

December 6, 2023  
7:34 PM

A regular 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, GOMEZ, NEYHART, PENTA, SNIFFEN  
ABSENT: CIOFFI

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APPROVAL OF MINUTES:

Councilman Bray moved the approval of the minutes of the November 1, 2023, executive session meeting, and approved the release of all pages except pages 2 & 6. Seconded by Councilman Sniffen and carried upon the following roll call vote:

AYES: BRAY, GOMEZ, NEYHART, PENTA, SNIFFEN  
NAYS: NONE  
ABSENT: CIOFFI  
ABSTAIN: NONE

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Councilman Bray moved the approval of the minutes of the November 1, 2023, council meeting. Seconded by Councilman Sniffen and carried upon the following roll call vote:

AYES: BRAY, GOMEZ, NEYHART, PENTA, SNIFFEN  
NAYS: NONE  
ABSENT: CIOFFI  
ABSTAIN: NONE

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Councilman Bray moved the approval of the minutes of the November 1, 2023, caucus meeting. Seconded by Councilman Sniffen and carried upon the following roll call vote:

AYES: BRAY, GOMEZ, NEYHART, PENTA, SNIFFEN  
NAYS: NONE  
ABSENT: CIOFFI  
ABSTAIN: NONE

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REPORTS OF STANDING COMMITTEES:

Mayor Tucci thanked and acknowledged Nancy Caroll, who organized a group of volunteers to clean the cemetery on Wall Street. Mayor Tucci stated that she had taken the CPR class hosted by the Borough's EMS Squad member, Beth Weston-Knotts, and it was great. Mayor Tucci stated that the Christmas Tree Lighting at Franklin Lake was amazing.

Councilman Bray reported that the Finance Committee met earlier that evening to discuss budget plans for 2024. Councilman Bray reported that the Borough Administrator has been working on getting set up with a software company to streamline payroll, human resources, and time clock services.

Councilman Cioffi was absent.

Councilman Gomez delivered the November 2023 EMS Squad Report and the October 2023 Fire Report.

Councilman Neyhart delivered the November 2023 Police Report.

Councilman Penta reported on the study conducted for the 2024 Capital Roads Program and reviewed the breakdown of costs as well as a list of roads being considered for repaving.

Councilman Sniffen reported that roof repairs will begin at Borough Hall soon. Councilman Sniffen added that the Community Center will have their Santa Claus event on December 13<sup>th</sup>.

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The Borough Administrator thanked the Public Works Director Anthony Valenti and Lieutenant Burton for taking inventory of the Borough’s road signs and ordering new ones to replace the signs that are damaged.

The Borough Clerk reported that proposals for 2024 professional services were received earlier that morning and were available for the Mayor and Council to review.

The Borough Attorney had nothing to report.

The Borough Engineer was absent.

COMMUNICATIONS:

- 1. Tax Collector’s Monthly Report – October 2023
- 2. Code Enforcement Monthly Report – October & November 2023
- 3. Zoning Monthly Report – October & November 2023
- 4. Graduation Request – Ranney School – OceanFirst Center – May 24, 2024
- 5. Graduation Request – Rumson Fair-Haven School – MAC Facility – June 14, 2024
- 6. Graduation Request – SRHS – MAC Facility – June 20 & 21, 2024

Councilman Bray moved to approve the above graduation requests, granted that there are no conflicts with Monmouth University. Seconded by Councilman Neyhart and carried unanimously.

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ORDINANCES:

**ORDINANCE NO. O-23-19**

**AN ORDINANCE REQUIRING LEAD-FREE  
CERTIFICATION AND FEE AS PART OF THE CERTIFICATE OF  
OCCUPANCY PROCESS IN THE BOROUGH OF WEST LONG BRANCH**

Ordinance No. O-23-19 was read on its **second reading** by title only.

Councilman Bray moved the ordinance be passed on **second reading** by title only. Seconded by Councilman Penta, and carried upon the following roll call vote:

AYES: BRAY, GOMEZ, NEYHART, PENTA, SNIFFEN  
NAYS: NONE  
ABSENT: CIOFFI  
ABSTAIN: NONE

Ordinance No. O-23-19 was published in the Asbury Park Press in the issue of November 8, 2023, and proof of publication stating that a public hearing on said ordinance would be held at this time is on file.

Mayor Tucci declared the public hearing open.

There being no one wishing to speak, Councilman Neyhart moved the public hearing be closed. Seconded by Councilman Bray and carried unanimously.

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**ORDINANCE NO. O-23-19**

**AN ORDINANCE REQUIRING LEAD-FREE  
CERTIFICATION AND FEE AS PART OF THE CERTIFICATE OF  
OCCUPANCY PROCESS IN THE BOROUGH OF WEST LONG BRANCH**

Ordinance No. O-23-19 was read on its **third and final reading** by title only.

Councilman Bray moved the ordinance be adopted on **third and final reading** by title only. Seconded by Councilman Sniffen, and carried upon the following roll call vote:

AYES: BRAY, GOMEZ, NEYHART, PENTA, SNIFFEN  
NAYS: NONE  
ABSENT: CIOFFI  
ABSTAIN: NONE

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**ORDINANCE NO. O-23-20**

**AN ORDINANCE AMENDING ORDINANCE NOS. O-23-1 AND O-22-1 REGARDING SALARIES OF VARIOUS MUNICIPAL EMPLOYEES AND REVISING THE SALARY RANGES OF VARIOUS MUNICIPAL OFFICERS, EMPLOYEES, AND APPOINTEES**

Ordinance No. O-23-20 was read on its **introduction** by title only.

Councilman Bray moved the ordinance be passed on **introduction** and to set the public hearing for December 20, 2023, at 6:30 PM. Seconded by Councilman Sniffen, and carried upon the following roll call vote:

AYES: BRAY, GOMEZ, NEYHART, PENTA, SNIFFEN  
NAYS: NONE  
ABSENT: CIOFFI  
ABSTAIN: NONE

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**RESOLUTIONS:**

Councilmember BRAY offered the following resolution and moved its adoption:

**RESOLUTION REFUNDING CERTIFICATE OF OCCUPANCY FEE**

WHEREAS, Roseanna Simonelli, filed an Application for Certificate of Occupancy for 904 Broadway and paid the Inspection fee of \$100.00 and Smoke fee of \$45.00; and

WHEREAS, it was subsequently discovered that the application was mistakenly filed for a residential property instead of commercial; and

WHEREAS, Roseanna Simonelli requested that the Inspection fee of \$100.00 and Smoke fee of \$45.00 be refunded; and

WHEREAS, the Housing Inspector has confirmed that a refund is in order;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that the sum of \$145.00, which represents the Inspection fee of \$100.00, and the Smoke fee of \$45.00 be refunded to Roseanna Simonelli, 38 Georgetown Rd, Eatontown, NJ 07724; and

BE IT FURTHER RESOLVED that the appropriate Borough officials are hereby authorized to take action consistent with this resolution.

Seconded by Councilmember SNIFFEN and carried upon the following roll call vote:

AYES: BRAY, GOMEZ, NEYHART, PENTA, SNIFFEN  
NAYS: NONE  
ABSENT: CIOFFI  
ABSTAIN: NONE

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Councilmember BRAY offered the following resolution and moved its adoption:

**RESOLUTION AWARDING CONTRACT FOR PURCHASE OF ONE (1) 2024 FORD F-450 4WD CREW CAB PICKUP TRUCK FOR THE DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the Borough has the need to purchase a 2024 FORD F-450 for use by its Public Works Department; and

WHEREAS, in accordance with NJSA 40A: 11-12, the Borough may award a contract without public advertising for bids when purchasing under any contract entered into on behalf of the State of New Jersey by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, there exist New Jersey State Contracts for said equipment from various vendors, and it is the recommendation of the Public Works Director and the Purchasing Agent that the brand of equipment, as detailed in Attachments A, annexed hereto, will best meet the needs of the Department of Public Works; and

WHEREAS, the Chief Financial Officer of the Borough of West Long Branch has certified, in accordance with the Certification of Funds Form attached hereto, that funds are available for this purchase from the Appro. Line Item #2-01-46-881-000-203 in amount of \$47,548 and 3-01-46-881-000-203 in amount of \$41,605.00, for a Grand Total of \$89,153.00.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that a contract be awarded to WINNER FORD for purchase of One (1) 2024 450 4WD Crew Cab Pickup Truck as detailed in attached quote, in accordance with the terms and conditions on New Jersey State Contract # A88215, for a sum not to exceed \$89,153.00.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute any and all necessary documents pursuant to said award.

Seconded by Councilmember SNIFFEN and carried upon the following roll call vote:

AYES:	BRAY, GOMEZ, NEYHART, PENTA, SNIFFEN
NAYS:	NONE
ABSENT:	CIOFFI
ABSTAIN:	NONE

Councilmember BRAY offered the following resolution and moved its adoption:

**RESOLUTION AUTHORIZING RENEWAL OF MEMBERSHIP IN THE  
CENTRAL JERSEY HEALTH INSURANCE FUND**

WHEREAS, a number of public entities in the State of New Jersey have joined together to form the CENTRAL JERSEY HEALTH INSURANCE FUND, hereafter referred to as "the FUND", as permitted by N.J.S.A. 11:15-3, 17:1-8.1, and 40A:10-36 et seq.; and

WHEREAS, the FUND was approved to become operational by the Departments of Insurance and Community Affairs and has been operational since that date; and

WHEREAS, the statutes and regulations governing the creation and operation of a joint health insurance fund, contain certain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such the FUND; and

WHEREAS, the governing body of Borough of West Long Branch, hereinafter referred to as "LOCAL UNIT" has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the LOCAL UNIT hereby agrees as follows:

- i. Renew membership with the FUND for the period outlined in the LOCAL UNIT's Indemnity and Trust Agreements.
- ii. Will participate in the following type (s) of coverage (s):
  - a. Health Insurance and/or Dental Insurance and/or Prescription Coverage as defined pursuant to N.J.S.A. 17B:17-4, the FUND's Bylaws, and Plan of Risk Management.
- iii. Adopts and approves the FUND's Bylaws.
- iv. Execute an application for membership and any accompanying certifications.

BE IT FURTHER RESOLVED that the governing body of the LOCAL UNIT is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the FUND as required by the FUND's Bylaws, and to deliver these documents to the

FUND's Executive Director with the express reservation that these documents shall become effective only upon:

- i. Approval of the LOCAL UNIT by the FUND.
- ii. Receipt from the LOCAL UNIT of a Resolution accepting assessment.
- iii. Approval by the New Jersey Department of Insurance and Department of Community Affairs.

Seconded by Councilmember SNIFFEN and carried upon the following roll call vote:

AYES:	BRAY, GOMEZ, NEYHART, PENTA, SNIFFEN
NAYS:	NONE
ABSENT:	CIOFFI
ABSTAIN:	NONE

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Councilmember BRAY offered the following resolution and moved its adoption:

**RESOLUTION AUTHORIZING THE BOROUGH OF WEST LONG BRANCH THROUGH WEST LONG BRANCH POLICE DEPARTMENT TO PARTICIPATE IN THE DEFENSE LOGISTICS AGENCY, LAW ENFORCEMENT SUPPORT OFFICE, 1033 PROGRAM TO ENABLE THE WEST LONG BRANCH POLICE DEPARTMENT TO REQUEST AND ACQUIRE EXCESS DEPARTMENT OF DEFENSE EQUIPMENT**

WHEREAS, the United States Congress authorized the Defense Logistics Agency (DLA) Law Enforcement Support Office (LESO) 1033 Program to make use of excess Department of Defense personal property by making that personal property available to municipal, county and State law enforcement agencies (LEAs); and

WHEREAS, DLA rules mandate that all equipment acquired through the 1033 Program remain under the control of the requesting LEA; and

WHEREAS, participation in the 1033 Program allows municipal and county LEAs to obtain property they might not otherwise be able to afford in order to enhance community preparedness, response, and resiliency; and

WHEREAS, although property is provided through the 1033 Program at no cost to municipal and county LEAs, these entities are responsible for the costs associated with delivery, maintenance, fueling, and upkeep of the property, and for specialized training on the operation of any acquired property; and

WHEREAS, N.J.S.A. 40A:5-30.2 requires that the governing body of the municipality or county approve, by a majority of the full membership, both enrollment in, and the acquisition of any property through, the 1033 Program; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of West Long Branch, County of Monmouth and State of New Jersey that the West Long Branch Police Department is hereby authorized to enroll in the 1033 Program for no more than a one-year period from January 1, 2024 to December 31, 2024; and

NOW THEREFORE BE IT FURTHER RESOLVED that the West Long Branch Police Department is hereby authorized to acquire items of non-controlled property designated “DEMIL A,” which may include but are not limited to: office supplies, office furniture, computers, electronic equipment, generators, field packs, non-military vehicles, clothing, traffic and transit signal systems, exercise equipment, farming and moving equipment, storage devices and containers, tools, medical and first aid equipment and supplies, personal protection equipment and supplies, construction materials, lighting supplies, beds and sleeping mats, wet and cold weather equipment and supplies, respirators, binoculars, and any other supplies or equipment of a non-military nature identified by

the LEA, if it shall become available in the period of time for which this resolution authorizes, based on the needs of the West Long Branch Police Department, without restriction; and

NOW THEREFORE BE IT FURTHER RESOLVED that the West Long Branch Police Department is hereby authorized to acquire “DEMIL B through Q” property, if it shall become available in the period of time for which this resolution authorizes; and

BE IT FURTHER RESOLVED that the property available through the program, “DEMIL A through Q” is attached hereto, and

BE IT FURTHER RESOLVED that the Chief of Police of the West Long Branch Police Department shall develop and implement a full training plan and policy for the maintenance and use of the acquired property; and

BE IT FURTHER RESOLVED that the West Long Branch Police Department shall provide a quarterly accounting of all property obtained through the 1033 Program which shall be available to the public upon request; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately and shall be valid to authorize requests to acquire “DEMIL A” property and “DEMIL B through Q” property that may be made available through the 1033 Program during the period of time for which this resolution authorizes; with Program participation and all property request authorization terminating on December 31, 2024.

Seconded by Councilmember SNIFFEN and carried upon the following roll call vote:

AYES:	BRAY, GOMEZ, NEYHART, PENTA, SNIFFEN
NAYS:	NONE
ABSENT:	CIOFFI
ABSTAIN:	NONE

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Councilmember BRAY offered the following resolution and moved its adoption:

**RESOLUTION AUTHORIZING DISPOSAL OF SURPLUS PROPERTY**

WHEREAS, the Borough of West Long Branch is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Borough is desirous of selling said surplus property in an “as is” condition without express or implied warranties.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch as follows:

- (1) The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-83453/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com.
- (2) The sale will be conducted online and the address of the auction site is govdeals.com.
- (3) The sale is being conducted pursuant to Local Finance Notice 2008-9.
- (4) A list of the surplus property to be sold is as follows:
  - 2012 Chevrolet Tahoe – VIN 1GNSK2E06CR192961
  - 2011 Chevrolet Tahoe – VIN 1GNSK2E01BR234483
  - 2012 Chevrolet Tahoe - VIN 1GNSK2E04CR190187
  - 2008 Ford Crown Victoria – VIN 2FAHP71V38X157459
  - 2008 Ford Crown Victoria – VIN 2FAHP71V18X157461
  - 2014 Ford Explorer – VIN 1FM5KAR4EGA81154

(5) The surplus property as identified shall be sold in an “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.

(6) The Borough of West Long Branch reserves the right to accept or reject any bid submitted.

Seconded by Councilmember SNIFFEN and carried upon the following roll call vote:

AYES: BRAY, GOMEZ, NEYHART, PENTA, SNIFFEN  
NAYS: NONE  
ABSENT: CIOFFI  
ABSTAIN: NONE

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Councilmember BRAY offered the following resolution and moved its adoption:

**RESOLUTION APPROVING CHANGE ORDER AND PAYMENT CERTIFICATE  
OF LANCHA CONSTRUCTION CORP.**

WHEREAS, LANCHA CONSTRUCTION CORP., 3090 Englishtown Road, Jamesburg, NJ 08831, has completed work in connection with the FY 2022 Road Improvements Program; and

WHEREAS, the Borough Engineer has reported that Payment Certificate No. 3 & Final, in the amount of \$199,826.01, and Change Order No. 3 & Final, which shows a net change of \$50,122.16, are in proper form and that the stated work has been completed;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that Payment Certificate No. 3 & Final, in the amount of \$199,826.01, is hereby approved; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to sign Change Order No. 3 & Final, which shows a net change of \$50,122.16; and

BE IT FURTHER RESOLVED that the appropriate Borough Officials are hereby authorized to make payment in accordance with this resolution.

Seconded by Councilmember SNIFFEN and carried upon the following roll call vote:

AYES: BRAY, GOMEZ, NEYHART, PENTA, SNIFFEN  
NAYS: NONE  
ABSENT: CIOFFI  
ABSTAIN: NONE

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Councilmember BRAY offered the following resolution and moved its adoption:

**RESOLUTION AUTHORIZING AMERICAN RESCUE PLAN FIREFIGHTER GRANT APPLICATION  
TO NJDCA**

Whereas, the Borough of West Long Branch desires to apply for and obtain a grant from the New Jersey Department of Community Affairs For approximately \$45,000 to carry out a project to help cover costs associated with the purchase of protective items, cleaning equipment, oxygen equipment, personal protective equipment (PPE), and other fire and/or protection equipment as determined to be appropriate by the Division of Local Government Services (DLGS); and

WHEREAS, the Borough Council of the Borough of West Long Branch recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and

WHEREAS, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Borough of West Long Branch and the New Jersey Department of Community Affairs; and

WHEREAS, the Borough will encumber a local match of \$15,000 for this project.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch does hereby authorize the application for such a grant; and

BE IT FURTHER RESOLVED that the appropriate Borough Officials are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith.

Seconded by Councilmember SNIFFEN and carried upon the following roll call vote:

AYES: BRAY, GOMEZ, NEYHART, PENTA, SNIFFEN  
NAYS: NONE  
ABSENT: CIOFFI  
ABSTAIN: NONE

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Councilmember BRAY offered the following resolution and moved its adoption:

**2023 BUDGET APPROPRIATION TRANSFERS**

WHEREAS, N.J.S.A. 40A:4-58 states should it become necessary during the last two months of the fiscal year or the first three months of the next fiscal year to expend for any of the purposes specified in the budget an amount in excess of the respective sums appropriated therefor and there shall be an excess in any appropriations over and above the amount deemed to be necessary to fulfill the purpose of such appropriation, the Governing Body may, by resolution setting forth the facts, adopted by not less than 2/3 vote of the full membership thereof, transfer the amount of such excess to those appropriations deemed to be insufficient; and

WHEREAS, the Chief Financial Officer has recommended that the following transfers, being in compliance with N.J.S.A. 40A:4-58, be made:

<u>ACCOUNT NAME</u>	<u>ACCOUNT NUMBER</u>	<u>TO</u>	<u>FROM</u>
Admin & Exec. Regular Pay	3-01-26-290-000-111	\$20,000.00	
Admin & Exec. Internet	3-01-20-100-000-277	\$7,000.00	
Utilities – Telephones	3-01-31-440-000-201	\$5,000.00	
Public Buildings – Property Improv.	3-01-26-310-000-224		\$32,000.00
Totals		<u>\$32,000.00</u>	<u>\$32,000.00</u>

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch, County of Monmouth, (not less than 2/3 of the full membership concurring affirmatively), that the above budget transfers are hereby made and approved.

Seconded by Councilmember SNIFFEN and carried upon the following roll call vote:

AYES: BRAY, GOMEZ, NEYHART, PENTA, SNIFFEN  
NAYS: NONE  
ABSENT: CIOFFI  
ABSTAIN: NONE

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December 6, 2023

Councilmember BRAY offered the following resolution and moved its adoption:

**RESOLUTION APPOINTING INSURANCE COMMISSIONER**

WHEREAS, STEPHANIE C. DOLLINGER was appointed Insurance Commissioner for 2023 via Resolution No. *R-23-26 Resolution Appointing Insurance Commissioner and Alternate*; and

WHEREAS, the position of Insurance Commissioner has since become vacant.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that JASON GONTER be and is hereby appointed Insurance Commissioner for the remainder of 2023, effective immediately.

Seconded by Councilmember PENTA and carried upon the following roll call vote:

AYES:	BRAY, GOMEZ, NEYHART, PENTA, SNIFFEN
NAYS:	NONE
ABSENT:	CIOFFI
ABSTAIN:	NONE

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Councilmember BRAY offered the following resolution and moved its adoption:

**RESOLUTION APPOINTING FUND COMMISSIONER  
TO THE  
CENTRAL JERSEY HEALTH INSURANCE FUND FOR 2023**

WHEREAS, STEPHANIE C. DOLLINGER was appointed as Fund Commissioner to the Central Jersey Health Insurance Fund via Resolution No. *R-23-27 Resolution Appointing Fund Commissioner and Alternate to the Central Jersey Health Insurance Fund for 2023*; and

WHEREAS, the position of Fund Commissioner has since become vacant.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that JASON GONTER be and is hereby appointed as Fund Commissioner to the Central Jersey Health Insurance Fund, effective immediately.

Seconded by Councilmember GOMEZ and carried upon the following roll call vote:

AYES:	BRAY, GOMEZ, NEYHART, PENTA, SNIFFEN
NAYS:	NONE
ABSENT:	CIOFFI
ABSTAIN:	NONE

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**UNFINISHED BUSINESS:**

None.

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**NEW BUSINESS:**

None.

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**BILLS AND CLAIMS:**

Councilman Bray moved to approve the bill list. Seconded by Councilmen Penta and carried upon the following roll call vote:

AYES:	BRAY, GOMEZ, NEYHART, PENTA, SNIFFEN
NAYS:	NONE
ABSENT:	CIOFFI
ABSTAIN:	NONE

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**PUBLIC HEARING:**

There being no one wishing to speak, Councilman Bray moved to adjourn the Council meeting and to enter Executive Session. Seconded by Councilman Gomez and carried unanimously.

December 6, 2023

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:

*Promotional Process; Zoning Litigation; Appointments; DPW 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.  |
| <u>  X  </u> | 9. Related to pending or anticipated litigation or contract negotiations in which the public body is or may be a party.   |
| <u>  X  </u> | 10. Falls within the attorney-client privilege and confidentiality is required.   |
| <u>  X  </u> | 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.  |

  
BOROUGH CLERK