

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 issue of September 19, 2004; 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: Councilmembers Paul Bailey, Joseph Elcavage, William Gervens, Carmen Scangarello and Mayor Joseph DiDonato.

Absent: Councilman Dennis Kirwan and Councilwoman Patricia Lotz-Moore.

Also Present: Acting Township Administrator Kevin J. Byrnes, Township Attorney William J. DeMarco and Councilmen-elect Robert Nolan and James Warden.

### **Meetings**

Mayor Joseph DiDonato noted the future meeting schedule:

November 10, 2004 - 7:30 P.M. - Regular Meeting  
December 7, 2004 - 7:30 P.M. - Workshop  
December 15, 2004 - 7:30 P.M. - Regular Meeting

### **Township Administrator's Report**

Acting Township Administrator Kevin J. Byrnes reported on the following matters:

Person to Person Transfer of Hot Spice Restaurant & Bar Liquor License to Country Gourmet LLC for premises at the same location.

The Township Council proceeded to interview April Stearns regarding the use for which she will use the premises at which the liquor license will operate.

Mayor DiDonato stated that the resolution to transfer the Hot Spice Restaurant & Bar Liquor License to Country Gourmet LLC for premises at the same location will be on the November 10th. Regular Meeting agenda for adoption.

Public Hearing - Town Center Historic District designation

November 10th. Regular Meeting agenda items.

**Mayor's Report**

Mayor DiDonato reported on the appointment of Richard Kunze as Township Administrator, noting that Mr. Kunze had been interviewed by himself, Councilman William Gervens and Councilman Carmen Scangarello and had been chosen from thirty-five applicants.

Councilman Gervens nominated Richard Kunze to serve as Administrator of the Township of West Milford for an indefinite term.

There being no further nominations, nominations were closed and confirmed.

Moved: Elcavage Second: Gervens

Voted Aye: Bailey, Elcavage, Gervens, Scangarello.

Voted Nay: None.

Motion carried.

Mayor DiDonato declared Richard Kunze the Administrator of the Township of West Milford for an indefinite term.

Councilman Elcavage moved the Resolution Approving an Employment Contract with the Township Administrator.

RESOLUTION NO. 2004 - 293

**RESOLUTION APPROVING AN EMPLOYMENT CONTRACT  
WITH THE TOWNSHIP ADMINISTRATOR**

**WHEREAS**, the Township adopted a new form of government which was effective January 1, 2004; and

**WHEREAS**, this new form of government includes the position of Township Administrator; and

**WHEREAS**, the Mayor and Township Council conducted a recruitment program to fill the position of Township Administrator; and

**WHEREAS**, the Mayor and Township Council desire to employ the service of Richard S. Kunze as Township Administrator; and

**WHEREAS**, Richard S. Kunze agrees to serve the Township of West Milford as Township Administrator; and

**WHEREAS**, the terms of said employment as Township Administrator have been arrived at and an Employment Agreement prepared; and

**WHEREAS**, said Employment Agreement was reviewed, on behalf of the Township, by the Township Attorney for the Township of West Milford and he recommended it to the Township Council;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Council of the Township of West Milford that it hereby approves said Employment Agreement with Richard S. Kunze to serve as the Township Administrator of the Township of West Milford.

Adopted: November 3, 2004

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Moved: Elcavage                      Second: Bailey  
Voted Aye: Bailey, Elcavage, Gervens, Scangarello.  
Voted Nay: None.  
Resolution adopted.

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### **Township Council Reports**

The Township Council reported on the following matters:

Councilman Paul Bailey: Welcomed the Council-elect members.

Councilman Joseph Elcavage: Congratulations to Council-elect members.  
Union Valley/Marshall Hill Road traffic light  
has been repaired.

Councilman William Gervens: Congratulations to Council-elect members.  
Senior Citizens Committee  
Police Department staffing  
Greenwood Lake Commission

Councilman Dennis Kirwan: Absent.

Councilwoman Patricia Lotz-Moore: Absent.

Councilman Carmen Scangarello: Congratulations to Council-elect members.

### **Township Attorney**

Township Attorney William DeMarco noted the need for a closed session.

### **Township Clerk's Report**

Township Clerk Kevin J. Byrnes had no report.

### **Public Comments**

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

There were no residents who wished to address the Township Council.

### **Council Comments**

The Mayor and Members of the Council made comments on pending Government matters.

**Executive Session**

**MOTION FOR EXECUTIVE SESSION**

**BE IT RESOLVED** by the Township Council of the Township of West Milford on the **3<sup>rd</sup>** day of **November** 2004, 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, subsection (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.
- ( ) 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: Elcavage                      Seconded: Gervens  
Voted Aye: Bailey, Elcavage, Gervens, Scangarello.  
Voted Nay:None.  
Resolution adopted.

Present: Councilmembers Paul Bailey, Joseph Elcavage, William Gervens,

