

**BOROUGH OF MIDLAND PARK
280 GODWIN AVENUE
MIDLAND PARK, NJ 07432
8:00 P.M. Open Public Meeting Minutes
November 5, 2009**

Mayor Monahan called the meeting to order at 8:04 P.M.

The Mayor called upon **Councilman Pruiksmas** to give this evening's Invocation, and then led all present in the Pledge of Allegiance.

SUNSHINE LAW STATEMENT: This meeting is being held in accordance with the Sunshine Law, notice having been published according to law with a copy on file in the Borough Clerk's Office and a copy posted on the bulletin board in the Municipal Building.

Roll Call:	Mayor Monahan	Present
	Councilman Papapietro	Present
	Councilman Junta	Present
	Councilman Pruiksmas	Present
	Councilman Holst	Present
	Councilman O'Hagan	Present
	Council President Peet	Present

ALSO PRESENT: Borough Administrator Dugan and Borough Clerk Hanna

APPROVAL OF MINUTES:

A Motion to approve the Minutes of the Open Public Meeting, Work Session Meeting and Closed Session Meeting Minutes of October 22, 2009, as all members have previously received copies of the Minutes and copies are available to the Public at the Borough Clerk's Office.

Introduced by: Councilman O'Hagan **Seconded by: Councilman Holst** and carried.
Council President Peet Abstained from voting, as she was absent from the Oct. 22nd meeting.

OPEN TO THE PUBLIC:

Mayor Monahan opened the meeting to the public for any comment, concern or question. There being no response from the public, the **Mayor** closed the meeting to the public.

OLD BUSINESS FOR DISCUSSION:

1. Frank Moritz –Ridgewood Water Company–rate increase

Continuing from the Work Session, Mr. Moritz addressed **Councilmen Holst** and **Papapietro's** concerns relative to the 41% increase in rates over the past seven years, and the effects on our residents who are on social security and will not be getting increases equal to the Water Company rate increases. Mr. Moritz spoke of the mandated/compliance responsibilities, the increase in operating and capital expenses, and the need to use the company surplus funds. In response to **Councilman Papapietro's** question regarding the planned annual 3% increase (an evergreen increase) Mr. Moritz also spoke of, Mr. Moritz explained this will eliminate the large increases every few years and would still have to be adopted by their Council resolution each increase. At this time, it was noted by **Administrator Dugan** that she has confirmed with Mr. Moritz that the Borough hydrant fees will not be increased, but she noted our operating budget cost will be increase approximately \$2,000.00 because of the water rate fee increase.

2. Farmer’s Market Update

Council received the ordinance drafts **Attorney Regan** submitted relative to the zoning and licensing for the proposed Farmer’s Market. Council will review the drafts and address them at a future meeting. **Mayor Monahan** noted the cleaning up of the area by the operators still must be addressed in the ordinance. **Administrator Dugan** noted the information from the Board of Health regarding the Farmer’s Market is included in the Council paperwork.

3. GFOA Request for Funding/Support for Appeal Regarding Business Personal Property Tax

Administrator Dugan explained Verizon has taken the position that if their municipal revenue decreased in any town to under 51%, they do not feel they have an obligation to pay business personal property taxes, and in the case of Midland Park it is approximately \$33,000. Verizon has taken some municipalities to task over this issue and the G.F.O.A. is looking to address this in a unified manor and is asking for financial help from all municipalities. The consensus of Council was to approve a contribution of \$150.00 on a Motion made by **Councilman O’Hagan**, Seconded by **Council President Peet**, and unanimously carried.

4. Organized Sports Insurance – Steve Puntasecca’s Letter of 10/22/09

Administrator Dugan noted Mr. Puntasecca’s recommendation to have uniform coverage for all the sports groups, which Council discussed at the last meeting. The **Mayor** also noted the highest priority is to have better, more consistent coverage for the groups, and it should be put forth to the Recreation Board that the Borough will be paying the insurance directly through a line item in the budget under Recreation, instead of giving funding for the cost of insurance to each individual sport group. **Councilman Pruiksma**, Recreation Liaison, directed **Administrator Dugan** contact Lori Dent and give her this information to forward to the Recreation Board.

The coverage of the Ajax soccer team was discussed, and it was noted this travel team has a requirement that the majority of members must live in Midland Park in order to be a quasi group covered under Midland Park insurance. **Council President Peet** requested the list of player information be obtained and the membership be clarified before any municipal funds are expended on this group’s insurance, and then the membership list should be continually monitored. **Administrator Dugan** will request the information from Lori Dent.

5. Building Department Renovation Preliminary Plans

Council reviewed the preliminary plans from the architect for the renovation, and also reviewed the comments made by each department head involved in the project. The Borough Clerk noted after the package was distributed to the Council, the building maintenance man Henry suggested a slop sink be installed in the garage for cleaning purposes. Council agreed with this request. **Mayor Monahan** requested the Clerk obtain a line item budget from the architect, and also inquire if the additional furniture and equipment is included in the budget of \$190,000. He then requested to have the architect submit an Isometrics of the front entrance. **Administrator Dugan** noted the phone and computer wiring changes will be the responsibility of the Borough.

6. Lori Dent’s Memo – Current Seasonal Employees

Mayor Monahan noted the list that was supplied naming the seasonal workers is actually a list of current hires, and Council did request a list of all potential backup hires for the

programs that take place throughout the year. Independent contractors vs. Borough employees being used for the various recreation programs were discussed by Council. The position of cooking instructor was also discussed. **Administrator Dugan** will request more clarification from Lori Dent on her memo of the hires and backup hires for all programs, including the summer camp.

NEW BUSINESS FOR DISCUSSION:

There was no New Business to discuss this evening.

LIAISON REPORTS:

Mayor Monahan

Mayor Monahan stated he will be circulating, to the Council, copies of the draft Chamber of Commerce surveys that will be placed on the Borough website, to help the Chamber get a better sense of the business climate in the town, noting one section is for the business community and the other is for the residential perspective. The **Mayor** mentioned there will be a number of terms expiring on the various volunteer Boards at the end of the year and if anyone is interested, please apply for the positions. Speaking on the junior baseball field issue, the **Mayor** reported on the meeting held with the baseball and softball organizations, the Board of Education and the Borough, earlier this week, at which it was decided this issue has a two part approach: 1. looking for a long term solution to the field requirements, and 2. proceed with quantifying the costs and put forth a recommendation, if cost is not an issue, the installation of the removable pitching rubbers at the various locations, both on the junior and the lower snack bar fields. The **Mayor** then asked **Kathy La Monte, 178 Hill Street** – if she would like to speak on this issue. Ms. La Monte stated she actually came to the meeting to give support to the sports groups members that were supposed to come to speak to the Council, however, she expressed she is concerned that it will not be feasible for the boys to play on the junior field with these rubbers installed. The **Mayor** addressed her concern by stating we will do everything possible to make sure it is as usable as possible for all the services. **Council President Peet** mentioned the option is being explored with the Board of Education to possibility expend the number of field. **Mayor Monahan** mentioned that at the recent Open Space meeting, there was a consensus of the 13 towns involved to allow the eligibility of Board of Education Open Space funding and the group will consider it, whether it is a Borough field or a Board of Education field, because they are used by all the sports organizations. However, he stated any application would have to be sponsored by the Borough. **The Mayor** spoke of the cost of the removal pitcher rubbers. **Council President Peet** suggested discussing the funding with the Board of Education, as this also involves their fields. She also said we should commence with the project and have it completed before the ground freezes. Dave Lancaster, Field Manager, from the public seats, explained the process which will be followed to install the removable rubbers.

Councilman Junta

Buildings & Grounds/Board of Health

Councilman Junta reported Progress for the **Board of Health**, and in **Buildings & Grounds** stated there was an indoor plumbing problem at the 120 Woodside Avenue residence, that has been taken care of. **Councilman Pruiksma** asked **Councilman Junta** to contact Lori Dent, Recreation Director, regarding a problem with the painted concrete kitchen floor at the DePhillips Recreation Center.

Councilman O'Hagan

Public Safety - Police/JIF/Alliance

Councilman O'Hagan reported the **J.I.F.** budget meeting will be held on November 23rd, in the

Westwood Borough Hall at 5:30 P.M., and the J.I.F. training for 2010 elected officials will be in January or February in our Borough Hall. The **Mayor** questioned how the Borough will be handling the J.I.F. credit from 2009. It was noted we are requesting the funds in a check, rather than have it applied to next years cost.

Councilman Pruiksmas Recreation

Councilman Pruiksmas reported the Halloween Parade was well attended, and he thanked Mrs. Monahan for a great job in making the Trunk or Treat event a success, also the Tree Lighting for December is getting put together. **Council President Peet** requested the consideration of having the tree lighting moved back to the Borough Hall, as it is a safer place to have it instead of in the roadway at Vet's Park. She also mentioned the damage to the tree in the park and the lack of respect to Veterans' Plaza. **Councilman Pruiksmas** will speak with Lori Dent.

Councilman Holst Public Works

Councilman Holst stated the leaf pickups are going well and on time.

Councilman Papapietro Finance/Personnel

Councilman Papapietro reported Progress in the **Finance Department**, noting the banking conversion on November 1st went smoothly, and also reported Progress in **Personnel**

Council President Peet Public Safety - Fire & Ambulance/Board of Education

Council President Peet reported Progress in the **Fire Department**, and then spoke of the recommendation from **Councilman Pruiksmas** to present the Fire Department with a plaque and resolution honoring their 100th year anniversary.

ADMINISTRATOR'S REPORT:

Administrator Dugan stated, in response to her August letter to the County regarding the audible traffic signal equipment, she had a conversation yesterday with Gene Murphy of the County Engineering Office - Signal Division, who suggested, based on the three locations in the Borough, the best place for an audible device is the light at Prospect and Godwin Avenues. Mr. Murphy suggested we check out the device at Garrison and Cedar Lane in Teaneck, before we put one in Midland Park, as there have been complaints from nearby residents of the noise the device makes. **Councilman O'Hagan and Council President Peet** stated they feel a better location would be Goffle Rd. and Godwin Ave., as there are visually impaired persons crossing at this point and there is a crossing guard at the corner of Prospect and Godwin during the heavy foot traffic times. It was decided Chief Casson and Lt. Vandenberg will be asked for recommendations. The **Mayor** noted we are still in need of feedback on the other traffic issues on Hillside and Vreeland/Franklin Avenues, and the **Administrator** reported the Chief has some information on his research he will share during budget time. **Administrator Dugan** reported the P.S.E. & G. Energy Audit was performed and the representative will be submitting his report, and P.S.E. & G. pays 80% of the changes necessary. As Recycling Coordinator, the **Administrator** reported attending a B.C.U.A. meeting, at which she learned there is a change in the battery program. Alkaline batteries are considered trash and non-recyclable, rechargeable batteries are still recyclable but must be in individual bags or wrapped with electric or duct tape. She will put this information in the Almanac.

Mayor Monahan reported he was contacted by Jeff Allyn, O.E.M. Coordinator, who asked about using the web site for a feed to be used in case of emergency, giving people directions on what to do and not to do, so he has contacted Web Master Tom Carlock for a price for this service.

CONSENT AGENDA:

All matters listed below are considered by the Borough Council to be routine in nature. There will be no separate discussion of these items. If any discussion is desired by the Borough Council, that item will be removed from the Consent Agenda and considered separately:

Before the Consent Agenda was Introduced, **Resolution #193-09 – Cancel Fall Bowling Program** was pulled for discussion on a Motion made by **Council President Peet**, Seconded by **Councilman Holst**, and carried.

Resolution #191-09 – Budget Transfers – 2009

WHEREAS, transfers are permitted between budget appropriations during the last two months of the fiscal year:

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Midland Park, in the County of Bergen, New Jersey, that transfers between 2009 Budget Appropriations be made as follows:

<u>Department</u>	<u>Account Name</u>	<u>Account #</u>	<u>From</u>	<u>To</u>
Insurance	Ins Gen Liability	9-01-012-407	\$ 9,000	
DPW	Salary - Regular	9-01-019-101		\$ 2,000
DPW	Salary – Seasonal	9-01-019-109		\$ 2,000
Recreation	Salary-Barn Attend	9-01-025-106		\$ 1,000
Sewer	NWBCUA	9-01-207-217		\$ 3,500
Sewer	Waldwick - Sewer	9-01-209-217		\$ 500

Resolution #192-09 – Voided Check – Reissue Check

WHEREAS, the check payable to “Northern Tool & Equipment, Inc” for \$999.74 was voided, due to payment mailed to the store location not to HSBC Business Solutions who handles their billing; and

WHEREAS, a stop payment was issued on 10/30/09 and a replacement check was issued.

<u>Issue Date</u>	<u>Check #</u>	<u>Issued To</u>	<u>Amount</u>	<u>Replacement</u>
10-22-09	18378	Northern Tool & Equip Inc.	\$999.74	CK# 01018

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Midland Park that the above item be voided and a new check be issued.

Resolution #194-09 – Amend Bid Award for Library ADA Doors

WHEREAS, quotes were received by the Borough Clerk for the installation of ADA doors on the rear of the Library building and for an ADA mechanism on the Fire House Social Hall door; and

WHEREAS, Community Development has awarded funding for the Library Doors only, and wishes for the award Resolution to be amended to read as such; and

WHEREAS, it is recommended by Borough Clerk to award the contract to L.K.L. Contracting, at a new total cost of \$16,325.00 for the Library Doors only.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Midland Park, County of Bergen, State of New Jersey, this contract be awarded to L.K.L. Contracting, 457 Shadyside Road, Ramsey, New Jersey 07446.

Resolution #195-09 – Bid Award – ADA Doors – O’Connell Hall/Fire House

WHEREAS, quotes were received by the Borough Clerk for the installation of a ADA door on the Church of Nativity O’Connell Hall (Voting District #5) and an ADA mechanism on the Fire House Social Hall door; and

WHEREAS, the quotes were reviewed by the Borough Clerk, in conformance with the Attorney General's grant to purchase these items; and

WHEREAS, it is recommended by Borough Clerk to award the contract to L.K.L. Contracting, at a total cost of \$14,985.00.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Midland Park, County of Bergen, State of New Jersey, this contract be awarded to L.K.L. Contracting, 457 Shadyside Road, Ramsey, New Jersey 07446.

Resolution #196-09 – Tax Court of N.J. Judgment – 44 Maltbie Avenue

WHEREAS, the Borough of Midland Park has received a judgment from the Tax Court of New Jersey, reducing taxes for the 2007 and 2008 tax years, on the property known as 45 Maltbie Avenue (Block 4, Lot 22) .

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Midland Park, that the Chief Financial Officer be authorized to issue a refund check in the amount of **\$12,555.00** for tax year **2007**, and **\$12,847.50** for tax year **2008** to:

**Marcus/Brody on behalf of Texel Apartments, L.P.
5 Becker Farm Road
Roseland, N. J. 07068**

Resolution #197-09 – Tax Court of N.J. Judgment – 632 Godwin Avenue

WHEREAS, the Borough of Midland Park has received a judgment from the Tax Court of New Jersey, reducing taxes for the 2007 and 2008 tax years, on the property known as 632 Godwin Avenue (Block 45, Lot 7.01).

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Midland Park, that the Chief Financial Officer be authorized to issue a refund check in the amount of **\$15,345.00** for tax year **2007**, and **\$15,702.50** for tax year **2008** to:

**Marcus/Brody on behalf of Vander Steere Brothers Const.
5 Becker Farm Road
Roseland, N. J. 07068**

Resolution #198-09 – Tax Court of N.J. Judgment – 110 Midland Avenue

WHEREAS, the Borough of Midland Park has received a judgment from the Tax Court of New Jersey, reducing taxes for the 2007 and 2008 tax years, on the property known as 110 Midland Avenue (Block 45, Lot 9).

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Midland Park, that the Chief Financial Officer be authorized to issue a refund check in the amount of **\$13,950.00** for tax year **2007**, and **\$14,275.50** for tax year **2008**, also an additional **\$19,116.00** is to be refunded for **2009** tax year (total refund \$44,385.00) and **\$25,269.00** is credited against the 4th quarter of **2009** taxes and **\$19,116.00** is to be refunded to:

**Marcus/Brody on behalf of Vander Steere Brothers Const.
5 Becker Farm Road
Roseland, N. J. 07068**

Resolution #199-09 – Tax Court of N.J. Judgment – 700 Godwin Avenue

WHEREAS, the Borough of Midland Park has received a judgment from the Tax Court of New Jersey, reducing taxes for the 2007 and 2008 tax years, on the property known as 700 Godwin Avenue (Block 55, Lot 7.02).

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Midland

Park, that the Chief Financial Officer be authorized to issue a refund check in the amount of **\$12,440.61** for tax year **2007**, and **\$12,730.44** for tax year **2008**, also an additional **\$2,505.18** is to be refunded for **2009** tax year (total refund \$13,194.18) and **\$10,689.00** is credited against the 4th quarter of **2009** taxes and **\$2,505.18** is to be refunded to:

**Marcus/Brody on behalf of Nandir, Inc.
5 Becker Farm Road
Roseland, N. J. 07068**

Resolution #201-09 – Chapter 159 – Over the Limit – Under Arrest Grant

WHEREAS, N.J.S. 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the Budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the Budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Borough of Midland Park has received an additional \$5,000.00 from the State of New Jersey DWI 2009 “Over the Limit – Under Arrest” Campaign, and wishes to amend its 2009 Budget to include this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Borough of Midland Park hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Budget of the Year 2009 in the sum of \$5,000.00, which is now available as a revenue for:

Miscellaneous Revenue

Special Items of General Revenue Anticipated with Prior Written Consent
of the Director of the Division of Local Government Services:

Revenues Off-Set with Appropriations:

DWI 2009 Over the Limit–Under Arrest Campaign - O & E Expenses for 2009

BE IT FURTHER RESOLVED, that a like sum of \$5,000.00 be and the same is hereby appropriated under the caption of:

General Appropriation

Programs Off-Set by Revenues:

DWI 2009 Over the Limit-Under Arrest Campaign - O & E Expenses for 2009.

BE IT FURTHER RESOLVED, that the Borough Clerk forward two copies of this resolution to the Director of the Division of Local Government Services along with attachment.

The Consent Agenda was:

Introduced by: Councilman Pruikisma Seconded by: Councilman Holst

Roll Call:	Councilman Papapietro	Aye
	Councilman Junta	Aye
	Councilman Pruikisma	Aye
	Councilman Holst	Aye
	Councilman O’Hagan	Aye
	Council President Peet	Aye

RESOLUTIONS:

Resolution #193-09 - Cancel Fall Bowling Program

WHEREAS, Recreation Director Lori Dent has made the decision to cancel the Fall Bowling Program due to low participation; and

WHEREAS, refund checks have to be made out to the following participants:

David & Jessica Bonnezeze 17 Hampshire Rd. Midland Park \$ 5.00

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Joseph Cantanese (HIP)	105 Karen Place, Wyckoff NJ 07481	\$5.00
Jonathan Coun	34 Highwood Avenue Midland Park	\$5.00
Peter Damsma	142 Irving Street Midland Park	\$5.00
Trevor Dyer (EC)	384 Central Avenue, Hawthorne, NJ 07506	\$10.00
Jennifer DeLVecchio	172 Erie Avenue, Midland Park	\$5.00
Regina Eid	25 Susan Avenue Midland Park	\$5.00
Kristin Fiore	4 Westview Place Midland Park	\$10.00
Elva Ghalam	433 Prospect Street Midland Park	\$15.00
James Hagarty	206 Hill Street Midland Park	\$5.00
Kristen Peterson	9 Pleasant Avenue Midland Park	\$5.00
Dee Ress	102 Woodside Avenue Midland Park	\$5.00
Kirsten Sharo	26 Dairy Street Midland Park	\$10.00
Christine Terpstra	76 Heights Road Midland Park	\$5.00
Bonnie Trotta	48 Woodside Avenue Midland Park	\$5.00
Madeline Umamo	125 Chestnut Street Midland Park	\$5.00

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Midland Park that the Financial Assistant will issue separate checks for the above refund amounts.

Introduced by Council President Peet Seconded by Councilman O’Hagan

Council President Peet questioned why a program with 21 children registered was cancelled, asking if there is no interest in this program, will the Director be removing this activity from her agenda. The **Council President** would like to know the criteria followed in making the decision to cancel the activity.

Motion to approve **Resolution 193-09**, subject to an explanation for the action, was made by **Councilman O’Hagan**, Seconded by **Councilman Holst**

Roll Call:	Councilman Papapietro	Aye
	Councilman Junta	Aye
	Councilman Pruiksma	Aye
	Councilman Holst	Aye
	Councilman O’Hagan	Aye
	Council President Peet	Aye

Resolution #190-09 – Bills List

WHEREAS, claims have been submitted to the Borough of Midland Park in the following amounts:

Current Fund	\$ 709,536.16
Unemployment Fund	\$ 7,229.14
Dog Fund	\$ 525.00
Private Duty Fund	\$ 112.50
Trust Fund	\$ 200.00
Capital Fund	\$ 17,614.75
TOTAL:	\$ 735,217.55

WHEREAS, such claims have been listed according to Department and account number with corresponding vouchers to be reviewed and approved by the Finance Committee; and,

WHEREAS, the CFO has determined that the funds have been properly appropriated for such purposes and are available, in the Borough of Midland Park and that the claims specified on the schedule attached hereto, following examination and approval by the Finance Committee, be paid and checks issued accordingly; and,

WHEREAS, claims have already been paid in the following accounts:

MOTION:

A Motion to waive the Municipal Permit fees for the Installation of ADA doors in the O’Connell Hall meeting building at Church of the Nativity, 315 Prospect St., as this building is used by the Borough as a polling place on every Election Day.

Introduced by: Council President Peet Seconded by: Councilman Pruiksmas

Roll Call:	Councilman Papapietro	Aye
	Councilman Junta	Aye
	Councilman Pruiksmas	Aye
	Councilman Holst	Aye
	Councilman O’Hagan	Aye
	Council President Peet	Aye

PUBLIC COMMENT:

Once again **Mayor Monahan** opened the meeting to the public for any comment, question or concern.

Ester Vierheilig, 333 Godwin – express her opposition to having an auditable device on the traffic signal located at Godwin and Prospect Avenue, due to the noise factor.

Councilman Pruiksmas reported speaking with Sgt. Barry Leventhol, Bergen County Office of Emergency Management, and found out if we send the Borough logo to him, he will be able to have our governing body and administrator credentials made for us when they go there to have their picture taken. The **Councilman** then spoke of a letter he received from the Christian Reformed Church regarding a shoe drive collection for a group called “Souls for Souls”, to be donated to the needy in the United States.

At 9:55 P.M. there being no further response from the public and no further business to discuss, the following Resolution was adopted by the Council:

Resolution 202-09 – Closed Session After 11-5-09

WHEREAS, N.J.S.A. 10:4-12 allows for a Public Body to go into closed session during a Public Meeting; and

WHEREAS, the Governing Body of Midland Park has deemed it necessary to go into closed session to discuss certain matters which are exempted from the Public; and

WHEREAS, the regular meeting of this Governing Body will reconvene;

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of Midland Park will go into closed session for the following reason (s) as outlined in N.J.S.A. 10:4-12:

_____ Any matter which, by express provision of Federal Law, State Statute or Rule of Court shall be rendered confidential or excluded from discussion in public (Provision relied upon):

_____ Any matter in which the release of information would impair a right to receive funds from the federal government;

_____ Any matter the disclosure of which constitutes an unwarranted invasion of individual privacy;

_____ Any collective bargaining agreement, or the terms and conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body (Specify

- contract): _____.
- _____ Any matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed;
- _____ Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;
- _____ Any investigations of violations or possible violations of the law;
- _____ Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer (If pending or anticipated litigation, the matter is: _____
(If contract negotiations the nature of the contract and interested party is _____

Under certain circumstances, if public disclosure of the matter would have a potentially negative impact on the Borough's position in the litigation or negotiation, this information may be withheld until such time that the matter is concluded or the circumstances no longer present a potential impact);

- XX** Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting (Subject to the balancing of the public's interest and the employee's privacy rights under South Jersey Publishing, 124 N. J. 478, the employee(s) and nature of discussion is: **Borough Administrator's annual review.**
- _____ Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act of omission for which the responding party bears responsibility;

BE IT FURTHER RESOLVED, that the Borough Council hereby declares that its discussion of the aforementioned subject(s) may be made public at a time when the Borough Attorney advises the Borough Council that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Borough, or any other entity, with respect to said discussion. That time is currently estimated as the time of said matter.

BE IT FURTHER RESOLVED that the Borough Council, for the aforementioned reasons, hereby declares that the public is excluded from the portion of the meeting during which the above discussion shall take place, and hereby directs the Borough Clerk to take the appropriate action to effectuate the terms of this resolution.

Introduced by: Council President Peet Seconded by: Councilman Pruiksmas

Roll Call:	Councilman Papapietro	Aye
	Councilman Junta	Aye
	Councilman Pruiksmas	Aye
	Councilman Holst	Aye
	Councilman O'Hagan	Aye
	Council President Peet	Aye

At 10:57 P.M. Council reconvened into the Open Public Meeting. There being no further business to

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discuss and no further action to be taken, on a Motion made by **Councilman O’Hagan**, Seconded by **Councilman Papapietro** and carried, **Mayor Monahan** adjourned the Open Public Meeting.

Respectfully submitted,

Adeline M. Hanna, R.M.C.
Borough Clerk