2013 – 47 Withdrawn 03/05/13

A RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF MOUNT ARLINGTON, IN THE COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING EXECUTIVE SESSION

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 Mayor and Borough Council of the Borough of Mount Arlington have deemed it necessary to go into closed session to discuss certain matters which are exempted from the Public; and

WHEREAS, the regular meeting of the Mayor and Borough Council will reconvene thereafter;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Council of the Borough of Mount Arlington 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:

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

_____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; *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);

_____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:

_____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 Mayor and Borough Council hereby declare that their discussion of the aforementioned subject(s) may be made public at a time when the Borough Attorney advises the Mayor and Borough Council that the disclosure of the discussion will no longer detrimentally affect any right, interest or duty of the Borough or any other entity with respect to said discussion.

BE IT FURTHER RESOLVED that the Mayor and 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.

I HEREBY CERTIFY this to be a true and correct Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, adopted on March 5, 2013.

Linda DeSantis, RMC
Borough Clerk