

TOWNSHIP OF WASHINGTON  
BERGEN COUNTY, NEW JERSEY

Introduced by:

Beckmeyer Cascio D'Urso Goetz Hrbek

Seconded by:

Beckmeyer Cascio D'Urso Goetz Hrbek

WHEREAS, the public is invited to attend all Public Meetings and Conference Sessions of the Township Council in accordance with its general practice and Open Public Meetings Act; and

WHEREAS, the Legislature of the State of New Jersey declared that the public has a right to attend all meetings of the public bodies at which any business effecting the public is discussed or acted upon in any way except only in those circumstances where otherwise the public interest would be clearly endangered or the personal privacy or guaranteed invasion; and

WHEREAS, N.J.S.A. 10:4-12 of the Open Public Meetings Act provides for the exclusion of the public from that portion of a meeting at which certain enumerated matters are to be discussed; and

WHEREAS, the Township Council has determined that, because of the nature of the subject matter to be discussed, the public should not be present at that portion of the meeting of the Township Council at which certain specific matters encompassed by N.J.S.A. 10:4-12 are to be discussed;

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Washington that, pursuant to the express provisions of the Open Public Meetings Act, the public be excluded from the meeting or portion of the meeting in which the following matters are to be discussed:

**Pending or anticipated litigation**

**Collective bargaining agreement**

**Purchase, lease or acquisition of real property**

**Tactics and techniques utilized in protecting the Safety and the property of the public**

**Matters involving employment**

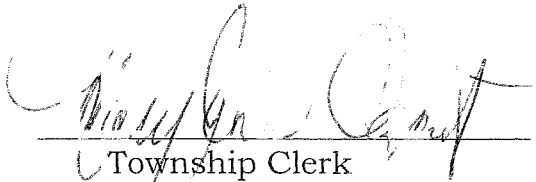
**Other: (Specify)**

BE IT FURTHER RESOLVED, that it is not possible as yet to fix the time when or the circumstances under which the discussion conducted in Closed Session can be disclosed to the public. It is anticipated that the subject matter under discussion will be made public when finalized.

ATTEST:

APPROVED:

TOWNSHIP COUNCIL OF THE  
TOWNSHIP OF WASHINGTON

  
\_\_\_\_\_  
Township Clerk

  
\_\_\_\_\_  
Council President

Dated: Oct 4, 2018

	Ayes	Nays	Abstain	Absent
Beckmeyer	<u>✓</u>	_____	_____	_____
Cascio	<u>✓</u>	_____	_____	_____
D'Urso	<u>✓</u>	_____	_____	_____
Goetz	<u>✓</u>	_____	_____	_____
Hrbek	<u>✓</u>	_____	_____	_____

**WASHINGTON TOWNSHIP COUNCIL  
RESOLUTION NO. \_\_\_\_\_  
AUTHORIZING EXECUTIVE SESSION**

**WHEREAS**, while the Sen. Byron M. Baer Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.) requires all meetings of the Washington Township Council to be held in public, N.J.S.A. 10:4-12(b) sets forth nine (9) types of matters that may lawfully be discussed in "Executive Session," i.e. without the public being permitted to attend, and

**WHEREAS**, the Washington Township Council has determined that \_\_\_\_\_ (insert number) issues are permitted by N.J.S.A. 10:4-12(b) to be discussed without the public in attendance shall be discussed during an Executive Session to be held on \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ P.M, and

**WHEREAS**, the nine (9) exceptions to public meetings set forth in N.J.S.A. 10:4-12(b) are listed below, and next to each exception is a box within which **the number** of issues to be privately discussed that fall within that exception shall be written, and after each exception is a space where additional information that will disclose as much information about the discussion as possible without undermining the purpose of the exception shall be written.

**“(1) Any matter which, by express provision of Federal law, State statute or rule of court shall be rendered confidential or excluded from public discussion.”** The legal citation to the provision(s) at issue is:\_\_\_\_\_ and the nature of the matter, described as specifically as possible without undermining the need for confidentiality is \_\_\_\_\_;  
\_\_\_\_\_;

**“(2) Any matter in which the release of information would impair a right to receive funds from the federal government.”** The nature of the matter, described as specifically as possible without undermining the need for confidentiality is \_\_\_\_\_;  
\_\_\_\_\_;

**“(3) Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.”** The nature of the matter, described as specifically as possible without undermining the need for confidentiality is \_\_\_\_\_;  
\_\_\_\_\_;

**“(4) Any collective bargaining agreement, or the terms and conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body”** The collective bargaining contract(s) discussed are between the Council and \_\_\_\_\_;  
\_\_\_\_\_;

**“(5) Any matter involving the purchase 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.”** The nature of the matter, described as specifically as possible without undermining the need for confidentiality is

\_\_\_\_\_  
\_\_\_\_\_;

**“(6) 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.”** The nature of the matter, described as specifically as possible without undermining the need for confidentiality is \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_;

**“(7) 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.”** The parties to and docket numbers of each item of litigation and/or the parties to each contract discussed are \_\_\_\_\_

\_\_\_\_\_ and  
nature of the discussion, described as specifically as possible without undermining the need for confidentiality is \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_;

**“(8) 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 Co. v. New Jersey Expressway Authority, 124 N.J. 478, the employee(s) and nature of the discussion, described as specifically as possible without undermining the need for confidentiality are \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_;

**“(9) 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.”** The nature of the matter, described as specifically as possible without undermining the need for confidentiality is

\_\_\_\_\_  
\_\_\_\_\_;

**WHEREAS**, the length of the Executive Session is estimated to be \_\_\_\_\_ minutes after which the public meeting of the Council shall (circle one) reconvene and immediately adjourn or reconvene and proceed with business.

**NOW, THEREFORE, BE IT RESOLVED** that the Washington Township Council will go into Executive Session for **only** the above stated reasons;

**BE IT FURTHER RESOLVED** that the Council hereby declares that its discussion of the aforementioned subject(s) will be made public at a time when the public's interest in disclosure is greater than any privacy or governmental interest being protected from disclosure. For each of the above items, the estimated date by which such disclosure can be made and/or the occurrence that needs to take place before disclosure can be made are listed below (attach separate sheet if necessary)

Subject of Discussion	Estimated Date	Necessary Occurrence

**BE IT FURTHER RESOLVED** that the Clerk, at the present public meeting, shall read aloud enough of this resolution so that members of the public in attendance can understand, as precisely as possible, the nature of the matters that will privately discussed.

**BE IT FURTHER RESOLVED** that the Clerk, on the next business day following this meeting, shall furnish a copy of this resolution to any member of the public who requests one at the fees allowed by N.J.S.A. 47:1A-1 et seq.

\_\_\_\_\_  
Mayor

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION APPROVED BY THE WASHINGTON TOWNSHIP COUNCIL AT ITS PUBLIC MEETING HELD ON \_\_\_\_\_20\_\_\_\_.

\_\_\_\_\_  
Clerk

**TOWNSHIP OF WASHINGTON  
BERGEN COUNTY, NEW JERSEY**

**RESOLUTION**

Introduced by:

\_\_\_\_\_  
Beckmeyer    Cascio    D'Urso    Goetz    Hrbek

Seconded by:

\_\_\_\_\_  
Beckmeyer    Cascio    D'Urso    Goetz    Hrbek

**WHEREAS**, the public is invited to attend all Meetings (whether denoted public or conference sessions) of the Township Council in accordance with its general practice and the Open Public Meetings Act; and

**WHEREAS**, the Legislature of the State of New Jersey declared that the public has a right to attend all meetings of public bodies at which any business affecting the public is discussed or acted upon in any way except as set forth in the Open Public Meetings Act [N.J.S.A. 10:4-12], which provides for the exclusion of the public from that portion of a meeting at which certain enumerated matters are to be discussed; and

**WHEREAS**, the Township Council has determined that, because of the nature of the subject matter to be discussed, the public should not be present at that portion of the meeting of the Township Council at which certain specific matters encompassed by N.J.S.A. 10:4-12 are to be discussed;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Washington that, pursuant to the express provisions of the Open Public Meetings Act, the public be excluded from the meeting or portion of the meeting (denoted as an "executive" or "closed" session) in which the following matters are to be discussed:

(1) Any matter which, by express provision of federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of subsection a. of this section.

(2) Any matter in which the release of information would impair a right to receive funds from the Government of the United States.

(3) Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.

(4) 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.

*Contract negotiations*

(5) Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.

*1. VFA Property  
2. Undisclosed Property for  
Municipal Use*

(6) 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.

(7) Any pending or anticipated litigation or contract negotiation other than in subsection b.(4) herein 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.

*Evan Smith vs Luby of Washington*

(8) Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, 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 the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.

*Personnel*

(9) Any deliberations 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 or omission for which the responding party bears responsibility.

**BE IT FURTHER RESOLVED**, that it is not possible as yet to fix the time when or the circumstances under which the discussion conducted in Closed Session can be

disclosed to the public. It is anticipated that the subject matter under discussion will be made public when finalized.

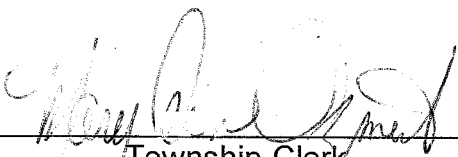
**BE IT FURTHER RESOLVED**, that notice is hereby given that the Township Council may find it necessary to take action at the conclusion of the executive/closed session; that such action, if taken, will occur in open session; that you are invited to stay in the Municipal Building during the executive/closed session; that the doors to the Council chambers will be opened and an announcement will be made if the Township Council will be going into open session; and you may be present during such open session.

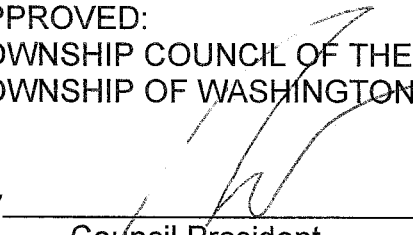
It is unknown at this time if an open session will be necessary   X  

The Township Council anticipates that an open session will be necessary     

ATTEST:

APPROVED:  
TOWNSHIP COUNCIL OF THE  
TOWNSHIP OF WASHINGTON

By   
Township Clerk

By   
Council President

Dated:   Jan 10  , 2011

	Ayes	Nays	Abstain	Absent
Beckmeyer	<u>  ✓  </u>	<u>    </u>	<u>    </u>	<u>    </u>
Cascio	<u>  ✓  </u>	<u>    </u>	<u>    </u>	<u>    </u>
D'Urso	<u>  ✓  </u>	<u>    </u>	<u>    </u>	<u>    </u>
Goetz	<u>  ✓  </u>	<u>    </u>	<u>    </u>	<u>    </u>
Hrbek	<u>  ✓  </u>	<u>    </u>	<u>    </u>	<u>    </u>