

Executive Session

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Township Council of the Township of West Milford on the 7th day of April, 2004, that:

1. Prior to the conclusion of this **Regular 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.
- (X) 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.

Voted Nay:None.

Resolution adopted.

Present: Township 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 and Special Counsel Robert Oostdyk.

Township Attorney William DeMarco noted that he would not attend the Executive Session.

Purpose: Litigation

Special Counsel Robert Oostdyk advised the Mayor and Council on the status of the Hannan litigation noting that the Township is taking a "No Defense" stance in the matter.

Special Counsel Robert Oostdyk stated that the Deputy Attorney General has advised him that the State is taking the position that the Township should be bound to the contract authorized by the prior Council; and that the Deputy Attorney General indicated that the State would be receptive to discussing ways to resolve the issue with the Township.

Special Counsel Robert Oostdyk also stated that he believes that the State is not in favor of conveying a portion of the Jungle Habitat property as part of an overall settlement, and advised that the State recognized that the case could be decided by the Judge either way on the issue of conflict of interest and the Judge could overturn the sale of the property.

The Mayor and Council discussed the options presented by Robert Oostdyk, Esq. and agreed to authorize the Acting Township Administrator and Mr. Oostdyk to meet with the Deputy Attorney General and other State officials to try to reach a settlement which might include:

1. a long term lease of a portion of the Jungle Habitat property for recreation purposes;
2. an extension of lease of Brown's Point with permission to place bathroom facilities;
3. additional funding toward the purchase of Apple Acres by the Township.

Councilwoman Lotz-Moore moved to adjourn the executive session.

Moved: Lotz-Moore

Seconded: Gervens

Voted Aye: Bailey, Elcavage, Gervens, Kirwan, Lotz-Moore, Scangarello.

Voted Nay: None.

Executive Session adjourned.

MAYOR JOSEPH DIDONATO
PRESIDING OFFICER

KEVIN J. BYRNES
TOWNSHIP CLERK