

February 15, 2017

6:33 PM

A caucus meeting of the Mayor and Council of the Borough of West Long Branch was held on the above date and time in the Council Chambers, Borough Hall, 965 Broadway, West Long Branch, N.J.

Mayor Janet W. Tucci presided.

Mayor Tucci reported that in accordance with N.J.S.A. 10:4-6 adequate notice of this meeting of the Mayor and Council has been provided.

PRESENT: BRAY, MANGO, NEYHART, PENTA

ABSENT: JULIANO, MIGLIACCIO

**BOROUGH ATTORNEY BAXTER:**

1. As a result of complaints regarding trucks and vans parked in residential zones, the Borough Attorney reviewed the Borough ordinance and met with the Police Chief and both Lieutenants to discuss the interpretation of the ordinance and how it should be applied. Some questions have been raised. For example, there is no definition of a commercial vehicle in the ordinance. There is also a weight limitation included in the current ordinance that may no longer be required if there is a vehicle description. Based on observations of one police officer, there are approximately 100 violations existing. The Borough Attorney recommended to the Police Chief that the Police Department not take action on these violations while these questions exist. It was determined that this matter be turned over to the Ordinance Review Committee for further discussion at a meeting to be held on Thursday, February 23<sup>rd</sup>, at 6:30 PM, or as soon as the already scheduled special meeting that evening concludes. The Police Chief, two Lieutenants, and Borough Attorney will also be present at the meeting.

Councilman Neyhart moved that the Council enter Executive Session at 6:49 PM. Seconded by Councilman Bray and carried unanimously.

**EXECUTIVE SESSION RESOLUTION**

BE IT RESOLVED that the following portion of this meeting dealing with the following generally described matters shall not be open to the public:

*Engineer Contract; LOSAP Issues; PBA Grievance; Fire Department Personnel; Administration Personnel*

BE IT FURTHER RESOLVED that it is anticipated that the matters to be considered in private may be disclosed to the public at a later date under the following circumstances:

**When the need for privacy as to each item no longer exists.**

BE IT FURTHER RESOLVED that the private consideration is deemed required and is permitted because of the following noted exceptions set forth in the Open Public Meetings Act (N.J.S.A. 10:4-12):

- \_\_\_\_\_ 1. Rendered confidential by Federal law or that if disclosed would impair receipt of Federal funds.
- \_\_\_\_\_ 2. Rendered confidential by State Statute or Court Rule.
- \_\_\_\_\_ 3. Would constitute an unwarranted invasion of individual privacy.
- \_\_\_\_\_ 4. Deals with collective bargaining or any employment agreement, including negotiations positions.
- \_\_\_\_\_ 5. Deals with purchase, lease or acquisition of real property with public funds.
- \_\_\_\_\_ 6. Related to setting of bank rates or the investment of public funds and disclosure could adversely affect the public interest.
- \_\_\_\_\_ 7. Related to tactics and techniques utilized in protecting the safety and property of the public and disclosure may adversely affect the public.

- \_\_\_\_\_ 8. Related to investigation of violations or possible violations of the law.
- X   9. Related to pending or anticipated litigation or contract negotiations in which the public body is or may be a party.
- X   10. Falls within the attorney-client privilege and confidentiality is required.
- X   11. Deals with personnel matters involving the employment, appointment, termination of employment, terms and conditions of employment, performance evaluation or discipline of any public officers or employees, either current or prospective, and all of the employees or appointees whose rights could be adversely affected have not requested that the matter be discussed publicly.
- \_\_\_\_\_ 12. Quasi-judicial deliberations after public hearing that may result in imposition of a civil penalty or suspension or loss of a license or permit.

Councilman Neyhart moved Council adjourn Executive Session at 7:27 PM, seconded by Councilman Penta, and carried unanimously.

Councilman Bray moved Council adjourn Caucus Session at 7:30 PM. Seconded by Councilwoman Mango and carried unanimously.

  
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BOROUGH CLERK