

Executive Session

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the **15th** day of **January**, 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.
- (xx) b. (4) A collective bargaining agreement including negotiations.
- (xx) 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.
- (xx) 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: Bailey Seconded: Lotz-Moore

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, Assistant Municipal Clerk Denise M. Loeffel, and Labor Attorney Fred Knapp.

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

PBA Contract arbitration
Commercial Garbage contract
Greenwood Lake Turnpike property purchase

Labor Attorney Fred Knapp explained labor negotiations with the Police Benevolent Association regarding seven economic issues and five non-economic issues. He explained that by law the Township must have three meetings with labor representative, but has not been able to establish whether this had been done by the former Township Manager.

Labor Attorney Fred Knapp noted that the Township only has a limited time to respond to arbitration issues, that the Township may respond by letter, however, if either party doesn't respond it isn't allowed to submit additional information or petitions.

The Mayor and Township Council discussed this matter with Labor Attorney Fred Knapp and Township Administrator Kevin J. Byrnes.

Township Administrator Kevin J. Byrnes advised the Council on other labor issues, and noted that he had already discussed the issues with Labor Counsel Fred Knapp.

Township Council informal consensus that they would authorize Township Attorney William DeMarco and Township Administrator Kevin J. Byrnes to draft a resolution for adoption at the next regular council meeting to hire Fred Knapp as Township Labor Attorney.

Township Attorney William J. DeMarco reported on his concerns with the commercial garbage contract.

Township Administrator Kevin J. Byrnes noted that that contract had not been signed to date.

Township Attorney William J. DeMarco reported on the Township purchase of the six acres next to the former bowling alley from the State. He noted that the cost is \$90,000.00; but that the State provided in the deed that if the Township sells all or part of the property and makes a profit, the State will get a percentage of that profit.

Township Administrator Kevin J. Byrnes reported on the background of the former Council's purpose in purchasing this property from the state. He noted that copies of the deeds were faxed to him last week.

Township Administrator Kevin J. Byrnes also noted if the Council wishes to proceed in the purchase of this property they would have to find the money to finance this purchase; and that it might have to be provided for in the 2004 budget.

Township Council informal consensus to continue with the purchase of the Greenwood Lake property from the State of New Jersey.

