

City of Englewood
City Council Meeting Minutes
August 23, 2016

A Regular Formal 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 7:30 P.M.

Present: Council President Wayne Hamer
Council Member Charles Cobb
Council Member Michael Cohen
Council Member Marc Forman
Mayor Frank Huttie III
City Attorney William Bailey
City Manager Timothy Dacey
City Clerk Yancy Wazirmas

Absent: Council Member Eugene Skurnick

Council President Hamer called the meeting to order at 7:31pm and then led the Pledge of Allegiance.

OPEN PUBLIC MEETINGS ACT: The City Clerk read the following statement: *Adequate notice of this meeting, pursuant to the Open Public Meetings Act, was provided on the Annual Schedule of Meetings, which was adopted by the City Council on January 5, 2016, posted on the bulletin board at City Hall, distributed to The Record, and filed in the office of the City Clerk.*

APPROVAL OF MINUTES

RESOLUTION #161-08-23-16: RESOLUTION ACCEPTING MINUTES

BE IT RESOLVED, that the following minutes be and are hereby accepted and filed:

COUNCIL MEETINGS
July 19, 2016

Motion by **Councilman Forman** seconded by **Councilman Cobb** to approve the Minutes.

ROLL CALL:

Yes: Council Members Cobb, Cohen, Forman and Hamer

BILLS AND CLAIMS

RESOLUTION #162-08-23-16: APPROVE PAYMENT OF BILLS AND CLAIMS

WHEREAS, The Chief Financial Officer has certified and submitted a consolidated bill and claims list for payment as well as a consolidated list of prepaid items. The prepaid items include emergency payments, wire transfers and regularly scheduled monthly payments that are paid between bill and claims list dates; and

WHEREAS, all bills and claims listed herewith have been encumbered and sufficient funds are available for payment; and

WHEREAS, the required signatures have all been obtained on each voucher on the attached list.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Englewood, that the bills and claims on the submitted lists are hereby approved for payment in the total amount of \$2,845,996.56.

Motion by **Councilman Forman** seconded by **Councilman Cohen** to approve the Bills and Claims.

ROLL CALL:

Yes: Council Members Cobb, Cohen, Forman and Hamer

PRESENTATIONS:

2015 Audit Presentation:

An overview of the 2015 Annual Audit was provided by City Auditor, Mr. Scott Clelland from Wiss & Company, LLC. He explained a major change in the law for the Division of Pensions and their reporting requirement. He also explained the five minor finding and the Corrective Action Plan put in place to address those issues. The Mayor and Council requested further clarification for the City's pension liability and this year's S&P rating as it relates to the use of surplus to balance the budget.

Summer Business Apprenticeship Graduation video presentation

Mayor Huttle explained the program and how it benefits the City's youth.

ORDINANCES – PUBLIC HEARING/SECOND READING:

- None

ORDINANCES – INTRODUCTION/FIRST READING:

- None

RESOLUTIONS-CONSENT AGENDA

#163-08-23-16	Certifying Review of Annual Audit by Governing Body
#164-08-23-16	Appointment of Chief Financial Officer
#165-08-23-16	Refund of Tax Overpayment for Block 806 Lot 5
#166-08-23-16	Refund of Tax Overpayment for Block 808 Lot 11
#167-08-23-16	Refunds Due to State Tax Appeals
#168-08-23-16	Extension of Professional Services Contract With T&M Associates
#169-08-23-16	Award Professional Services Contract To Arcari+ Iovino Architects PC to Provide Professional Architectural Services for the Bathroom Renovations at the Englewood Library
#170-08-23-16	Award Professional Services Contract to T&M Associates to Provide Engineering Services for Culvert Repair Program
#171-08-23-16	Authorizing Award of Contract for Tenafly Road and Durie Avenue Traffic Signal, Project Number ENGL-00060
#172-08-23-16	Authorizing Award of Contract for Mackay Park Gatehouse Restoration, Project Number ENGL-111434

Councilman Forman and Mayor Huttle requested clarification for the T&M Contract.

Mr. Volcy explained that under Resolution #171, the City will be paying for the project completely and not through the Federal grant program. The requirements for proceeding through the grant are cumbersome, have added costs and will extend the completion date of the project. The main benefit is that the project will be completed much sooner.

A motion was made by **Councilman Cobb** and seconded by **Councilman Cohen** to approve the Consent Agenda Resolutions.

ROLL CALL:

Yes: Council Members Cobb, Cohen, Forman and Hamer

RESOLUTION #163-08-23-16: CERTIFYING REVIEW OF ANNUAL AUDIT BY GOVERNING BODY

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2015 has been filed by a Registered Municipal Accountant with the City Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled:

General Comments
Recommendations;

WHEREAS, the members of the City Council have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments
Recommendations

as evidenced by the group affidavit form of the City Council; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit as per the regulations of the Local Finance Board; and

WHEREAS, all members of the City Council have received and have familiarized themselves with, at least, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Englewood hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and required affidavit to said Board to show evidence of said compliance; and

BE IT FURTHER RESOLVED that the Corrective Action Plan prepared by the Chief Financial Officer, is hereby approved and the Chief Financial Officer shall implement the Plan.

**CITY OF ENGLEWOOD
CORRECTIVE ACTION PLAN
2015 AUDIT**

- (1). **Finding: Encumbrances**
The audit noted instances in which encumbrances were not made prior to the procurement of goods and services.
Recommendations:
The City is required to encumber contracts prior to the procurement of goods or services.
Corrective Action:
Finance will monitor that POs be issued prior to purchases.
Implementation:
Immediate. Both the Finance Department and the respective individuals responsible for departmental expenses have been and will continue to be reminded in memo fashion and verbally of the necessity to encumber expenses prior to payments.
- (2). **Finding: Purchasing Policy**
The audit revealed one instance where a purchase for over \$150 did not follow recommended purchasing procedures.
Recommendations:
Purchases that exceed \$150 be prepared and approved as a purchase order as stated in City policy.
Corrective Action:
The Finance department and the CFO will monitor that a voucher will not be used for purchases in excess of \$150
Implementation:
Immediate. A memo is being prepared by the CFO to be distributed to all departmental directors.
- (3). **Finding: Quotes**
The audit revealed one (1) instance where expenditures exceeding \$6,000 but less than \$40,000, were made but there was no evidence that proper quotations were obtained.
Recommendations:

The City is required to obtain competitive quotations for any goods or services, not specifically exempted under the Local Public Contracts Law, in which expenditures in any year exceed \$6,000.

Corrective Action:

The City will ensure that all Departmental Directors are reminded of this requirement. A memo will be issued citing requirements. Also, department directors will be reminded at Monday morning meetings.

Implementation:

Immediate. A memo is being prepared by the CFO to be distributed to all departmental directors. Additionally, this requirement will be presented at the next Monday morning director's meeting.

(4). **Finding: Emergency Purchases**

The audit revealed one (1) instance where a resolution was not prepared for an emergency expenditure.

Recommendations:

The City is required to prepare a resolution approving the emergency purchase.

Corrective Action:

The City will ensure that all Departmental Directors are reminded of this requirement. A memo will be issued citing requirements.

Implementation:

Immediate. A memo is being prepared by the CFO to be distributed to all departmental directors.

(5) **Finding: General Capital Fund**

During their testing the auditors noted that Ordinance #85-22 had a deficit balance of \$35,600 in excess of five years and has not been funded.

Recommendation:

It is suggested that all ordinance with cash deficits that exceed five years be funded.

Corrective Action:

This is a 1985 Capital Ordinance with an unfunded sum of \$35,600. This should be included in next years budget.

Implementation:

Immediate. This amount will be included in the 2017 budget.

RESOLUTION #164-08-23-16: APPOINTMENT OF CHIEF FINANCIAL OFFICER

WHEREAS, the Chief Financial Officer of the City of Englewood retired on April 30, 2016; and

WHEREAS, the City has advertised for this position and interviewed candidates that are qualified to serve as Chief Financial Officer; and

WHEREAS, Michael Kaufmann has served previously as the Chief Financial Officer in a New Jersey municipality; and

WHEREAS, Mr. Kaufmann is a Certified Municipal Finance Officer in the State of New Jersey;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that Michael Kaufmann is hereby appointed to the position of Chief Financial Officer of the City of Englewood for a four year term, effective August 24, 2016, pursuant to N.J.S.A. 40A:9-140.1 et seq.

RESOLUTION #165-08-23-16: REFUND OF TAX OVERPAYMENT FOR BLOCK 806 LOT 5

WHEREAS, it has been determined by the Tax Collector that Block 806, Lot 5 (83 Brook Avenue) is entitled to a tax overpayment refund;

WHEREAS, it is the desire of the City Council to have this overpayment returned to the party requesting the refund;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, in the County of Bergen, State of New Jersey, the Chief Financial Officer be and he is hereby authorized to refund the overpayment of property taxes in the amount of \$3,231.52 to Bernadette Alston (owner).

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Tax Collector and Finance Officer.

RESOLUTION #166-08-23-16: REFUND OF TAX OVERPAYMENT FOR BLOCK 808 LOT 11

WHEREAS, it has been determined by the Tax Collector that Block 808, Lot 11 (235 White Street) is entitled to a tax overpayment refund;

WHEREAS, it is the desire of the City Council to have this overpayment returned to the party requesting the refund;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, in the County of Bergen, State of New Jersey, the Chief Financial Officer be and he is hereby authorized to refund the overpayment of property taxes in the amount of \$292.48 to Lei Ling (owner).

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Tax Collector and Finance Officer.

RESOLUTION #167-08-23-16: REFUNDS DUE TO STATE TAX APPEALS

WHEREAS, a judgment has been received from the Tax Court of New Jersey for the following Block and Lots in the City of Englewood; and

WHEREAS, the said judgments have created and overpayment on the tax account listed for said years;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, in the County of Bergen, State of New Jersey, that the Chief Financial Officer be and he is hereby authorized to refund overpayment of the property taxes in the amount of \$34,261.20 for said years due to successful tax court judgments.

OWNER	Block & Lot	Address	Amount
Pindle East Associates	805-17.01	270-272 Pindle Ave.	\$591.25 - 2012
Shulman, Yale & Vivian	2803-5	94 E Linden Ave.	\$1,472.84 - 2015
David Boim	1303 -17	377 Elkwood Terrace	\$7,374.39 -2014 \$24,822.72 - 2015

RESOLUTION #168-08-23-16: EXTENSION OF PROFESSIONAL SERVICES CONTRACT WITH T&M ASSOCIATES

WHEREAS, on July 29, 2014, the City Council adopted a resolution authorizing a contract for professional services to T&M Associates to provide continued remedial investigation of Parking Lot H-Underground Storage Tank; and

WHEREAS, the funds authorized by this contract were not to exceed \$10,000; and

WHEREAS, additional work is needed in regard to the Soil investigation and report of findings; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available to award this contract and a copy of said certification is on file in the office of the City Clerk.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Englewood, that T&M Associates hereby continue work on the continued remedial investigation of Parking Lot H-Underground Storage Tank in connection with the above referenced need at a total cost not to exceed an additional sum of \$1,000.

A certificate of availability of funds is on file in the office of the City Clerk.

RESOLUTION #169-08-23-16: AWARD PROFESSIONAL SERVICES CONTRACT TO ARCARI+ IOVINO ARCHITECTS PC TO PROVIDE PROFESSIONAL ARCHITECTURAL SERVICES FOR THE BATHROOM RENOVATIONS AT THE ENGLEWOOD LIBRARY

WHEREAS, the City of Englewood requires a qualified architect to provide basic architectural services for the improvements and renovations needed to update the existing lower floor bathrooms to current standards at the Englewood Library; and

WHEREAS, Arcari+Iovino Architects PC will be providing basic architectural services for this project that will include the following items: explore options for configuring the space to meet ADA requirements and how to conduct those improvements.

WHEREAS, it is the recommendation of the City Engineer is to award a contract for such services to Arcari+Iovino Architects PC, One Katherine Street, Little Ferry, NJ 07643 pursuant to N.J.S.A. 19:44A-20.5 as other than a “Fair and Open” contract as defined therein; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A: 1 1-1 et. seq.) authorizes the award of such professional services contracts without competitive bidding; and

WHEREAS, the City Manager has determined that the value of this contract will not exceed \$14,500.00; and

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

WHEREAS, Arcari+Iovino Architects PC will complete and submit a Business Entity Disclosure Certification and a Political Contribution Disclosure Form certifying that the firm has not made or will make any reportable contributions that would bar the award of this contract under the provisions of N.J.S.A. 19:44A-1 et seq. and City of Englewood Ordinance No. 07-31; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, State of New Jersey that a professional services contract is hereby awarded to Arcari+Iovino Architects PC to provide basic architectural services for the improvements and renovations needed to update the existing lower floor bathrooms to current standards at the Englewood Library; and

BE IT FURTHER RESOLVED, that a copy of the within resolution, together with a copy of the Agreement and that the Business Disclosure Entity Certification and the Determination of Value, be on file in the Office of the City Clerk and be available for public inspection during regular business hours; and

BE IT FURTHER RESOLVED, that the City Clerk is hereby authorized to cause a brief notice to be published once in the Record newspaper stating the nature, duration, service, and amount of the contract and that the resolution and contract are on file and available for public inspection in the office of the City Clerk.

Funding for this project is available from the following sources: Capital Fund

RESOLUTION #170-08-23-16: AWARD PROFESSIONAL SERVICES CONTRACT TO T&M ASSOCIATES TO PROVIDE ENGINEERING SERVICES FOR CULVERT REPAIR PROGRAM

WHEREAS, the City of Englewood has the need for Engineering Services for the County mandated Culvert Repair Program; and

WHEREAS, the scope of work as outlined in the attached proposal dated July 13, 2016 includes the following: Field Inspection and Report Preparation for the seven of the most critical structures

WHEREAS, on the recommendation of the City Engineer, the City Council has determined, based on professional experience, expertise and reputation, to award a contract for such services to T&M Associates, 11 Tindall Road, Middletown, New Jersey 07748 pursuant to N.J.S.A. 19:44A-20.5 as other than a “Fair and Open” contract as defined therein; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A: 1 1-1 et. seq.) authorizes the award of such professional services contracts without competitive bidding; and

WHEREAS, the City Manager has determined the value of this contract for the scope of services as stated above and in the attached proposal dated July 13, 2016, is not to exceed \$30,000.00; and

WHEREAS, T&M Associates will complete and submit a Business Entity Disclosure Certification and a Political Contribution Disclosure Form certifying that the firm has not made or will make any reportable contributions that would bar the award of this contract under the provisions of N.J.S.A. 19:44A-1 et seq. and City of Englewood Ordinance No. 07-31; and

WHEREAS, funds are available for this purchase from the Capital Fund and the Chief Financial Officer has certified that sufficient funds are available to award this contract; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood, Bergen County, State of New Jersey that a professional services contract is hereby awarded to T&M Associates to provide Engineering Services for the Culvert Repair Program; and

BE IT FURTHER RESOLVED, that a copy of the within resolution, together with a copy of the Agreement and that the Business Disclosure Entity Certification and the Determination of Value, be on file in the Office of the City Clerk and be available for public inspection during regular business hours; and

BE IT FURTHER RESOLVED, that the City Clerk is hereby authorized to cause a brief notice to be published once in the Record newspaper stating the nature, duration, service, and amount of the contract and that the resolution and contract are on file and available for public inspection in the office of the City Clerk.

RESOLUTION #171-08-23-16: AUTHORIZING AWARD OF CONTRACT FOR TENAFLY ROAD AND DURIE AVENUE TRAFFIC SIGNAL, PROJECT NUMBER ENGL-00060

WHEREAS, sealed bids were received on August 11, 2016 for the **Tenafly Road And Durie Avenue Traffic Signal, Project Number ENGL-00060** in accordance with specifications therefore and following public advertisement; and

WHEREAS, specifications were sent and responsible bids were received from four (4) bidders listed on the attached Bid Summary Sheet; and

WHEREAS, the bid submitted by Solar-Mite Electrical, located at 922 King Georges Road, PO Box 356, Fords, New Jersey 08863, for the total sum of \$232,849.75 was determined to be the low bid 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, funds were approved for this purchase through the Capital Fund and the Chief Financial Officer has certified that sufficient funds are available to award this contract; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that the bid submitted by Solar-Mite Electrical, 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 Solar-Mite Electrical, for the **Tenafly Road And Durie Avenue Traffic Signal, Project Number ENGL-00060** in accordance with the specifications therefore.

BE IT FURTHER RESOLVED that subject to the availability of funds therefore, the City Manager is authorized to approve change orders in a sum not to exceed 20% of the contract price.

RESOLUTION #172-08-23-16: AUTHORIZING AWARD OF CONTRACT FOR MACKAY PARK GATEHOUSE RESTORATION, PROJECT NUMBER ENGL-111434

WHEREAS, sealed bids were received on August 16, 2016 for the **Mackay Park Gatehouse Restoration, Project Number ENGL-111434** in accordance with specifications therefore and following public advertisement; and

WHEREAS, specifications were sent and responsible bids were received from four (4) bidders listed on the attached Bid Summary Sheet; and

WHEREAS, the bid submitted by Northeast Roof Maintenance, Inc., located at 649 Catherine Street, Perth Amboy, New Jersey 08861, for the total sum of \$288,150.00 was determined to be the low bid 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, funds were approved for this purchase through the Capital Fund and the Chief Financial Officer has certified that sufficient funds are available to award this contract; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Englewood that the bid submitted by Northeast Roof Maintenance, Inc., 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 Northeast Roof Maintenance, Inc., for the **Mackay Park Gatehouse Restoration, Project Number ENGL-111434** in accordance with the specifications therefore.

BE IT FURTHER RESOLVED that subject to the availability of funds therefore, the City Manager is authorized to approve change orders in a sum not to exceed 20% of the contract price.

ITEMS FOR DISCUSSION:

- Re-naming the Section of Englewood Street for Lincoln School
 - Councilman Cobb asked what would need to be done to re-name the section of Englewood Avenue between William and Humphrey Streets to Lincoln School Way. Mr. Bailey responded that the change can be done officially by ordinance or ceremonial by resolution but will research this further.

COMMUNICATIONS FROM THE MAYOR/COUNCIL MEMBERS:

Mayor Frank Huttle III:

- Congratulated Michael Kaufmann for his appointment as CFO.
- Spoke about the Mackay Gatehouse Restoration and the road to get to this point.
- Congratulated the graduates from the SBA program and spoke about their graduation.

Councilman Marc Forman:

- No Report.

Councilman Michael Cohen:

- Congratulated Michael Kaufmann on his appointment as CFO.
- Reported that he has received communications from the Ward 2 residents regarding the deer issue and asked that the Council look at strategies to deal with this health and safety issue.

Councilman Charles Cobb:

- Reported that there was a Youth Meeting on July 1st at Community Baptist Church sponsored by himself, Councilman Hamer and Reverend Taylor. He thanked all the groups that participated in the event.
- Reported that Police Night Out was very successful.
- Reported that Family Day was a very positive event and thanked the community for their support.

Council President Hamer:

- Councilman Hamer reported that Family Day ended with a reunion which was held at the arena. The event was hugely successful and very well attended. This event will be held every two years.

COMMENTS FROM THE CITY MANAGER:

- Mr. Dacey had nothing to report.

PUBLIC SESSION:

Council President Hamer opened the meeting to the public and instructed that any member of the public wishing to speak to step up to the microphone and give their name and address, and have four minutes to speak.

- Ellie Kelly , 350 Shepard Ave:
 - Asked/commented on the following: overgrown grass at Eleanor Harvey Park; lack of parking at the Health Department; a sidewalk is needed at 161 W. Forest Ave; Englewood Ave needs renovation from one end to the other; make sure police have the authority to enter businesses in the City;
 - Mr. Dacey responded that the contractor has not completed the project at Eleanor Harvey Park and has not been turned over to the City yet and there are two reserved parking spots for the Health Department.
- Curtis Caviness:
 - Thanked Edroy and his crew for their help with the Englewood Reunion.
 - The contractor is still responsible for maintaining Eleanor Harvey Park
 - Asked why the police shut down the “Whip-Whop” tournament in Morris Park. Mr. Dacey responded that permits needs to be obtained.
- Norman Gorlyn, 157 Madison Ave:
 - Asked if the traffic signal project approved this evening will have a security camera attached to it. Mr. Dacey responded that they will consider it.

Council President Hamer closed the Public Session.

CLOSED SESSION:

RESOLUTION #160-07-19-16: 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:

Pending or Anticipated Litigation and Attorney/Client Privilege

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.

Motion by **Councilman Forman** seconded by **Councilman Cobb** to approve.

ROLL CALL:

Yes: Council Members Cobb, Cohen, Forman and Hamer

Motion to Re-convene in open session by **Councilman Forman** and was seconded by **Councilman Cobb.**

ROLL CALL:

Yes: Council Members Cobb, Cohen, Forman and Hamer

ADJOURN:

Motion to adjourn the meeting by **Councilman Forman** seconded by **Councilman Hamer.**

ROLL CALL:

Yes: Council Members Cobb, Cohen, Forman and Hamer

Meeting was adjourned at 9:19pm.

Yancy Wazirmas, RMC
City Clerk