

Councilman Elcavage advised the public that this may be a lengthy meeting, the Council does not anticipate taking action at this executive session, and that Township Attorney William DeMarco will not attend the Executive Session.

Executive Session

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 12th day of February, 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.
- (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: Kirwan Seconded: Lotz-Moore
Voted Aye: Bailey, Elcavage, Kirwan, Lotz-Moore, Scangarello.
Voted Nay:None.
Resolution adopted.

Present: Councilmembers Paul Bailey, Joseph Elcavage, Dennis Kirwan, Patricia Lotz-Moore, and Carmelo Scangarello.

Absent: Mayor Joseph DiDonato and Councilman William Gervens.

Also Present: Township Administrator Kevin J. Byrnes, Assistant Municipal

Clerk Denise M. Loeffel and Leonard Miller, Highlands Center LLC.

Purpose:

Redevelopment project/property
Water tax use

Township Administrator Kevin J. Byrnes introduced Leonard Miller of Highlands Center LLC to the Council noting that Mr. Miller will provide a background on the redevelopment project.

Leonard Miller, Highlands Center LLC commented on the redevelopment property project over a ten year period. Mr. Miller noted that due to environmental activists there have been many, heightened constraints put not only on the Township owned redevelopment property but also on his own personal property by the State of New Jersey Department of Environmental Protection. He also explained that he had been told that the New Jersey Department of Environmental Protection would turn down applications for an extension of the development road; if the Township applied for a Letter of Interpretation for the golf course the new wetlands delineation would interfere with the design of the course and that increased buffer requirements have been adopted. Mr. Miller explained that he had found out that the New Jersey Conservation Foundation is helping the state acquire property as inexpensively as possible; and that Dennis Miranda works for the New Jersey Conservation Foundation, and in 1992 had gone on the Township redevelopment property and declared that the property was home to endangered species and submitted his findings to the state.

Leonard Miller explained the consequences of the constraints on the properties to the appraisal prices, noting that his property has been affected the same as the Township's property. Mr. Miller commented on the state's land condemnation process, noting that what the state has done is equivalent but without due notice.

The Township Council discussed this matter with Mr. Miller and Township Administrator Kevin J. Byrnes.

The Township Council discussed new state stormwater regulations and its effect on property values in the Township.

The Township Council discussed the conflict of interest issues of former Councilmembers Andrew Gargano and Robert Szuszkowski, the ensuing litigation, and the breach of contract with the State for purchase of the property.

Leonard Miller discussed the following issues with the Council and Township Administrator Kevin J. Byrnes:

- 1) 44 acres owned by the Township but not included in the sale of property to the State.
- 2) Possible equitable watershed aid from the State in return for the sale of the redevelopment property to the State.
- 3) The cost of the repairs to the dam to both the Township and himself, who paid half of the cost.
- 4) Positive reaction possible from disclosing information about this

