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

Minutes of: Township Council Workshop  
Date of Meeting: January 09, 2008  
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- ( ) 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.
- (X) b. (4) A collective bargaining agreement including negotiations.
  - PBA & SOA Negotiations Update
- ( ) 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.
  - Legal opinion as to appointment process
- ( ) 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).

Adopted: January 9, 2008

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

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The Council went into Executive Session at 7:33 p.m.

The Council reconvened in public session at 8:15 p.m. with all present as before.

**Meetings**

Mayor Bieri noted the future meeting schedule:

January 23, 2008 Regular Meeting  
February 6, 2008 Workshop Meeting  
February 13, 2008 Regular Meeting  
February 27, 2008 Workshop Meeting

**Proclamations**

None.

**Presentations**

**Highlands Master Plan**

Mayor Bieri invited Bill Drew, Planning Director, to address the Council on this matter. Mr. Drew directed the Council to a report that he had provided to them on the dais. In this report, he attempted to make a comparison between the first and second drafts of the Highlands Master Plan. The first draft contained a list of items to be completed before it was to be adopted. The second draft contains goals and policies in an effort to move the process along. Changes have been made as a result of comments obtained during the comment period. He, in his report, has highlighted these changes. They reviewed the zone and sub-zone designations noting that there is now a "Lake Community Sub-Zone" to address specific issues for these areas. The plan is still based on the goals and objectives of the Highlands Act. He advised that, while changes have been made to the maps, he found inconsistencies in the second maps that the Highlands Council should be made aware of. These must be addressed during the "planned conformance" stage of this process which comes after adoption. He provided an overview of the six chapters of the master plan. The new draft begins to diverge from the initial plan in chapter 4 most notably the implementation of the plan through plan conformance. This idea is intended to bring local plans into conformance with the Highlands Master Plan.

Water quality is addressed in the plan through an extensive list of goals and objectives which are outlined in chapter V. This chapter also speaks about improving water quality and quantity through proactive measures. West Milford has already initiated a lot of projects that are in compliance with the steps being

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promoted in the Highlands Act which will benefit the Township during the conformance process with the Highlands Project. Mr. Drew reviewed these projects as well as potential future projects. The plan conformance process is one that is an integral part of the plan and one that the Township should focus on. This plan has been prepared in a manner that will allow for its adoption while ongoing issues will be subsequently handled during the conformance process. The Highlands Council recognizes the fact that the plan may not be entirely accurate or complete. They recognize the need for more local information and local assistance in refining the plan. After the plan is adopted, guidelines will be promulgated for each municipality to assist in undertaking the conformance process. Grants will be made available to defray the costs. It is anticipated that the plan will be adopted soon after the comment period ends on February 28<sup>th</sup> and he is confident that the Township will be ready to engage in the conformance process.

Municipalities must submit their plans within fifteen months of adoption of the Highlands Master Plan. There will be a series of public hearings prior to adoption. In response to a question posed by Mr. Semrau, Mr. Drew advised that the Township will have to assess the municipal master plan and rewrite it and local ordinances to be in conformance with the Highlands Master Plan. The Highlands Council will then review that plan and either approve it, deny it or approve it with conditions. It is anticipated that most municipal plans will be approved with conditions and those conditions will have specific dates within which a municipality will be compelled to comply with conditions. Mr. Semrau asked if there is a process to revive exemptions that have been lost to which Mr. Drew replied in the negative advising that those exemptions are related to DEP regulations which this plan does not address. Council President Smolinski asked if there is a provision for water end user fees or property tax relief. Mr. Drew advised that there is a section in the plan about property owner fairness, transfer of development rights, open space purchases, easements, and land owner equity. However, there is no direct link between this plan and direct funding to address these issues. Council President Smolinski asked if West Milford would have greater entitlement to the \$7 million in grant funding that will be allocated for this process as West Milford is completely in the preservation zone. Mr. Drew advised that the Highlands Council will promulgate a formula for the disbursement of these funds during the conformance phase of this process.

Mr. Semrau advised that the Council should formulate comments and coordinate with the Planning Board to incorporate their comments into a final draft to be submitted before the deadline date. Mr. Drew advised that the Highlands Council is months behind schedule and have already been admonished once by the Governor. This plan is written in a master plan format that can be adopted. Mayor Bieri instructed that this topic be placed on the agenda for discussion at the February 6<sup>th</sup> workshop meeting. She asked Mr. Drew to place his report on the website and encouraged any citizens to provide their comments to the Township Clerk for distribution to Council. Mr. Drew advised that the Environmental Commission plans to form a subcommittee to assist in sifting through the conformance process. Councilman Nolan stated that the Township should submit one unified response which will comprise comments from the Planning Board, Environmental Commission, the public, the Township Council, and professionals.

Mayor Bieri asked Mr. Drew for an update on the 3<sup>rd</sup> Round COAH Certification as it relates to West Milford. Mr. Drew advised that the Township will have to resubmit to COAH based on the new guidelines. The previous criteria were based on 1 unit per 8 units of new housing. The new regulations require 1 unit per 5 units of new housing. The changes to the commercial numbers will also increase the Township's obligation. These changes were anticipated in December when the Township was submitting the report to COAH and there are excess units in that application. While he has not finalized the numbers as yet, he believes that the Township will meet the COAH requirements with the available numbers. Because the Township has submitted the application which is on file, the Township is now protected.

*Person-to-Person Transfer of Plenary Retail Consumption License from Jerzey Chranowski to Milford Steakhouse, Inc.*

Mayor Bieri asked the Clerk to comment on this license. Ms. Battaglia advised that this license was not renewed in 2007-2008 because the Division of Taxation instructed that the name should be changed to conform with the tax clearance certificate. Additionally, the license has been inactive as the restaurant, the Fickle Pickle, has closed. Subsequently, the licensee indicated that he wishes to operate under a new name, Milford Steakhouse. The Division has no objection to the change in name and thus this license is subject to a person-to-person transfer. The sole proprietor, Jersey Chranowski, will continue to hold this license. Therefore, the Council will consider resolutions to issue an inactive license and to approve the person-to-person transfer. The licensee must submit an application to have the license returned to active status after the renewal. Ms. Battaglia advised Council that Township officials have recently gained access to the premises to conduct inspections and they will submit their recommendations to the Clerk's office prior to the license being issued. Mayor Bieri invited Leon Consueles, Mr. Chranowski's attorney, to speak to the Council on this matter. Mr. Consueles advised that Mr. Chranowski will continue to operate as a sole shareholder in this license. He became aware of concerns this morning about the possibility of a managing agent for this license as Mr. Chranowski lives in Poland. Mr. Chranowski intended to operate this license and a decision about a manager has not yet been made. A person who owns a restaurant in Oak Ridge has been assisting with the operations. Mr. Chranowski plans to employ Sonny but it may not work because he has his own business to run. However, the Clerk has provided the necessary paperwork



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Councilwoman Lichtenberg stated that she looks at the individual who is seeking appointment and not that person's party affiliation.

Councilman Scangarello stated that the most qualified person who wishes to serve should be appointed.

Mayor Bieri stated that appointments should be made based on qualifications and other considerations, including potential conflicts of interest. She showed Ms. Aaronson's charts to the public and stated that, in a town where 25% of the registered voters are Republicans, these appointments are not a coincidence. Not only Republicans seek appointment and to suggest this is the case is an insult to West Milford residents. She represents change which is why she was elected. However, she cannot effectuate change alone.

**Action Items**

The Township Council took action on the following items:

Agenda No. IX 1

~ Ordinance 2008-001 ~

**ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD,  
COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING AN EASEMENT FOR BLOCK  
12312, LOT 2**

**WHEREAS**, with the rehabilitation of the Gordon Lakes Dam, the Township of West Milford will need to obtain an permanent easement from the owner in possession of certain property designated as Block 12312 Lot 2; and

**WHEREAS**, the Township Council of the Township of West Milford is desirous of obtaining said permanent easement; and

**WHEREAS**, the Township Attorney has prepared a Deed of Easement granting the Township of West Milford the rights to install, rebuild, replace, reconstruct, repair and maintain road, sidewalks, grouted riprap, slope improvements and other necessary appurtenances in, upon, under and through said lands and other rights as set forth in the Deed of Easement; and

**WHEREAS**, the Township of West Milford does hereby determine to accept said dedication of the within permanent easement as set forth herein for the benefit of the Township of West Milford and the public in general as it is needed for the rehabilitation of the Gordon Lakes Dam.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of West Milford, County of Passaic and State of New Jersey as follows:

1. The easement set forth in the attached easement of dedication, being part of Block 12312 Lot 2, is hereby accepted as and for a permanent easement.
2. The Township Attorney is authorized and directed to accept the Easement and to record same for the benefit of the Township.
3. If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.
4. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.
5. This Ordinance shall take effect after publication and passage according to law.

Mayor Bieri advised the second reading and public hearing for this ordinance is set for the Regular Meeting of the Township Council scheduled for January 23, 2008. Notice of this public hearing shall be published in the Herald News on or about January 13, 2008.

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

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Agenda No. IX 2

~ Resolution 2008-024 ~

**MAYOR'S APPOINTMENT OF CHRISTOPHER CHAPMAN AS TOWNSHIP HEALTH OFFICER IN ACCORDANCE WITH SECTION §15-51 OF THE TOWNSHIP CODE**

**BE IT RESOLVED**, by the Township Council of the Township of West Milford that they do hereby concur with the Mayor's appointment of Christopher Chapman to the position of Township Health Officer in accordance with section §15-51 of the Township Code.

**BE IT FURTHER RESOLVED**, that Mr. Chapman shall begin his employment with the Township on February 4, 2008, shall receive compensation at an annual rate of \$97,000 and his appointment is conditional upon completion of a 90-day probation period.

Adopted: January 9, 2008

Discussion: Council President Smolinski commended the committee for a job well done. This is a great new hire. Mayor Bieri agreed advising that the committee interviewed many candidates and she appreciates the discussion held in executive session last week. The appointing resolution, she advised, contains a probationary period.

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Moved: Weisbecker Seconded: Scangarello  
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Scangarello.  
Voted Nay: None.  
Motion carried.  
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Agenda No. IX 3

~ Resolution 2008-040 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING PERSON TO PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1615-33-010-002 FROM LAKESIDE BAR & LIQUORS, INC. LOCATED AT 1930 UNION VALLEY ROAD, HEWITT, NEW JERSEY TO PLAZA BAR & LIQUORS, INC. FOR PREMISES AT THE SAME LOCATION**

**WHEREAS**, an application has been received for a Person to Person transfer of 2007 - 2008 Plenary Retail Consumption License No. 1615-33-010-002 presently held by Lakeside Bar & Liquors, Inc. located At 1930 Union Valley Road, Hewitt, New Jersey to Plaza Bar & Liquors, Inc. for Premises At The Same Location; and

**WHEREAS**, the Township Council has conducted a public investigation of the applicant as stipulated in the guidelines of the Director of the Division of Alcoholic Beverage Control dated April 14, 1980, and

**WHEREAS**, as a result of that investigation the Township Council has determined the following:

1. The submitted application is complete in all respects.
2. The applicant is qualified to be licensed according to all statutory, regulatory and local governmental A. B.C. laws and regulations.
3. The applicant has disclosed to the issuing authority the source of all financing obtained in the previous license year (July 1, 2007 - June 30, 2008).

**WHEREAS**, as a further result of the public investigation and upon the recommendation of the Police Department the Township Council authorizes the license be transferred;

**NOW, THEREFORE, BE IT RESOLVED** that the application is hereby approved and the Township Clerk is authorized to endorse the transfer on the license and issue same.

Adopted: January 9, 2008

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

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 Agenda No. X

~ Resolution 2008-041 ~

**RESOLUTION AUTHORIZING PASSAGE OF CONSENT AGENDA**

**WHEREAS**, the Mayor and Township Council of the Township of West Milford has reviewed the Consent Agenda consisting of various proposed Resolutions and Applications; and

**NOW, THEREFORE, BE IT RESOLVED**, that the following Resolutions and Applications on the Consent Agenda are hereby approved:

**Resolutions:**

- a. **Resolution 2008 – 042** – Approve Amusement Game Licenses for 2008
- b. **Resolution 2008 – 043** – Release Performance Bond (Wine in the Woods)
- c. **Resolution 2008 – 044** – Refund Recreation Fees
- d. **Resolution 2008 – 045** – Refund Escrow Monies
- e. **Resolution 2008 – 046** – Refund Filming Security Deposit
- f. **Resolution 2008 – 047** – Refund Police Trust Account Monies
- g. **Resolution 2008 – 048** – Refund Street Opening & Filing Fee Overpayment

**Applications:**

- a. **West Milford Elks** - Instant Pull Tab Raffle License No. 2008-10
- b. **West Milford Rotary** - Off Premise 50/50 License No. 2008-11
- c. **Saint Joseph Church** – Social Affair Permit for February 16, 2008
- d. **Saint Joseph Church** – Social Affair Permit for March 29, 2008

Adopted: January 9, 2008

Moved: Weisbecker Seconded: Nolan  
 Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan, Lichtenberg, Scangarello.  
 Voted Nay: None.  
 Abstained: Councilwoman Lichtenberg abstained from the Rotary application.  
 Motion carried.

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 The following resolutions were included in the consent agenda:

Agenda No. X a

~ Resolution 2008 - 042 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE ISSUANCE OF AMUSEMENT GAME LICENSES FOR LICENSE YEAR 2008**

**WHEREAS**, applications have been made by various business owners for the renewal of Amusement Game and Pool Table Licenses for the year 2008; and

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

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of West Milford does hereby approve the issuance of *Amusement Game and Pool Table Licenses for 2008 as listed below:*

<b>Amusement Game License No.</b>	<b>Applicant Name</b>	<b>T/A - Licensed Premise Address</b>
2008 – 6	Robert Filippo	Lakeshore Inn 399 Lakeshore Drive Hewitt, NJ 07421
<b>Pool Table License No.</b>	<b>Applicant Name</b>	<b>T/A – Licensed Premise Address</b>
2008 – 4	Robert Filippo	Lakeshore Inn 399 Lakeshore Drive Hewitt, NJ 07421
2008 - 5	Tracey Bennett	Big John’s Pub 49 Old Route 23

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		Newfoundland, NJ 07435
2008-6	Goko Naumoski	Old School Pub LLC 551 Warwick Tpk. Hewitt, NJ 07421

Adopted: January 9, 2008

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Agenda No. X b

~ Resolution 2008 - 043 ~

**RESOLUTION AUTHORIZING BOND RELEASE  
 BALD EAGLE COMMONS (WINE IN THE WOODS) PHASE III A**

**WHEREAS**, the Township Planning Director made a written recommendation, dated December 7, 2007 for a bond release with respect to Bald Eagle Commons (Wine in the Woods) Phase III A, Blk 5503 Lot 3 for ancillary items; and

**WHEREAS**, the Township Engineer has inspected and reported to the Township Planning Director that the items required to be resolved are now acceptable and recommends the release of the remaining \$1,000.00 cash bond;

**WHEREAS**, the Township in connection with said improvements holds a Cash Bond in the amount of \$1,000.00 as security for the completion of those improvements to Bald Eagle Commons (Wine in the Woods) Phase III A;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Treasurer is hereby authorized to release the Cash Bond in the amount of \$1,000.00 to Sal Falciglia, P.O. Box 1, Ringwood, New Jersey 07456.

Adopted: January 9, 2008

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Agenda No. X c

~ Resolution 2008 - 044 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF RECREATION FEES**

**BE IT RESOLVED**, that the following Recreational fees upon the report of the Recreation Director be refunded:

<b>Name &amp; Address</b>	<b>Reason</b>	<b>Amount Refunded</b>
Joseph Mantione 51 Cherbourg Drive West Milford, NJ 07480	Refund of enrollment in Junior Wrestling	\$37.50
Kathleen Schnorr 86 Old Dutch Hollow Road Monroe, NY 10950	Refund of enrollment in the Kitchen with Mrs. Claus	\$30.00

Adopted: January 9, 2008

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Agenda No. X d

~ Resolution 2008 - 045 ~

**RESOLUTION AUTHORIZING REFUND OF ESCROW MONIES**

**BE IT RESOLVED**, by the Township Council of the Township of West Milford that, based upon the report and request of the Township's Planning Director, the following Escrow monies be refunded:

<u>Name &amp; Address</u>	<u>Application No.</u>	<u>Amount of Escrow</u>	<u>Amount Refunded</u>

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Alan Tlusty 17 Hamilton Drive Hewitt, NJ 07421	0630-0754	\$445.07	\$445.07
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Adopted: January 9, 2008

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Agenda No. X e

~ Resolution 2008 - 046 ~

**RESOLUTION AUTHORIZING REFUND OF SECURITY DEPOSIT POSTED FOR FILMING PERMIT**

**WHEREAS**, Ryan Espin paid a requisite security deposit for a filming permit for a student documentary in the amount of \$500.00; and

**WHEREAS**, filming is complete and a request for the return of the deposit has been received; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Township of West Milford that the appropriate officials be and are hereby authorized to refund the security deposit of Ryan Espin, 949 Kenneth Avenue, Elizabeth, N.J. 07202 in the amount of \$500.00.

Adopted: January 9, 2008

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Agenda No. X f

~ Resolution 2008 - 047 ~

**RESOLUTION AUTHORIZING REFUND OF POLICE TRUST ACCOUNT MONIES**

**BE IT RESOLVED**, by the Township Council of the Township of West Milford that, based upon the report and request of the Township's Police Chief, the following Police Trust Account monies be refunded:

Name & Address	Trust Account No.	Amount Refunded
Environmental Construction Company P.O. Box 746 Ringwood, NJ 07456	T-15-56-850-008	\$508.65

Adopted: January 9, 2008

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Agenda No. X g

~ Resolution 2008 - 048 ~

**RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF STREET OPENING INSPECTION AND FILING FEE**

**WHEREAS**, Passaic Valley Water Commission paid a requisite inspection and filling fee for street openings in one check to the Township Tax Department for property taxes, which then the Tax Department refunded the Clerk's Office in the amount of \$200.00; and

**WHEREAS**, the street opening inspection and filing fee was in fact a total of \$150.00; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Township of West Milford that the appropriate officials be and are hereby authorized to issue a check in the amount of \$50.00 to Passaic Valley Water Commission, 1525 Main Avenue, Clifton, New Jersey 07011 to refund the overpayment of aforementioned overpayment of inspection and filing fee.

Adopted: January 9, 2008

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**Payment of Bills**

None.

**Items For Discussion**

The Township Council discussed the following items:

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1)	<p>Brown's Point Plaza and Wastewater Management Plan (WMP) Update – Mr. Semrau advised that he sent a letter to the DEP asking if the Mayor and Council can amend the WMP because, in the past, amendments would not be allowed. He has not received a response from the DEP. The applicant's attorney has also sent correspondence without reply. If the DEP will not accept an amendment the matter is moot. If they will accept an amendment, it will come back to Council. He will follow up and provide any updates to Council at the next workshop meeting. Council President Smolinski asked if the Council can exert any pressure to obtain the answer stating that this property should be improved as such improvement would benefit the municipality. He would like to see the Council take a proactive approach in this matter. Mayor Bieri stated that the Council must look at possible repercussions before taking any further action. Mr. Semrau advised that there are other matters currently in litigation that may be affected by any Council action. To provide further details, this would have to be discussed in executive session. In this matter, the Township has fulfilled its commitment to the applicant. Councilman Nolan stated that the current WMP is over twenty years old and it is supposed to be updated every seven years. He has heard that the MUA Executive Director retired as of December 31, 2007 but he does not know who is running the MUA now. He asked if the MUA had an obligation to notify elected officials if they are operating without an executive director. Administrator Kunze advised that Ms. Parretti retired and Ms. Judy Kerr, who has worked for the MUA for the past three years, will be assuming responsibility for the day-to-day operations. The consultants and professionals are all in place and issues will be handled in the same manner as they have been in the past. Councilman Nolan expressed concern at the lack of communication to Council.</p>
2)	<p>Award of Streetscape RFP – Administrator Kunze advised that RFP's were sent out in the fall for engineering and design work for the first phase of the business district streetscape improvement process. The Township received seven replies ranging in cost from \$67,000 to \$162,000. The Engineer and Planning Director have reviewed the proposals and they recommend award to Dewberry-Goodkind. The scope has been modified somewhat to include additional surveying and topographic work which would bring the total cost to \$121,800. The funding will come from a streetscape grant, a smart growth grant and from existing capital projects that have funding already allocated for downtown improvements. Councilman Nolan questioned if there will be sufficient funding to pay for the entire project after the engineering work has been paid for. Administrator Kunze advised that that will depend on the final decision with regard to the actual scope of the project. It was never envisioned that the original grant would cover the cost of the entire scope of the project. He advised that the township has submitted another grant application but has not received a response as yet. Councilman Nolan expressed concern that, if the final cost for this project is in the millions of dollars, taxpayers would be compelled to bond for these improvements that will only benefit certain businesses in town. The Township will have a plan with no means to implement it. Some of the components, such as underground wiring, are very nice but are also very expensive. Council should have an estimate and should know what the implications will be for taxpayers if no grant funds are appropriated for this project. Administrator Kunze advised that, without going through this process, one cannot determine what the end project would be. Many projects of this nature take several years to complete and are accomplished through many grant cycles. He noted that the public, thus far, has been receptive to this project. When the engineering is complete, the first phase would be sidewalks which will benefit the entire community. All other components would be decided at a later date. Councilman Nolan agreed that the visioning sessions were well received but cautioned that residents may not be so eager if they were to learn that this project would result in increased taxes. Councilman Scangarello acknowledged that noone wishes to raise taxes. He stated that this is simply like building a house. One has big dreams at first. Then you see the design and sit down with your budget and begin the process of cutting the project back. One must start somewhere to obtain an accurate idea of the cost. Council President Smolinski stated that, if the Township does not use the grant money appropriated for this project, it will be taken away. This is an \$250,000 investment to improve the aesthetics in the downtown area. Mayor Bieri instructed the Administrator to obtain a written confirmation from Dewberry-Goodkind that they will assist the Township in identifying possible sources for grants for this project. She also instructed that the contract be drafted to include a requirement that the Township receive alternate plans based on priorities and an breakdown of each component of the project so that the Council can ultimately choose the right package.</p>
3)	<p>Bear Proof Garbage Cans – Administrator Kunze advised that the DEP has replied to his September correspondence requesting approval to use the remaining funds from the bear proof garbage cans grant distribute cans to other residents. The DEP has authorized the Township to use the funds in that manner and has given a revised date of March 31<sup>st</sup>. He has contacted them to have that date extended without response. That deadline date does not allow enough time to go out to bid for additional cans. If the Township were to proceed, another option would be to instate a reimbursement program for residents who purchase cans. Councilman Schimmets stated that some bears have learned to open the</p>

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	cans and residents have expressed concerns about the weight of the cans. Administrator Kunze advised that the DEP initially planned to conduct a study but they have not provided any details as to what that study will involve. Most comments received by the municipality have been of the nature expressed by Councilman Schimmenti and those comments have been forwarded to the DEP. The approximate retail cost for the cans is \$82 and they cost \$44.85 when the Township went out to bid. Mayor Bieri noted that if the money is not expended, it will be withdrawn by the DEP. The Council discussed various options. The consensus was to have the Administrator contact the successful bidder from the last bid and ask if he has cans available for purchase. If so, have them delivered to the Township for distribution. If not, initiate a reimbursement plan for residents on a first come basis with reimbursement at 100%.
4)	Library Funding – Administrator Kunze advised that the new property tax CAP law did not include an exception for the mandatory library funding. Each municipality must provide library funding based on a state formula that is linked to increases in property values. There are two pieces of legislation before the assembly that address this matter and that are endorsed by the NJLM. He asked for Council support for these proposed laws which would either place the library appropriation outside the CAP or allow the library to request a reduction in the amount of funding. Councilman Nolan advised that the assembly is no longer in session thus the bills are no longer under consideration. He recommended that the Council postpone action until the bills are resubmitted for consideration.
5)	CASA & Transportation Committees – Mayor Bieri reminded the Council that the re-establishment of these committees was postponed pending recommendations and discussion of how they should be structured. The Council received a memo indicating recommendations. In CASA, it was recommended that one staff position be eliminated and eight citizen member positions be redesignated. Councilwoman Lichtenberg advised that there was never a problem with the citizen member’s attendance rather, there is often an abundance of citizen attendees. Problems were often encountered with the designated positions, for example, the Health Officer never attended meetings. Mayor Bieri stated that, if the problem attaining a quorum is attributable to designated positions, eliminating just one of those positions may not be the solution. Eliminating eight citizen member positions might only exacerbate the problem. Councilwoman Lichtenberg recommended that the members of CASA comment on the recommendations before a decision is made. They are scheduled to meet next week. Councilman Schimmenti concurred and advised that the problem with the committee is that those designated officials who did not attend the meetings were consequently unable to provide the reports that the committee needs to function properly. The bylaws have been edited to mandate that when a designated official cannot attend a meeting, he or she must submit a written report to the committee. Mr. Semrau advised that CASA can convene but cannot take any formal action because they have not been reestablished as yet. Mayor Bieri asked Councilwoman Lichtenberg to seek input from the CASA Committee members at their scheduled meeting and report back to the Council the consensus of the Committee. The Transportation Committee has encountered problems obtaining a quorum to conduct meetings. The Council unanimously agreed to send this matter back to the Committee for their input as was instructed for CASA. Council President Smolinski will attend the meeting and report back to Council.
6)	Adoption of Tort Claim Notice Form – Administrator Kunze advised that, as a member of the Morris County JIF, the Township must adopt their tort claim form via resolution. This form is used by any person or entity to advise the Township of their intent to file a claim. The Council gave consensus to proceed
7)	Rotate of Votes and Reports at Council Meetings – Mayor Bieri advised that she had requested discussion of this topic. To change the order of the votes, the Council would have to adopt a resolution while she can determine the order of reports. Past practice has been to begin roll call votes from the left of the dais and move toward the right which she fears puts pressure on the first person voting and makes it easier for the last person. Ms. Battaglia advised that Mayor Bieri had initially asked for rotating votes within a meeting which would be very difficult to track. Rotating from meeting to meeting would be easier. Council President Smolinski questioned the benefit and Councilman Scangarello stated that this is a minor issue in the grand scheme of things. He stated that the system is not broken so should not be fixed. Council President Smolinski stated that the order of the vote should not influence the Council. Councilman Weisbecker stated that he used to be the anchor vote but now is first to be called on. He does not have a problem with the roll call continuing in the current fashion.
8)	Recreation Department Title and Responsibilities – Administrator Kunze advised that the Recreation Department has submitted a recommendation that the department be renamed the Department of Recreation and Community Services. Councilman Schimmenti recommended that the name be changed to Department of Community Services and Recreation. Administrator Kunze advised that any formal changes require an amendment to the code. Changing the title of the Director will also require a change to the salary ordinance. In response to Councilman Nolan’s query as to whether any responsibilities within the department will change, Council President Smolinski stated that he does not

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	believe that the department needs restructuring. However, a change in name will assist the public in understanding the many functions and scope of work handled by this department. Residents should know that the \$1.5 million appropriated to this department is not allocated entirely for sports and recreation. Councilman Schimmenti stated that he has three children who benefit from programs offered through this department. He further stated that, in addition to the programs for children, this department serves the entire community. Councilwoman Lichtenberg stated that the Recreation Department has programs for all ages from two to eighty-five. The word "recreation" is not associated with the community services that are provided through this department. Administrator Kunze advised that he will look at that section of the code and bring any recommended changes before Council.
9)	MUA and Reimbursement for Services – Mayor Bieri stated that she requested this discussion. However, because of the late hour, with Council consent, she will defer discussion to a later date. There were no objections from Council.
10)	Tandem Dump Truck – Administrator Kunze advised that the five bids received for this truck were subjected to an extensive review. Some bids were found to be unresponsive to the specifications as written. Therefore, the DPW Superintendent and Engineer have recommended award to the third lowest bidder who is also the lowest responsive bidder, Deluxe. Councilman Nolan asked how long this vehicle will last with proper maintenance noting that the vehicle being replace is only ten years old. Councilman Scangarello stated that he was happy to see multiple bids for this truck. He stated that this truck will have a plow and a salt spreader which impacts the life of these vehicles causing them to have a lesser life than trucks used for other purposes. He stated that the Township's DPW has a good maintenance program for all Township vehicles.
11)	Pompton Lakes Interlocal Agreement – Administrator Kunze advised that he has not heard back from Pompton Lakes and will contact them.
12)	2008 Ford Expedition for Police Department – Administrator Kunze advised that this purchase would replace a vehicle that was totaled in an accident last November. The replacement cost is just under \$25,000 and the insurance will pay \$16,762. The balance will come from the 2007 budget and the damaged vehicle will be used for spare parts.
13)	Agreement with Wayne McCabe for Historic Preservation Services – Administrator Kunze advised that he HPC has recommended retaining the services of Mr. McCabe to review the HPC ordinances. Councilman Nolan requested that enumerated item #9 in the contract be amended to read that West Milford will be named as an additional insured on the insurance submitted. Council President noted that last year some business owners expressed concerns about historic designations in the business district. Administrator Kunze advised that the task before Mr. McCabe is different; he will be hired to review ordinances to streamline the application process.
14)	Prosecutor Search – Mayor Bieri stated that the Township will advertise for a Prosecutor, accept resumes and establish a committee to review those resumes. She will serve on that committee and asked for volunteers. Councilman Nolan and Councilwoman Lichtenberg volunteered to serve on this committee. Administrator Kunze advised that he and Kathy Hudak will draft the advertisement and send it out.
15)	Administrator Search – Mayor Bieri advised that she will serve on this committee and Councilman Scangarello volunteered to serve also. Councilman Weisbecker suggested that the entire Council should have input in this process noting that interviews had been conducted in executive session in the past. Mr. Semrau advised that the Council cannot conduct interviews in executive session because the interviewees are not employees with privileged rights. The Council can opt to form a committee that will report back to the full Council or they can conduct the interviews as one body in public. However, he cautioned, these public interviews might deter some candidates from applying. Mayor Bieri noted that the process could become cumbersome and recommended forming a committee to conduct the initial interviews with the final round of interviews before the full Council. Councilman Weisbecker offered to serve on this committee. Councilman Nolan expressed concern about the public interview process noting that a candidate may not want his or her current employer to know that they are interviewing. The Council discussed various options. Council President Smolinski and Councilman Schimmenti stated that they have full confidence in the committee's ability to conduct interviews and make recommendations. The consensus was to conduct interviews at a committee level with an option for any Council person who wishes to speak with specific candidates to be provided such an opportunity.
16)	Bond Counsel Search – Councilman Nolan advised that he raised this issue at the reorganization meeting. He stated that there is nothing unusual about doing bond work and, because most of the work is boilerplate, it should be done for less money. Administrator Kunze advised that the CFO recommended the firm of Hawkins, Delafield & Wood because of the quality of work they have provided in the past. The Council instructed Mr. Kunze to ask the two lowest bidders on the last round of RFP's in 2006 to provide quotes on a scope of work to be drafted for the work to be done this year.
17)	Analysis of Planning Department – Mayor Bieri stated that the Township must draft an RFP

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	to determine if it is cost effective to outsource the work currently done by the Planning Department. Administrator Kunze advised that he will work on a scope of work and bring a draft back to the Council for their review.
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**Appointments**

**Autumn Lights Chairperson**

Councilman Weisbecker nominated Lorraine Kirwin to serve as ALF Chair.

Discussion: Councilman Scangarello noted that the person who serves in this position invests a lot of work and effort into this annual event. He commended Mrs. Kirwin for the assistance she has given the former Chairperson over the last four years.

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

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**Greenwood Lake Bi-State Commission**

Councilman Weisbecker nominated Eric Hastings and Paul Zarillo to the Greenwood Lake Bi-State Commission.

Councilman Nolan remarked that the Council received a memo from Ella Fillipone of the Commission asking the Council to postpone appointments to this Commission at this time. He stated that he would like to hear what Ms. Fillipone has to say before proceeding. Councilman Weisbecker asked that his nominations stand. Mayor Bieri clarified that Councilman Weisbecker chooses not to hear the Commission's recommendations. Councilman Weisbecker stated that these two representatives did a very fine job in the past year serving West Milford's interests on this Commission. They worked hard on removing stumps from the lake.

Councilman Nolan made a motion to table the nominations to February 6, 2008. Seconded by Mayor Bieri. Mr. Semrau clarified that a "yes" vote would table the nominations to February 6<sup>th</sup> and a "no" vote would mean that the motion to table fails and the Council would return to the motion previously on the floor.

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

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Councilman Nolan nominated James Warden to this Commission.

Hastings:

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

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Zarillo:

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

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**Heritage Committee Staff Member**

Councilwoman Lichtenberg advised that the Heritage Committee met last night and Rob Sparkes attended. The Committee indicated that they would be happy to have Mr. Sparkes serve as a staff member to this committee. Administrator Kunze advised that generally staff members are department heads. In this case, having Mr. Sparkes serve as a staff member would trigger overtime. Mayor Bieri stated that, if Mr. Sparkes is interested in serving, perhaps he could serve as a citizen member to avoid a cost to the municipality. Ms. Battaglia stated that she spoke with Mr. Sparkes who plans to discuss this matter with the Administrator. Mayor Bieri stated that she would defer this appointment pending the outcome of that discussion.

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Library Board

Mayor Bieri advised that she will hold these appointments at this time as she has not had an opportunity to interview the candidates.

Planning Board

Mayor Bieri noted that the Council has the authority to appoint the alternates to this board.

Councilman Weisbecker nominated Dennis Kirwin and Mike Siesta.  
Councilman Nolan nominated Thomas Harraka.

Kirwin:

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

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Siesta:

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

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Mr. Semrau advised that the Mayor will designate which person will serve as alternate #1 and #2.

Council President Smolinski asked that the Mayor provide reasons for her nominations to the Planning Board. Mayor Bieri stated that she is making her appointments based on experienced and dedication to the Township. She reminded the Council that these are Mayoral appointments. She stated that one could question appointments made to this board in the past prior to the experience they garnered from actually serving on the board. She stated that she would like to hear from Council the qualifications of the past appointees prior to their being appointed. Councilman Weisbecker reviewed the qualifications of the candidates appointed to the alternate positions tonight. Mayor Bieri asked what experience Mr. Siesta had prior to his appointment. Previous appointees, she said, have not had experience but have had vested interest because they are property owners. Most candidates were appointed because they have an "R" beside their name and are associates of Council people. She has spoken with each of her appointees about planning issues in town. Councilman Weisbecker stated that questions were posed to each person appointed and he objected to the Mayor's implication that members have conflicts of interest. Mayor Bieri stated that she has done her best to ensure that qualified people are appointed and people who do not have any vested interest in applications. She stated that the Council must not forget that these are her appointments. Mayor Bieri made the following appointments to the Planning Board.

Class I, she will serve herself.

Class II, Township official, she appointed the Township Engineer, Richard McFadden.

Class IV, she appointed Andrew Gargano, Geoffrey Syme and Christopher Rosica.

Zoning Board

Council President Smolinski nominated Robert Brady with 18 years of experience, Daniel Jurkovic with 14 years of experience, Barry Wieser and Frank Curcio.

Councilman Weisbecker moved to close and confirm.

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Moved: Weisbecker Second: Scangarello  
Voted Aye: Weisbecker, Smolinski, Schimmenti, Nolan for Jurkovic only, Lichtenberg, Scangarello.  
Voted Nay: Nolan for Brady, Wieser and Curcio.  
Abstained: None.  
Motion carried.

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Reports

Administrator Kunze reminded the Council that they had held off on three bills at the last meeting which were to be paid out of escrow accounts. These payments were for review of well testing data at Greene Valley Estates. There were insufficient funds in the developer's escrow to pay the invoices. The Township sent the developer a letter in March and again in September to have him post additional funds. An additional \$6,000 was posted and the invoices were then reviewed and processed. Because of continuing problems with escrow accounts, there have been a number of changes made to the manner in which escrow funds are tracked. The finance and planning departments are now working together to provide more control and avoid these situations in the future. The Council may be asked to consider an

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amendment to the Township code in the near future to provide a tool to ensure that work ceases on any project if the associated escrow is depleted. Councilman Nolan stated that these are exactly the topics that the Planning Director should be working on and making recommendations to the Council. Mr. Semrau advised that the fee ordinance can be amended to read that if escrow falls below a given amount, all work would cease until the account is replenished. The Council gave consensus to have Mr. Semrau draft an ordinance. Mr. Kunze advised that he and Ms. Hudak attended their first Morris County JIF meeting earlier today. He and Ms. Hudak are working on revising the personnel policy manual which is a condition of membership in this JIF. They hope to have a draft manual for Council review in about three months. He advised that he will have the initial budget document out to the Council by January 15<sup>th</sup> with a draft schedule for possible meeting dates. He read a press release which notifies residents that it is time to renew animal licenses.

Council President Smolinski welcomed Don Connors home from Iraq. Mr. Connors serves in the US Army and recently received the purple heart for his actions during his service. He has sustained a leg injury. He stated that West Milford is grateful to all our residents who serve our country. The US Navy has just unveiled its newest addition to its fleet which ship is constructed from steel from the World Trade Center. He asked that Mr. Semrau be instructed to research the possibility of enacting an ordinance which would require background checks for any youth-based businesses in town.

Councilman Schimmenti stated that he is honored to serve on the ADA Committee. This week, at their most recent meeting, it came to his attention that this building is not in compliance with ADA rules and regulations. The Township should show due diligence in serving the needs of all our community. Disabled persons cannot access many municipal offices. He asked that the Township take steps to utilize any and all accessible space to allow these people access to Township offices.

Councilman Nolan stated February 5 is Presidential Election Day and the last day to register to vote is January 15<sup>th</sup>. He stated that Mr. Glatt is representing the Planning Board in the Eagle Ridge matter because Mr. Kienz had a conflict. However, the case is still pending though it should have been resolved. Mr. Semrau advised that the matter was carried by the court until the water testing issue was resolved which occurred in July last year. He contacted Mr. Glatt who is aware that the appellate matter was disposed of and they will appear in Superior Court in Passaic County on January 28<sup>th</sup>. He is anxious to wrap this up. Councilman Nolan stated that the Council received a letter from the New Jersey Farm Bureau asking that the ALF committee be considerate of business concerns as Eden Farms lost money as a result of the road closure last year. The Council also received notification of a \$300,000 grant for the next section of Warwick Turnpike. He and Councilman Scangarello were contacted by Pete McGuinness, the new Deputy Fire Commissioner, who wishes to address Council about the clothing allowance and the stipends to the fire companies. He asked that he be invited to the next workshop meeting. Councilman Scangarello stated no objection but recommended that Commissioner Steines also attend. Councilman Nolan stated that Councilman Weisbecker failed to mention that Mr. Siesta is the President of the West Milford Republican Organization. He stated that new people are needed on the Planning Board because a current member voted to give Eagle Ridge an extension. When Valley Ridge came back the Planning Board caused this matter to go to court and residents were not notified. The Planning Board attorney was representing the developer and the Board continues to reappoint him. And finally, there is the Wooley Road fiasco.

Councilwoman Lichtenberg asked for a future workshop discussion of adopting a resolution seeking the establishment of a charter study commission to determine if Passaic County would be better served by a different form of County government. Passaic County has among the highest taxes in the nation and she would like to see better representation at the County level. She supports a resolution that Wayne adopted in December asking for such a ballot question. She reminded everyone that she will be at Town Hall every Thursday from 10:00 a.m. to 12:00 p.m. either in the Main Room or the Court room. She will be available to converse with residents on any topic they wish to discuss. She encouraged everyone to wear the color red on Fridays until the troops come home.

Councilman Scangarello conveyed condolences to Joseph Ugrovices' family on his passing. He was the Chief of Company #4 from 1973 to 1977. He asked Administrator Kunze about an electronic gate on Steven's Road leading to the Newark Watershed. He asked who installed the gate and questioned if emergency vehicles can circumvent it if necessary. Administrator Kunze will look into the matter.

Councilman Weisbecker stated that people in West Milford previously voted to change our form of government. After four years under the current system, many people are not happy. He asked for Council consent to have Mr. Semrau research setting up a charter study commission to study the various forms of government because West Milford voters can change the form of government after five years. Councilwoman Lichtenberg clarified that, when she spoke of a charter study, she was referring to the County and not West Milford. Councilman Weisbecker stated that he understood that but believes that the current form of government in West Milford does not function well and it is burdensome to the Mayor. Whomever accepts the Mayoral position almost assumes a full time job and they take away from the paid administrator. He would like to have wards in West Milford because there is no representation for Oak Ridge and Newfoundland. There is no representation for residents on the other side of the watershed



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- ( ) 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.
  - Grandview – Clark property
- ( ) b. (8) Personnel matters.
- ( ) b. (9) Deliberations after a public hearing that may result in penalties.

4. 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: January 10, 2008

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

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The Council went into Executive Session at 12:13 a.m. on January 10, 2008.

The Council reconvened in public session at 12:24 a.m. with all present as before.

Adjournment

There being no further business to come before the Council, the Township Council adjourned the meeting at 12:25 a.m.

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

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Approved: February 6, 2008

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MAYOR BETTINA BIERI  
PRESIDING OFFICER

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ANTOINETTE BATTAGLIA  
TOWNSHIP CLERK