musical entertainment outside of the building should cease by 2100 hours. 2. Persons are not to leave the property of the licensed premise, or the extended premise, with alcoholic beverages. Persons may not trespass for any reason on adjacent property owned by the City of Newark or any other entity without written permission. 3. Vehicles, including motorcycles, must be parked on premise property, not on adjacent private property or the roadway. 4. An estimate of attendees should be made part of the application as this may predetermine issues such as parking problems and overflow of patrons onto private property.

Adopted: August 12, 2009

Moved: Schimmenti Seconded: Smolinski  
 Voted Aye: Smolinski, Schimmenti, Lichtenberg, Jurkovic.  
 Voted Nay: None.  
 Motion carried.

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

Minutes of: Township Council Workshop  
 Date of Meeting: August 12, 2009  
 Time of Meeting: 7:30 P.M.  
 Minute Page No: Page 10 of 13

Agenda No. X

**Approval of Expenditures**

Councilman Jurkovic asked for clarification on the vote in light of the absences at tonight's meeting. He explained that he generally abstains from voting on Mr. Glatt's invoices and does not want to hold up the entire bill list by doing so tonight. Mr. Semrau advised that Councilman Jurkovic can request that the Glatt bills be removed from this bill list and be considered at the next meeting thus allowing the bill list to be acted on by Council. Councilman Jurkovic stated that he and Mr. Glatt are opposing Council in litigation. There is an issue regarding fees through probate and thus he feels it safer to abstain from Mr. Glatt's bills rather than have any questions arise.

Councilman Jurkovic made a motion to move the bill list without check 39118 and 39119.

**~ Resolution No. 2009- 302 ~**

**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 as follows:

<b>Acct #</b>	<b>Account Name</b>	<b>Amount</b>
1	Current Account . . . . .	\$1,133,466.31
2	Reserve Account . . . . .	10,969.08
3	Animal Control Trust	2,180.00
6	Capital . . . . .	261,710.42
7	Grants . . . . .	1,094.18
8	Refuse . . . . .	121,583.75
9	Refunds . . . . .	110.00
12	General Ledger . . . . .	4,917,577.07
16	Heritage Trust . . . . .	0.00
14	Open Space Trust	2,895.35
17	Trust . . . . .	3,444.60
18	Development Escrow . . . . .	5,794.35
19	LOSAP	0.00
20	Special Reserve	0.00
<b>Total</b>		<b>\$6,460,825.11</b>
<b>\$Less Refund Resolution</b>		<b>-110.00</b>
<b>Actual Bill List</b>		<b>\$6,460,715.11</b>
Other Payments		1,045.75
Less Refund Resolution		
<b>Total Expenditures</b>		<b>\$6,461,760.86</b>

Adopted: August 12, 2009

Moved: Jurkovic Seconded: Smolinski  
 Voted Aye: Smolinski, Schimmenti, Lichtenberg, Jurkovic.  
 Voted Nay: None.  
 Motion carried: Motion carried.

Agenda No. XI

**Reports of Mayor, Administrator, Council Members, Attorney and Clerk**

---

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

Minutes of: Township Council Workshop  
Date of Meeting: August 12, 2009  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 11 of 13

---

Councilwoman Lichtenberg gave a thumbs up to Bonnie Mead for volunteering to help her hand out programs at the recent concert sponsored by CASA. She is available to residents at Town Hall on Thursday from 10 a.m. to noon.

Councilman Jurkovic confirmed with the Planning Board President who was in the audience that the master plan will be discussed at their meeting on August 27<sup>th</sup>. He advised that the Township Engineer has conveyed that the hydraulic hammer specified in the recent bid for these services is provided by the contractor as specified. He commended the fire department and the land use department stating that the Council received letters about their recent efforts. He stated that the Council received a memo from the Administrator this evening on the dais which outlined recommendations from the Garbage & Recycling Committee. One recommendation is to limit collection to three 32-gallon containers per week per household. He stated that the 32-gallon cans are hard to find and smaller ones are not bear proof. He stated that he read an article in the *New Jersey Planner* newsletter about legislation in Piscataway Township that creates a temporary land use permit. This is an expedited process for preliminary zoning approval which allows temporary use on a property on the condition that the owner obtain final approvals within six months. He asked Mr. Semrau to review this and provide an opinion.

Township Attorney Semrau stated that many municipalities are struggling to keep up with the affordable housing process. This afternoon a directive was issued from COAH which extended the deadline date from December 9<sup>th</sup> to June 2010. West Milford is poised to meet the December 9<sup>th</sup> deadline but this extension relieves some pressure. He stated that he is working on the Highlands applicability issues. He asked that Random Woods be added to executive session and advised that he does not expect the Council to take action after executive session tonight. In response to Council President Smolinski, Mr. Semrau advised that he communicated with an attorney for the bowling alley about the wastewater management plan. His client is in agreement with the Township's position to utilize state mapping until the Township's plan is updated. He advised that he provided the Administrator with rules governing the skate park and the assignment of a monitor there. Mr. Boyle stated that he has conveyed that information to the Director of Community Services & Recreation and together they are addressing the concerns. A part-time monitor will be assigned and he will get a memo to the Council.

Township Administrator Boyle advised that there are a number of bid openings scheduled for various winter weather materials and he has authorized the advertising of a bid for a new ambulance.

The Council took a short recess at 9:40 p.m. The Council reconvened at 9:42 p.m. with all present as before.

Administrator Boyle stated that Mr. Semrau is working on the contract for the live where you work program. The Health Officer has begun investigating the potential for shared services and has had preliminary discussions with other municipalities. Some towns have expressed concerns about the future of our Health Department but otherwise the preliminary talks were positive. He has worked with the Director of Community Services & Recreation and Mayor Bieri on interviews for caretaker for Westbrook Park. They have narrowed the search to two candidates and they will conduct second round interviews at Westbrook. A recommendation to Council will follow. He reviewed the recommendations from the Garbage & Recycling Committee. The committee proposes a limit on the number of cans picked up per week, limiting the number of bulk items to one per week, institute a sticker system who need additional pick ups, metal pick-up will be done by zone on a limited basis, and there is an alternate bid for single stream recycling. The committee will limit collections for private schools, churches and community clubhouses thereby limiting such collection to Township-sponsored facilities. Mr. Boyle advised that he has met with the CFO to begin preliminary analyses of the 2010 budget. They have made some projections but there is insufficient information at this time to progress further. It is expected that health benefits will increase by about 7% but the largest unknown is employee pension contributions and related State decisions. He will be meeting with the Hillcrest committees to finalize one outstanding item for the new lease and has scheduled three meetings in September for contract negotiations.

Township Clerk Battaglia thanked the Council for adopting the resolution accepting the PARIS grant. She advised that work will begin on this major project in September and there will be an impact on all departments. Most significantly, the Clerk's office will be severely impacted.

Agenda No. XII

**Appointments and Resignations**

~ Resolution No. 2009- 303 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY TO CREATE A VACANCY ON THE TOWNSHIP'S ADA COMMITTEE**

TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Workshop
Date of Meeting: August 12, 2009
Time of Meeting: 7:30 P.M.
Minute Page No: Page 12 of 13

BE IT RESOLVED, by the Township Council of the Township of West Milford that they do hereby remove Ms. Christine Fleet from the ADA Committee with appreciation for her past service and in accordance with the Committee's July 14, 2009 request for this action.

Adopted: August 12, 2009

Moved: Jurkovic Seconded: Smolinski
Voted Aye: Smolinski, Schimmenti, Lichtenberg, Jurkovic.
Voted Nay: None.
Motion carried.

Councilman Jurkovic nominated James Novack to the ADA Committee, seconded by Councilwoman Lichtenberg. Councilman Jurkovic made a motion to close & confirm.

Moved: Jurkovic Seconded: Lichtenberg
Voted Aye: Smolinski, Schimmenti, Lichtenberg, Jurkovic.
Voted Nay: None.
Motion carried.

Councilman Jurkovic nominated John Lauritano to the Recreation Advisory Committee, seconded by Council President Smolinski. Councilman Jurkovic made a motion to close & confirm.

Moved: Jurkovic Seconded: Smolinski
Voted Aye: Smolinski, Schimmenti, Lichtenberg, Jurkovic.
Voted Nay: None.
Motion carried.

Agenda No. XIII

Executive Session

Mr. Semrau read the motion for executive session at the request of the Council President.

~ Resolution No. 2009- 304 ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 12th day of August 2009 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.
(X) 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.
[ ] Potential Property Acquisitions – Block 5405, Lot 8 and Block 5301, Lot 20 Eagle Ridge
[ ] Potential Property Acquisitions – Block 8001, Lot 1 – Random Woods
( ) 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.
[ ] Contract Negotiations – Hillcrest Lease
[ ] Litigation – O'Shea v. West Milford – Docket # L-2229-04
( ) b. (8) Personnel matters.
( ) b. (9) Deliberations after a public hearing that may result in penalties.

---

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

Minutes of: Township Council Workshop  
Date of Meeting: August 12, 2009  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 13 of 13

---

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: August 12, 2009

---

Moved: Lichtenberg Seconded: Jurkovic  
Voted Aye: Smolinski, Schimmenti, Lichtenberg, Jurkovic.  
Voted Nay: None.  
Motion carried.

---

The Council went into executive session at 10:00 p.m.

The Council reconvened in public at 10:28 p.m. with all present as before.

**Adjournment**

Agenda No. XIV

There being no further business to come before the Council, the Township Council adjourned the meeting at 10:28 p.m.

---

Moved: Jurkovic Seconded: Schimmenti  
Voted Aye: Smolinski, Schimmenti, Lichtenberg, Jurkovic.  
Voted Nay: None.  
Motion carried.

---

Approved: August 26, 2009

---

COUNCIL PRESIDENT JOSEPH SMOLINSKI  
PRESIDING OFFICER

---

ANTOINETTE BATTAGLIA  
TOWNSHIP CLERK