

**City of Englewood**  
**City Council Work Shop**  
**Meeting Minutes**

**May 7, 2013 at 7:30pm**

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A Workshop Meeting of the Mayor and Council of the City of Englewood, Bergen County, New Jersey, was held in the Municipal Court in the Public Safety Building commencing at 6:30 P.M.

Roll Call: Present: Council member Marc Forman  
Council member Michael Cohen (8:05PM)  
Council member Eugene Skurnick  
Council member Wayne Hamer  
Council member Lynne Algrant  
Mayor/Council President Frank Huttle III  
City Manager Timothy Dacey  
City Attorney William Bailey  
City Clerk Lauren Vande Vaarst

President Huttle called the meeting to order.

The City Clerk stated that adequate notice of this meeting was given by the posting, filing and distribution of the notice as required by the Open Public Meetings Act.

ORDINANCE #13-06

**BOND ORDINANCE APPROPRIATING \$4,345,000 FOR VARIOUS GENERAL IMPROVEMENTS AND AUTHORIZING THE ISSUANCE OF \$4,124,000 OF BONDS AND/OR BOND ANTICIPATION NOTES FOR SAID IMPROVEMENTS, AUTHORIZED TO BE UNDERTAKEN IN AND BY THE CITY OF ENGLEWOOD, IN THE COUNTY OF BERGEN, NEW JERSEY**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, IN THE COUNTY OF BERGEN, NEW JERSEY** (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

Section 1. The improvements and purposes described in Section 3 of this Bond Ordinance are hereby authorized as capital improvements to be made or acquired by the City of Englewood, County of Bergen, New Jersey (hereinafter referred to as the "City"). For said improvements or purposes stated in Section 3 hereof, there is hereby appropriated the sum of \$4,345,000. A down payment of \$221,000 is herein appropriated from the capital improvement fund or other funds of the City as the down payment for the purposes or improvements authorized herein, in accordance with the provisions of the Local Bond Law (N.J.S.A.40A:2-1 *et seq.*, hereinafter the "Law").

Section 2. For the financing of said obligations and to meet the part of said \$4,345,000 appropriation not otherwise provided for hereunder, negotiable bonds of the City are hereby authorized to be issued in a principal amount not to exceed \$4,124,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds, negotiable bond anticipation notes in the principal amount not to exceed \$4,124,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Law. In the event that bonds are issued pursuant to this Ordinance, the aggregate amount of bond anticipation notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and bond anticipation notes issued pursuant to this ordinance shall at any time exceed \$4,124,000, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such bond anticipation notes then outstanding, at maturity. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within the limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed and shall be under the seal of said City and attested as permitted by law. The appropriate City officers are hereby authorized to execute said bond anticipation notes and to issue said notes in such form as may be adopted in conformity with law. The power to determine all matters in connection with this ordinance and also the power to sell said bond anticipation notes, is hereby delegated to the Chief Financial Officer of the City (the "Financial Officer"), who is hereby authorized to sell said bond anticipation notes either at one time or from time to time in the manner provided by law and the Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. The Financial Officer is authorized and directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of bond anticipation notes pursuant to this ordinance is made, such report to include the principal amount, description, interest rate and maturity of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 3. The improvements hereby authorized and the purposes for which said obligations are to be issued are as follows:

<b>Improvements/Purposes</b>	<b>Estimated Cost</b>	<b>Down payment (Capital Improvement Fund)</b>	<b>Bonds or Notes Authorized</b>	<b>Useful Life (Years)</b>
1.) Mill & Pave Roadways, including but not limited to Linden, Dwight, Walnut and other designated streets, the forgoing to include all costs, improvements, equipment and/or appurtenances necessary therefore and related thereto.	\$750,000	\$38,000	\$712,000	10
2.) Road Reconstruction of West Palisades Avenue and other streets, including cross walks, curbs & sidewalks ,the forgoing to include all costs, improvements, equipment and/or appurtenances necessary therefore and related thereto.	\$750,000	\$38,000	\$712,000	10
3.) Drainage Improvements City wide to various sanitary and culvert improvements, the forgoing to include all costs, improvements, equipment and/or appurtenances necessary therefore and related thereto.	\$530,000	\$27,000	\$503,000	40
4.) Various Park Improvements City Wide, including 9/11 Memorial, equipment and tree replacement, the forgoing to include all costs, improvements, equipment and/or appurtenances necessary therefore and related thereto.	\$229,000	\$12,000	\$217,000	15
5.) Document Retention Digital Storage Equipment, the forgoing to include all costs, improvements, equipment and/or appurtenances necessary therefore and related thereto.	\$75,000	\$4,000	\$71,000	15
6.) Improvements to various City Facilities, including but not limited to environmental cleanup at Pistol Range, Firehouse, Armory, DPW & Police Department, design and permits for a new firehouse, and upgrades and improvements to various public buildings, including but not limited to Library steps, sanitary sewer mapping, and acquisition of computers, the forgoing to include all costs, improvements, equipment and/or appurtenances necessary therefore and related thereto.	\$1,580,000	\$79,000	\$1,501,000	15
7.) Traffic Signals City Wide replacement of controllers, signals and related equipment, the forgoing to include all costs, improvements, equipment and/or appurtenances necessary therefore and related thereto.	\$265,000	\$14,000	\$251,000	15
8.) Acquisition of Equipment including but not limited to Firehouse Filters for diesel exhaust & air packs, message board and related equipment, the forgoing to include all costs, improvements, equipment and/or appurtenances necessary therefore and related thereto.	\$166,000	\$9,000	\$157,000	15
<b>TOTALS</b>	<b>\$4,345,000</b>	<b>\$221,000</b>	<b>\$4,124,000</b>	

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses and is property or improvements which the City may lawfully acquire or make as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of said purposes is within the limitations of the Local Bond Law taking into consideration the amount of obligations authorized for each purpose, and according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, the average period of usefulness is 16.45 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office

of the City Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such Statement shows that the gross debt of the City determined as provided in said Law is increased by this bond ordinance by \$4,124,000 and obligations authorized and/or hereunder will be within all debt limitations prescribed by said Law.

(d) Amounts not exceeding \$850,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed and permitted under N.J.S.A. 40A:2-20 of the Local Bond Law may be included as part of the costs of said improvements and are included in the foregoing estimates thereof.

Section 5. Any grant or other moneys received for the purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements, obligations or acquisition or to payment of the obligations issued pursuant to this ordinance and the amount of the obligations authorized herein for such purpose shall be reduced accordingly.

Section 6. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the City, and, unless paid from other revenues of the City, the City shall be obligated to levy ad valorem taxes upon all the taxable property within the City for the payment of said obligations and interest thereon without limitation as to rate or amount.

Section 7. The capital budget of the City is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board of the State of New Jersey, Department of Community Affairs, showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services, is on file with the City Clerk and is available there for public inspection.

Section 8. The City reasonably expects to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 of this ordinance and paid prior to the issuance of any bonds or notes authorized by this ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein has been or is reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the City, pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. This Section is intended to be and hereby is a declaration of the City's official intent to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 1.150-2(e), and no action (or inaction) will be an artifice or device in accordance with Treasury Regulation Section 1.148-10 to avoid, in whole or in part, arbitrage yield restrictions or arbitrage rebate requirements.

Section 9. To the extent that any previous ordinance or resolution is inconsistent with or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 10. The provisions of this ordinance are severable. To the extent any clause, phrase, sentence, paragraph or provision of this ordinance shall be declared invalid, illegal, or unconstitutional, the remaining provisions shall continue in full force and effect.

Section 11. This Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

FIRST READING DATE: April 23, 2013

COUNCIL	MOTION	VOTE
Algrant		Y
Forman		Y
Skurnick		Y
Cohen	X	Y
Hamer		Y

DATE PUBLISHED IN THE RECORD: April 26, 2013

DATES PUBLIC HEARING HELD: May 7, 2013

DATE SECOND READING HELD: May 7, 2013

COUNCIL	MOTION	OPEN	MOTION	CLOSE	MOTION	ADOPT
Algrant		Y		Y		Y
Forman		Y		Y		Y
Skurnick		Y		Y		Y
Cohen		AB		AB		AB
Hamer	X	Y	X	Y	X	Y

Public Hearing on Ordinance #13-06:  
No one from the Public came forward to speak.

**AN ORDINANCE OF THE CITY OF ENGLEWOOD, STATE OF NEW JERSEY RELATING TO FLOOD CONTROL AREAS; AMENDING THE CITY CODE OF THE CITY OF ENGLEWOOD, TO INCLUDE "FLOOD CONTROL AREAS"; PROVIDING RESTRICTIONS ON BUILDING STRUCTURES NEAR DRAINAGE RIGHTS-OF-WAY, APPLICATION TO PLANNING BOARD FOR EXCEPTION, POWER TO GRANT EXCEPTION; STANDARDS, REQUIREMENTS FOR CONSTRUCTION; EXCEPTION, APPROVAL OF GOVERNMENTAL AGENCIES, AND PENALTY**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ENGLEWOOD, IN THE COUNTY OF BERGEN, NEW JERSEY AS FOLLOWS:

Section 1. The City Code of the City of Englewood is hereby amended to include "Flood Control Areas" to read as follows:

**Restrictions on building structures near drainage rights-of-way.**

No building structure or any part thereof, no fence or other structure shall be constructed, altered, located, or placed nearer the center line of any drainage canal, brook, or stream than as hereinafter specified:

- (a) Overpeck Drainage Canal. For that section of the Overpeck Drainage Canal from Flat Rock Brook to First Street 50', for that section of the Overpeck Drainage Canal from First Street to Slocum Avenue 40', for that section of the Overpeck Drainage Canal from Slocum Avenue to Engle Street 35', for that section of the Overpeck Drainage Canal from Engle Street to Hudson Avenue vicinity 30'.
- (b) Metzler's Brook. For that section of Metzler's Brook from Ivy Lane to Washington Place 35', for that section of Metzler's Brook from Matlage Place to First Street 40'.
- (c) Flat Rock Brook. For that section of Flat Rock Brook from Overpeck Drainage Canal to Grand Avenue 50', for that section of Flat Rock Brook from Grand Avenue to Middlesex Avenue 40', for that section of Flat Rock Brook from Middlesex Avenue to Englewood Cliffs-Englewood boundary line 30'.
- (d) All other tributary brooks. For all other tributary brooks not mentioned above in sections (a), (b), or (c) a minimum distance of 30'.

**Application to Planning Board for exception.**

Any property owner owning lands in any of the above described areas may apply to the Planning Board of the City for a specific exception from the provisions of this article.

**Power to grant exception; standards.**

- (a) The Planning Board shall have the power to grant an exception to the provisions of this article and permit construction within the described areas, which exception may be granted as part of a site plan approval granted by the Planning Board or by separate action of the Planning Board.
- (b) In determining whether or not to grant such exception, the Planning Board shall consider the base its determination on:
  - (1) the effect that such proposed construction would have on the nature and flow of the water course involved;
  - (2) the danger and prospect of flooding on the premises involved; and
  - (3) the effect that such proposed construction may be likely to have on flooding of the water course, including flooding at the site in question and elsewhere.

**Requirements for construction; exception.**

- (a) No bridge, culvert, viaduct, drainage structure, or any other structure shall be constructed over, under, or in the bed of any brook, drainage canal, or stream unless the same shall have been designed by a licensed professional engineer of the state of New Jersey and reviewed and approved by the City Engineer.
- (b) Such approval shall be denied if the City Engineer determines that the proposed bridge, culvert, viaduct, drainage structure, or other structure will obstruct the flow of water in the said drainage canal, brook, or stream to such an extent as to be likely to increase the danger of flooding thereof.
- (c) Nothing herein provided shall be construed so as to prohibit the construction of a bridge, culvert, viaduct, watershed, drainage structure, or other structure by any governmental agency authorized to undertake such construction.

**Approval of governmental agencies.**

Nothing herein contained shall be construed to authorize any construction in, over, or close to any water course without first obtaining any state, federal, or county approval which may be required therefore.

**Penalty.**

Any person who violates any provision of this article shall, upon conviction thereof, be punished by a fine not exceeding \$500, or by imprisonment for a term not exceeding 90 days, or both. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Nothing contained in this ordinance shall prohibit City of Englewood from enforcing its codes by any other means, including, but not limited to, injunction, abatement or as otherwise provided by code.

Section 2. If any sentence, section, clause, or other portion of this ordinance, or the application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or repeal the remainder of this ordinance.

Section 3. All ordinances or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4. This ordinance shall take effect immediately upon passage and publication as required by law.

FIRST READING DATE: April 23, 2013

COUNCIL	MOTION	VOTE
Algrant		Y
Forman		Y
Skurnick		Y
Cohen	X	Y
Hamer		Y

DATE PUBLISHED IN THE RECORD: April 26, 2013

DATES PUBLIC HEARING HELD: May 7, 2013

DATE SECOND READING HELD: May 7, 2013

COUNCIL	MOTION	OPEN	MOTION	CLOSE	MOTION	ADOPT
Algrant	X	Y	X	Y	X	Y
Forman		Y		Y		Y
Skurnick		Y		Y		Y
Cohen		AB		AB		AB
Hamer		Y		Y		Y

Public Hearing on Ordinance #13-07:  
No one from the Public came forward to speak.

Public Comment on Agenda Items:  
No one from the Public came forward to speak

RESOLUTION #108-05-07-13

**VERIFICATION OF PARTNERSHIP WITH ENGLEWOOD PUBLIC SCHOOL DISTRICT  
FOR THE APPLICATION OF A  
21<sup>ST</sup> CENTURY COMMUNITY LEARNING CENTERS PROGRAM GRANT FUNDS**

**WHEREAS**, a 21<sup>st</sup> Century Community Learning Centers Program grant of \$425,000 per year for the five (5) year program period from September 1, 2013 through August 31, 2018 has been proposed by the Englewood Public School District for a Career Education After School Program to be held at the McCloud Elementary School located in the City of Englewood for students in grades 4-6; and

**WHEREAS**, Englewood Public School District will serve as grantee and lead agency for the full term of this grant; and

**WHEREAS**, pursuant to the terms of the 21<sup>st</sup> Century Community Learning Centers Program grant the governing body of the City of Englewood must partner with the Englewood Public School District for the full term of this grant; and

**WHEREAS**, the aforesaid project is in the best interest of the students and families of the City of Englewood; and

**WHEREAS**, the City of Englewood will supply in-kind support through its Recreation Department, and the Recreation Department will partner with the Englewood Public School District to coordinate enrichment and exercise activities to take place within the 21<sup>st</sup> Century Learning Center programs for students in grades 4-6 according to the schedule put forth by Englewood Public School District.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Englewood hereby verifies the partnership with the Englewood Public School District of the aforesaid project; and

**BE IT FURTHER RESOLVED** that a copy of this resolution be attached to the Englewood Public School Districts' application for a 21<sup>st</sup> Century Community Learning Centers Program grant.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>		X			
<i>Forman</i>	X	X			
<i>Skurnick</i>		X			
<i>Cohen</i>		X			
<i>Hamer</i>		X			

Mayor and Council Comments on Resolution #108-05-07-13:

- Councilman Skurnick stated that we never discussed this at a previous meeting. He then thanked Councilwoman Algrant for spearheading this and likes that the Recreation programs normally held at Liberty School will now be held at McCloud School as part of the program. Asked questions regarding who pays Instructors for both the City and EPSD.
- Councilwoman Algrant gave an overview of the grant application and process. Also explained the Scope of Services for both the EPSD and the City (Recreation Department). This grant is a collaborative partnership with the EPSD as the Lead Agency for the grant and the City as a partner for the life of the grant. Collaborative Agencies such as Arts Horizon, BergenPAC will also be involved. Further explained that the grant money would allow for more robust programming and for an increased number of children to participate (150-200).
- Discussion ensued on staffing and reimbursement for the City and EPSD.
- Councilman Hamer expressed his support for this Resolution and is pleased that the two agencies are working together on something so positive.

RESOLUTION #109-05-07-13

**AUTHORIZING AWARD OF CONTRACT  
FOR REPLACEMENT OF CITY HALL ELEVATOR CAB**

**WHEREAS**, quotations were solicited for the replacement of the City Hall elevator cab which incurred severe water damage as a direct result of the Hurricane Sandy power outage at City Hall; and

**WHEREAS**, quotations were solicited from three vendors and received from two (2) vendors; and

**WHEREAS**, the quotation submitted by Arrow Elevator Incorporated, 4 Cecelia Court, Vernon, New Jersey 07462 for the total sum of \$27,875 was determined to be the low quote and is in compliance with the specifications; and based upon the recommendation of the City Engineer, can be accepted by the City Council; and

**WHEREAS**, this quotation is awarded according to a fair and open process pursuant to PL 2004, c.19;

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available to award this contract.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Englewood that the quotation submitted by Arrow Elevator Incorporated, is hereby accepted; and

**BE IT FURTHER RESOLVED** that the City Manager is hereby authorized to execute an agreement between the City of Englewood and Arrow Elevator Incorporated, for replacement of the City Hall elevator cab in accordance with the specifications therefore.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>		X			
<i>Forman</i>	X	X			
<i>Skurnick</i>		X			
<i>Cohen</i>		X			
<i>Hamer</i>		X			

Mayor and Council Comments on Resolution #109-05-07-13:

- Councilman Cohen asked why a relatively new elevator needs to be replaced and Mr. Dacey explained this was due to the flooding in the basement of City Hall and the power outage caused by Hurricane Sandy.

#### Resolutions for Discussion:

- Renewal of Liquor Licenses for 2013-2014
- Approving the Introduction of the Englewood Special Improvement District Budget for FY 2013
- Approving the Introduction of the Englewood Special Improvement District Budget for FY 2014
- Amend Resolution for the Award of Contract for Pool Management Services to include Extended Hours at Tryon Pool
- Award of Contract for Registry of Vacant/Abandoned Property
- Mr. Dacey added that the following Resolutions will be included for the May 28<sup>th</sup> agenda:
  - Award of Contract for Liberty Square Monument Renovations
  - Award of Contract for Replacement of Library Steps
  - Award of Contract for Construction of 911 Memorial

#### Ordinances:

- Advisory Committee for the Disabled
  - Mayor and Council comments:
    - Councilman Cohen concerned that if we establish this committee we may run into the problem that we have on other committees with an inability to generate a quorum. Wants stronger attendance requirements.
    - Mayor Huttle spoke about the rules that currently exist regarding meeting attendance. Feels that it is the leadership/Chair that needs to police itself. Suggested having committees report on a rotating quarterly basis to the Mayor and Council.
    - Councilman Hamer agrees with the Mayor on committees reporting back because this would make them more accountable.
    - Councilman Forman said that currently he and Councilman Cohen periodically report on their respective committees but a formal process is a good idea.
    - Councilwoman Algrant understands Councilman Cohen concerns, but feels that people involved in a committee such as this will feel passionate enough to actively participate. Stated that new tasks can also revive a committee as it did for the Environmental Commission. Issues could be provided for committees to work on.
    - Councilman Cohen agrees that this particular committee will have better attendance than most, but he is frustrated with overall committee attendance.
    - Consensus is to place this Ordinance on the May 28<sup>th</sup> agenda for First Reading/ Introduction.

#### Public Session:

- Norman Gorlyn 150 Madison Avenue:
  - Asked why surveillance cameras are missing from the Capital Bond ordinance and Budget. Why doesn't the City have these?
  - Spoke about Hackensack's hiring of Class II Police Officers to handle mundane matters.
- Elle Kelly 350 Shepard Avenue:
  - Concerned about the YWCA taking over the Englewood Recreation Department and why the additional funding for the pool.
  - Also expressed concern about the appointing of committees and does not want the Mayor and Council to dictate what they should be doing.
  - Feels that the people in the community want a Community Center and everything else is being put in front of it.
- Shirley Smith 374 W. Palisade Avenue:
  - Spoke about Resolution #108 and its impact on the current Afterschool programs at McCloud.
- Sheila Figueroa Humphrey Street:
  - Glad that Mr. Gorlyn spoke about surveillance cameras.
  - Spoke about the handouts that she gave the Mayor and Council.
- Alva Jones 87 Dubois Court:
  - Wants to comment on the good work that DPW has been doing, but is concerned with the trees overlapping utility lines on William Street.
  - Also spoke about potholes on Englewood Avenue and on S. Van Brunt Street by access to Rout 4 West.
- Shirley Smith 374 W. Palisade Avenue:
  - Even though they have cleaned the Islands very well no flowers have been planted on her end of W. Palisade Avenue.

RESOLUTION #110-05-07-13

#### **PERMIT THE COUNCIL OF THE CITY OF ENGLEWOOD TO ENTER INTO CLOSED SESSION**

**BE IT RESOLVED** by the Council of the City of Englewood, pursuant to the provisions of the Open Public Meetings Act, that the Council meet in closed session to discuss the following subject matter:

Litigation

Which subject matter is permitted to be discussed in closed session pursuant to the following designated sub-section(s) of Section 7 of the Open Public Meetings Act:

- ( ) Sub-section 1 dealing with material rendered confidential by express provision of Federal or State law.
- ( ) Sub-section 2 covering a matter in which release of information would impair a right to receive federal funds.
- ( ) Sub-section 3 involving disclosure of material which would constitute an unwarranted invasion of privacy, including material related to an individual's personal and family circumstances, without the express written consent of the individual involved.
- ( ) Sub-section 4 pertaining to collective bargaining agreements and the terms, conditions, and negotiations thereof.
- ( ) Sub-section 5 dealing with the acquisition of real property, the settling of bank rates, or the investment of public funds where discussion thereof would adversely affect the public interest.
- ( ) Sub-section 6 dealing with tactics and techniques used in protecting the safety and property of the public where disclosure could impair such protection or investigation of violation of the law.
- (X) Sub-section 7 dealing with pending or anticipated litigation, contract negotiations, or matters falling within the attorney-client privilege.
- ( ) Sub-section 8 dealing concerning personnel matters dealing with employment, appointment, termination, or terms and conditions of employment of any person or persons, or the evaluation, promotion or disciplining of employees unless all employees involved consent to disclosure thereof.
- ( ) Sub-section 9 involving deliberations after public hearing on a matter which may result in the imposition of a civil penalty or the suspension or loss of a license.

**AND BE IT FURTHER RESOLVED** that, as precisely as can be determined at this time, the discussion conducted in the said closed session can be disclosed to the public upon taking final action thereon, provided disclosure shall not violate the attorney-client privilege or constitute an undue invasion of privacy; and

**BE IT FURTHER RESOLVED** that, although it is not envisioned that the Council will return to open session after this meeting, the Council reserves the right to do so upon conclusion of the closed session.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>	X	X			
<i>Forman</i>		X			
<i>Skurnick</i>		X			
<i>Cohen</i>		X			
<i>Hamer</i>		X			

**ADJOURN: 9:07 PM**

Motion: Forman  
All in Favor

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Lauren Vande Vaarst, RMC  
City Clerk