

**SPECIAL MEETING
MAYOR AND CITY COUNCIL
April 29, 2010**

Meeting called to order at 6:15 p.m. by President McGuigan. Roll call was recorded as follows:

Present: D'Adamo, Dill, Kern, Parker, Smith & McGuigan

Also Present: Mayor Glasser, Administrator Swain & Atty. Franklin

Absent: Triboletti

Open Public Meetings Act

Pursuant to the Open Public Meetings Act, adequate notice of this meeting has been provided. Agenda for this meeting has been provided to two local newspapers and posted in the City Clerk's Office.

Meeting was called for the purpose of meeting with the Mainland Regional High School Board of Education with regard to their defeated budget, and to consider a Resolution for Executive Session.

Councilwoman Kern advised that she must recuse herself from any discussion or decisions regarding this matter as she has two relatives employed by MRHS.

Supt. Baruffi introduced Business Administrator and members of the Board. Council President McGuigan thanked everyone for coming.

Supt. Baruffi went through the Budget Presentation that they had prepared and distributed to everyone, noting their decrease from the 2009-2010 budget of -1.7%, their State Aid reduction of -\$1,224,207 and their loss of excess surplus of -\$1,068,441.

The governing body asked questions and Council President McGuigan asked if there is any place that can be cut, explaining that our voters voted this budget down.

Public Portion

Dan Gudauskas, 18 Gibbs Avenue, came forward and addressed the governing body and the BOE suggesting the removal of administrators.

Patti Cianci, Higbee Avenue, came forward and addressed the governing body and the BOE stating that she agrees with Mr. Gudauskas and asked if they had a Plan B if their budget was defeated.

Public portion closed.

Supt. Baruffi explained that Plan B is part of the process we are working on today and added that they are not top heavy with administration.

Resolution No. 79

M/S – Parker/Dill

Adopted by a unanimous vote of those present.

**RESOLUTION NO. 79 of 2010
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 Somers Point City 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

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Resolution No. 79 (Continued)

WHEREAS, the Somers Point City Council has determined that One (1) issue permitted by N.J.S.A. 10:4-12(b) is necessary to be discussed without the public in attendance during an Executive Session to be held on April 29, 2010 during a public meeting to be held commencing at 6:15 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 City 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 the nature of the discussion, described as fully as possible without undermining the need for confidentiality is:

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Resolution No. 79 (Continued)**

The purpose of the Executive Session is to achieve consensus on the development of a negotiating position concerning the defeated Mainland Regional School Board Budget which, if not certified by the three (3) sending districts, will be appealed to the Commissioner of Education. The negotiating position will be developed for purpose of proceeding at an advertised public meeting to be held among Mainland Regional High School Board of Education members and representatives of the governing bodies of the three (3) sending districts: Northfield, Linwood, and Somers Point.

“(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 is:

“(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 approximately 30 - 45 minutes after which the public meeting of the City Council shall reconvene;

NOW, THEREFORE, BE IT RESOLVED that the City Council of Somers Point will go into Executive Session for **only** the above stated reason;

BE IT FURTHER RESOLVED that the City Council directs the City Clerk to make ten (10) photocopies of this resolution immediately after it passes and to distribute those photocopies to the public in attendance prior to the Executive Session commencing.

BE IT FURTHER RESOLVED that the blank spaces within this form of resolution are to be filled out in conformity with a Consent Judgment and Memorandum of Understanding dated June 8,2009 that arose that the City 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
See #7 above	Upon a negotiating position being developed and communicated to the Mainland Regional Board of Education	Public hearing among Mainland Regional Board of Education and Governing Body representatives from each of the three (3) sending districts.

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Adjournment

Council then moved to go into Executive Session and reconvened in open session to adjourn at 7:45 p.m.

Carol L. Degrassi, RMC/MMC
Municipal Clerk

Approved: 10/28/10