
TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY

Minutes of: Township Council Special Meeting
Date of Meeting: December 30, 2008
Time of Meeting: 5:30 P.M.
Minute Page No: Page 1 of 3

Mayor Bieri called this Special Meeting of the West Milford Township Council to order.

Adequate Notice Statement

Mayor Bieri read the following statement:

Please note that in accordance with Chapter 231, Public Laws of 1975 of New Jersey, adequate advance notice of this special meeting was published in the Herald News on December 29, 2008; copies were provided to the Record, Star Ledger, Suburban Trends 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

Mayor Bieri led all in attendance in a salute to the flag.

Roll Call

Present: Councilmembers Philip Weisbecker (arrived late), Joseph Smolinski, Salvatore Schimmenti, Marilyn Lichtenberg, Carmelo Scangarello. Mayor Bettina Bieri.
Absent: Councilman Robert Nolan.
Also Present: Township Attorney Fred Semrau

Agenda No. II

Mayor Bieri stated that the purpose of this meeting is to have an executive session discussion of the Township Administrator position.

Agenda No. III 1

~ Resolution 2008 - 470 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC STATE OF NEW JERSEY AUTHORIZING FRED SEMRAU ESQ. TO SERVE AS THE CLERK'S DESIGNEE FOR THE MEETING OF DECEMBER 30, 2008

WHEREAS, the Township of West Milford did call for and duly advertise a special meeting of the Township Council for December 30, 2008; and

WHEREAS, the Township Attorney, Fred Semrau, Esq. shall be in attendance for said meeting; and

WHEREAS, the Township Clerk shall not be in attendance; and

NOW, THEREFORE, BE IT RESOLVED that the Township Council does hereby authorize Fred Semrau Esq. to serve as the Clerk's designee for the special meeting of December 30, 2008.

Adopted: December 30, 2008

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

Mr. Semrau stated that both the Mayor and Councilman Weisbecker requested a special meeting to discuss the Administrator and Clerks positions. He explained that discussion pertaining to strengths, weaknesses, consensus or direction about any particular candidate or candidates will be conducted in the public portion of the meeting. To that end, the Township Clerk has distributed resumes submitted for both the clerk and administrator positions. These resumes are the result of the review and interview process by the respective committees which have narrowed the fields down to a select few candidates. Instead of referring to names the resumes have been labeled A, B, and C and Council should refer to the candidates as such during the public discussion. Discussion about salary or contract terms or things of that nature should be reserved for executive session.

Administrator

Councilwoman Lichtenberg stated that, having interviewed all three candidates, she finds candidate A to be the most qualified. She emphasized his experience and his familiarity with the Highlands Act. Candidate C, in her opinion, appears to be pro-development and she has concerns about his career choices. Councilman Weisbecker stated that candidate A is his preferred candidate primarily due to

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his level of experience and knowledge. He is familiar with both Passaic and Morris counties and he believes that candidate A can move this town forward. At this time of the year, many municipalities may be seeking to make changes in the Administrator position so he considers this to be a very time sensitive matter. He believes candidate A is the best person for West Milford. Council President Smolinski stated that candidate A would transition well into the position because of his extensive experience. Councilman Scangarello asked that Council expand upon their comments as neither he nor Councilman Schimmenti was present at the interviews. Councilman Weisbecker stated that after interviewing the candidates he believes that either candidate A or candidate B could transition well into West Milford because of their extensive experience in municipal service. He was not quite so impressed with candidate C. The contacts candidate A has made him the forerunner in Councilman Weisbecker's opinion. He urged Council to move on this due to the urgency he feels to fill the Administrator position. He asked that a consensus be reached tonight so that discussion can begin on negotiating a contract to be effective at the beginning of the New Year. Councilman Schimmenti requested an executive session discussion to review the financial requirements of the candidates before reaching consensus.

Mayor Bieri reviewed the process by which the interviews were conducting advising the public that two committees interviewed final candidates. She understood that all three candidates were viable and any one of the three has strengths and weaknesses. She would also like to discuss all three candidates in executive session to review the terms for each candidate.

Clerk's Position

Mayor Bieri advised that there was only one interview committee for the Clerk comprised of herself, Council President Smolinski and Councilwoman Lichtenberg. The committee all agreed that candidate C would not be a viable option for this position. Councilman Weisbecker stated that he would appreciate an opportunity to speak with the final candidates for this position because the Clerk works closely with the Council. He asked that a decision about this position be deferred to a later date. Council President Smolinski stated that he is not ready to move forward with the clerk's position. Councilwoman Lichtenberg stated that there was an applicant with an RMC who was not interviewed.

Administrator

Council agreed to move forward with the Administrator position this evening and defer further action on the clerk position to a later date. Mr. Semrau stated that, even with direction tonight, it is unlikely he will have a contract in place in two days; it may take a little longer.

Agenda No. III 1

~ Resolution No. 2008- 469 ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 30th day of December, 2008, that:

1. Prior to the conclusion of this **Special 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.
 - Township Administrator
 - Municipal Clerk
 - () b. (8) Personnel matters.
 - () b. (9) Deliberations after a public hearing that may result in penalties.

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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: December 30, 2008

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

Mr. Semrau advised that there will be no further action from Council after executive session. The Council convened in executive session at 6:00 p.m.

The Council reconvened in public with all present as before at 7:43 p.m. Mr. Semrau noted for the record that Councilman Nolan joined executive session at approximately 7:35 p.m.

Agenda No. IV

Public Comments

Jim Novack, Larchmont Drive, West Milford stated that the Council was selective when they allowed Council-elect Jurkovic to participate in interviews for the administrator position. Because he is not yet on Council, Mr. Jurkovic should not have been allowed to participate in a process to the exclusion of other Township residents.

There being no further comments from the public, Councilman Weisbecker moved to close the public portion of the meeting.

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

Councilman Weisbecker moved to adjourn the meeting at 7:45 p.m.

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

Approved: January 28, 2009

MAYOR BETTINA BIERI
PRESIDING OFFICER

ANTOINETTE BATTAGLIA
TOWNSHIP CLERK