SPECIAL COUNCIL MEETING OF THE LOWER TOWNSHIP COUNCIL

March 9, 2015 - 4:00 P.M.

Meeting called to order.
Opening Announcement
Pledge of Allegiance & Moment of Silence
Roll Call & Determination of Quorum

Closed Session

Res. #2015- 90 — Resolution Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12. **PERSONNEL ISSUES**

Regular Agenda

Res. #2015-91 — Resolution Authorizing Indemnification and Defense of a Lower Township Employee in Accordance with Chapter 25 of the Code of the Township of Lower

Public Comment

Adjournment

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION # 2015-90

TITLE: **A RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12**

WHEREAS, the Township Council of the Township of Lower is subject to certain requirements of the Open Public Meetings Act, N.J.S.A 10:4-6, et seq.; and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution;, and

WHEREAS, it is necessary for the Township Council of the Township of Lower to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

_____(1) Matters Required by Law to be Confidential: 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 the Open Public Meetings Act.

_____(2) Matters Where the Release of Information Would Impair the Right to Receive Funds: Any matter in which the release of information would impair a right to receive funds from the Government of the United States.

_____(3) Matters Involving Individual Privacy: 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) Matters Relating to Collective Bargaining Agreement: 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.

_____(5) Matters Relating to the Purchase, Lease of Acquisition of Real Property or the Investment of Public Funds: 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.

_____(6) Matters relating to Public Safety and Property: 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 of possible violations of the law.

_____(7) Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege: 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.

___X___(8) Matters Relating to the Employment Relationship: 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 ISSUES**

_____(9) Matters Relating to the Potential Imposition of a Penalty: 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 bears responsibility.

NOW, THEREFORE, BE IT RESOLVED by the Township council of the Township of Lower, assembled in public session on March 9, 2015 that an Executive Session closed to the public shall be held on this date at Approximately 4:00 P.M. in the Conference Room of the Township Hall, 2600 Bayshore Road, Villas for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Council that the public interest will no longer be served by such confidentiality.

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a special meeting held on March 9, 2015

Julie A Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
SIMONSEN						
CLARK						
BECK						

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION # 2015-91

TITLE: RESOLUTION AUTHORIZING INDEMNIFICATION AND DEFENSE OF A LOWER TOWNSHIP EMPLOYEE IN ACCORDANCE WITH CHAPTER 25 OF THE CODE OF THE TOWNSHIP OF LOWER

WHEREAS, an Administrative Action has been commenced against a Township employee; and

WHEREAS, Chapter 25 of the Code of the Township of Lower, tilted Defense and Indemnification, (the "Township Code") requires the Township to indemnify and hold harmless its present and former employees from any liability arising out of acts performed by them during the ordinary course of their duties and within the scope of their employment or authority; and

WHEREAS, the Township Council of the Township of Lower determines that it is in the best interests of the Township to indemnify and hold harmless the Individual Defendant in accordance with the terms and provisions of the Township Code against all claims as long as the alleged acts do not constitute actual fraud, actual malice, willful misconduct or an intentional wrong doing.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, as follows:

1. That the Individual Defendant shall be indemnified and held harmless in accordance with the Township Code and above recital paragraphs which are incorporated herein.

2. The special appointed counsel of Mr. Playford's choice is hereby authorized to defend the Individual Defendant in connection with the Administrative Law hearing.

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a special meeting held on March 9, 2015.

Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
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BECK						