

Office of the Board of Commissioners  
Borough of Monmouth Beach  
August 14, 2012

The following statement was read by Mayor Susan Howard:

This meeting is called pursuant to the provisions of the open public meetings law. Notice of this meeting was included in a list of meetings notice sent to the Asbury Park Press, The Link and The Atlanticville on January 13, 2012, posted on the bulletin board in the Municipal Building on that date and has remained continuously posted as the required notice under the statute. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk.

Mayor Howard called the workshop meeting to order at 6:00 pm

Mayor Howard asked the audience if anyone would like to speak to the Commissioners informally at this time.

No person asked to speak.

Commissioner Cunniff moved, seconded by Commissioner McBride, the following resolution:

**RESOLUTION**

**BE IT RESOLVED** that the following portion of this meeting dealing with the following generally described matters shall not be open to the public: Pending or Anticipated Litigation and/or contract negotiations in which the public is or may be a party: COAH and Law Enforcement

**BE IT FURTHER RESOLVED** that it is anticipated that the matters to be considered in private may be disclosed to the public at a later date when confidentiality is no longer required:

**BE IT FURTHER RESOLVED** that private consideration is deemed required and is permitted because of the following noted exceptions set forth in the Open Public Meetings Act:

Related to pending/anticipated litigation or contract negotiations in which the public body is or may be a party.

Falls within the attorney-client privilege and confidentiality is required.

Upon the call of the roll the foregoing motion was carried by the following vote: Aye -3-  
Nay -0- .

Executive Session ended at 6:30 P.M. at which time the Commissioners convened for the regular meeting.

The Mayor requested that all persons rise. The Pledge of Allegiance was recited

Mayor Howard called the meeting to order at 6:30 pm.

Present - Mayor Howard, Commissioner Cunniff, and Commissioner McBride.

Commissioner Cunniff moved, seconded by Mayor Howard that the reading of the minutes of July 10 and July 18 and that they stand as recorded.

Upon the call of the roll the foregoing motion was carried by the following vote:

July 10, 2012- 2 Aye, 0- Nay, 1 Abstention (Commissioner Cunniff)  
July 18, 2012- 2 Aye, 0- Nay, 1 Abstention (Commissioner McBride)

Commissioner Cunniff moved, seconded by Commissioner McBride that the following bills which had been approved by their respective department heads be paid.

000001 M	510.80	07/27/12	WELLS FARGO BANK
000001 M	71.36	08/07/12	CYBERSOURCE
000002 M	32.90	07/11/12	AUTHORIZE NET GATEWAY BILLING
000002 M	28.05	08/07/12	AUTHORIZE NET GATEWAY BILLING
000006 M	28887.75	07/12/12	NJSHBP
000007 M	18010.97	07/12/12	NJSHB - RETIRED
000007 M	27555.27	08/14/12	NJSHBP
000008 M	18010.97	08/14/12	NJSHB - RETIRED
012007 M	359761.83	07/19/12	JAMES F CUNNIFF, TREAS. OF SCHOOL MONIES
030759 M	146972.97	07/12/12	PAYROLL ACCOUNT
030760 M	11155.82	07/12/12	PAYROLL ACCOUNT
030865 M	25.00	07/12/12	LISA SCOUTELAS
030866 M	25.00	07/12/12	ASHLEY ANGELL
030867 M	675.00	07/16/12	TAYLOR FENCE CO.,INC.
030868 M	252.30	07/17/12	JERSEY CENTRAL POWER & LIGHT
030869 M	902.70	07/17/12	TWO RIVERS WATER RECLAMATION AUTHORITY
030870 M	500.00	07/18/12	MOTOR CITY REVUE
030871 M	400.00	07/18/12	RICH SCHWARTZ
030872 M	868.80	07/18/12	VERIZON WIRELESS
030873 M	97.15	07/19/12	COMCAST
030874 M	7505.08	07/24/12	TWO RIVERS WATER RECLAMATION AUTHORITY
030875 M	230.85	07/24/12	SALLEE TEE'S GRILLE
030876 M	742.54	07/24/12	NEW JERSEY NATURAL GAS CO.
030877 M	3962.08	07/24/12	NEW JERSEY AMERICAN WATER CO.
030878 M	4192.87	07/25/12	JERSEY CENTRAL POWER & LIGHT
030879 M	123027.83	07/26/12	PAYROLL ACCOUNT
030880 M	9324.02	07/26/12	PAYROLL ACCOUNT
030881 M	170.81	08/03/12	AMANDA STUMP, MBBP PETTY CASH CUS
030882 M	119165.97	08/09/12	PAYROLL ACCOUNT
030883 M	9028.37	08/09/12	PAYROLL ACCOUNT
030884 V	.00	08/14/12	***** NOT A VALID VENDOR ***
030885	94.34	08/14/12	ACE WALCO PEST CONTROL, INC
030886	450.00	08/14/12	ALL HANDS FIRE EQUIPMENT
030887 V	89.70	08/14/12	AMERICAN UNIFORM & SUPPLY CO
030888	99.90	08/14/12	ANNE P. ROONEY
030889	69.00	08/14/12	ASBURY PARK PRESS
030890	926.67	08/14/12	ASSOCIATED HUMANE SOCIETIES
030891	216.02	08/14/12	ATHLETES ALLEY
030892	796.70	08/14/12	ATLANTIC PLUMBING SUPPLY CORP.
030893	185.24	08/14/12	AUS NORTH LOCKBOX ARAMARK UNIFORM
030894	249.47	08/14/12	AVAYA FINANCIAL SERVICES
030895	141.30	08/14/12	AVAYA, INC.
030896	153.70	08/14/12	BAIN'S HARDWARE, INC.
030897	50.00	08/14/12	BEATRICE VILLA
030898	906.00	08/14/12	BORGATA HOTEL CASINO AND SPA
030899	279.00	08/14/12	BOROUGH OF EATONTOWN
030900	99.90	08/14/12	BRADFORD DODSON
030901	75.00	08/14/12	BRIAN SHEPROW
030902	71.00	08/14/12	BULLET LOCK & SAFE CO., INC.
030903	50.00	08/14/12	CAROLINE TUCKER
030904	112.00	08/14/12	CENTRAL JERSEY OFFICE EQUIPMENT, INC
030905	50.00	08/14/12	CENTRAL JERSEY REGISTRAR'S ASSOCIATION
030906	75.00	08/14/12	CHARLES KING
030907	3200.00	08/14/12	CITY OF LONG BRANCH
030908	112.21	08/14/12	COMCAST
030909	97.11	08/14/12	COMCAST
030910	97.15	08/14/12	COMCAST OF MONMOUTH
030911	50.00	08/14/12	CONNIE GRYCZKA
030912	19014.22	08/14/12	COUNTY OF MONMOUTH FINANCE DEPARTMENT
030913	14268.29	08/14/12	CULMAC CAPITAL I, LLC
030914	15283.54	08/14/12	CULMAC INVESTORS INC.
030915	210.25	08/14/12	CUSTOM TIRE ASSOCIATES
030916	10265.00	08/14/12	DAN CHASEY ROOFING
030917	150.00	08/14/12	DAVID FALCO MD
030918	3201.00	08/14/12	DENNIS A. COLLINS ESQ.
030919	229.85	08/14/12	DREW WINANS
030920	134.06	08/14/12	DREW WINANS, MBPD CUSTODIAN OF
030921	50.00	08/14/12	EDLA F COLLORA
030922	75.00	08/14/12	EDWARD A MARSH
030923	238.00	08/14/12	ELITE FORMS, INC.
030924	5000.00	08/14/12	EMERGENCY COMMUNICATIONS NETWORK
030925	25.00	08/14/12	EUGENE ELSON
030926	1061.34	08/14/12	F & C AUTOMOTIVE SUPPLY INC.
030927	2478.00	08/14/12	FARMHOUSE ELECTRIC
030928	25171.14	08/14/12	FNA JERSEY LIEN SERVICES, LLC
030929	50.00	08/14/12	FRANCES RHODE
030930	25.00	08/14/12	FREDRIC HARRIS
030931	25.00	08/14/12	GAIL DE NOIA
030932	40.00	08/14/12	GALLS, AN ARAMARK COMPANY
030933	972.90	08/14/12	GEMPLER'S
030934	657.26	08/14/12	GETTY OF MONMOUTH BEACH
030935	484.52	08/14/12	GOODYEAR AUTO SERVICE CENTER
030936	278.88	08/14/12	GRAINER GOVERNMENT CALL CENTER
030937	75.00	08/14/12	GREGORY KELLY
030938	185.00	08/14/12	HEATHER CASIMANO
030939	99.90	08/14/12	HEATHER E. TYNAN
030940	50.00	08/14/12	HELMI KONDEROCK
030941	1352.93	08/14/12	HOME DEPOT CREDIT SERVICES
030942	3673.55	08/14/12	HORIZON BLUE CROSS BLUE SHIELD OF NJ INC
030943	75.00	08/14/12	IRIS SAND
030944	2563.45	08/14/12	J & B TRANSMISSIONS AND AUTO REPAIR
030945	75.00	08/14/12	JEFF MITCHELL
030946	4965.08	08/14/12	JERSEY CENTRAL POWER & LIGHT
030947	10.00	08/14/12	JOAN PATTI
030948	50.00	08/14/12	JOAN WALSH
030949	25.00	08/14/12	JOANIE O'GRADY

030950	99.90	08/14/12	JOSEPH MASICA
030951	25.60	08/14/12	JOYCE ESCALANTE, CUSTODIAN PETTY CASH
030952	5426.03	08/14/12	JPR MAINTENANCE, INC
030953	75.00	08/14/12	KAREN D'AGOSTINO
030954	35.00	08/14/12	KATHY SUDOWSKY
030955	336.50	08/14/12	KEPWELL SPRING WATER CO., INC.
030956	825.00	08/14/12	LACK'S OUTDOOR FURNITURE
030957	75.00	08/14/12	LAURA LOVGREN
030958	2329.26	08/14/12	LAWES COAL COMPANY, INC.
030959	600.00	08/14/12	LISA NORMAN
030960	50.00	08/14/12	LOIS GEYER
030961	75.00	08/14/12	LYNDA MAHONEY
030962	95.00	08/14/12	M. SCHWARTZ & SONS, INC.
030963	75.00	08/14/12	MANUEL ROSA
030964	75.00	08/14/12	MARGARET LIPPOLIS
030965	50.00	08/14/12	MARILYN PENNELL
030966	50.00	08/14/12	MARILYNN AUGUSTITIS
030967	320.78	08/14/12	MARY BETH GAMMON
030968	50.00	08/14/12	MARY JOHNSON
030969	150.00	08/14/12	MARY KAY WEDEL
030970	113.49	08/14/12	MAZZA
030971	1095.07	08/14/12	MEDCO SPORTS MEDICINE SUPPLIES
030972	75.00	08/14/12	MEG BEDELL
030973	1050.00	08/14/12	MICHAEL A IRENE, JR. ESQ.
030974	25.00	08/14/12	MICHAEL SAVARESE
030975	837.90	08/14/12	MIRACLE CHEMICAL COMPANY
030976	16000.00	08/14/12	MONMOUTH BEACH FIRST AID
030977	125.90	08/14/12	MONMOUTH BUILDING CENTER
030978	2000.00	08/14/12	MONTEFORTE ARCHITECTURAL STUDIO, LLC
030979	1000.00	08/14/12	MOTOR CITY REVUE
030980	558.00	08/14/12	MR. JOHN INC.
030981	79.66	08/14/12	NAPA AUTO PARTS
030982	240.00	08/14/12	NATIONAL ENTERTAINMENT TECH.
030983	130.95	08/14/12	NEC PLUS
030984	3400.80	08/14/12	NEW JERSEY AMERICAN WATER CO.
030985	181.95	08/14/12	OFFICE CONCEPTS GROUP
030986	50.00	08/14/12	PATRICIA GOLDEN
030987	149.90	08/14/12	PATRICIA KELLER
030988	150.00	08/14/12	PATRICK TRASBORG HOG WILD ENTERTAINMENT
030989	99.90	08/14/12	PAULA MURRAY
030990	6832.39	08/14/12	PRESCRIPTION CORPORATION OF AMERICA
030991	14.90	08/14/12	PROFESSIONAL ID CARDS, INC.
030992	365.26	08/14/12	RED THE UNIFORM TAILOR
030993	1111.28	08/14/12	RICHARD DE BARTOLIS
030994	50.00	08/14/12	ROBERT JOHNSON
030995	2271.51	08/14/12	SCOLES FLOORSHINE IND.
030996	95.25	08/14/12	SEABOARD FIRE & SAFETY EQUIPMENT CO.
030997	50.00	08/14/12	SHELIA E VAN WINKLE
030998	429.00	08/14/12	SHERATON ATLANTIC CITY
030999	375.00	08/14/12	SKIP'S SPORTS
031000	110.00	08/14/12	SKYLANDS AREA FIRE EQUIP & TRAINING, LLC
031001	1172.78	08/14/12	SPECTROTEL
031002	372.78	08/14/12	STAPLES BUSINESS ADVANTAGE
031003	526.07	08/14/12	STAPLES CREDIT PLAN
031004	18.00	08/14/12	SUE YEYU
031005	150.00	08/14/12	SUSAN MCDONALD
031006	298.00	08/14/12	T & M ASSOCIATES
031007	2359.82	08/14/12	THE APPROVED REALTY GROUP, LLC
031008	337.96	08/14/12	THE LINK NEWS
031009	1320.00	08/14/12	THE SPORT SPOT
031010	50.00	08/14/12	THEDA Y KEDDY
031011	25.00	08/14/12	THERESA FELZENBERG
031012	75.00	08/14/12	TIMOTHY J LANE
031013	75.00	08/14/12	TRACY MILLER
031014	190.00	08/14/12	U. S. POSTAL SERVICE
031015	447.50	08/14/12	UNITED COMPUTER SALES & SERVICE INC
031016	8.62	08/14/12	UPS
031017	21.17	08/14/12	W. E. TIMMERMAN CO., INC.
031018	89.85	08/14/12	W. H. POTTER & SON INC.
031019	36.00	08/14/12	WARSHAUER ELECTRIC
031020	400.00	08/14/12	WILLIAM J. MC BRIDE
031021	4089.33	08/14/12	WRIGHT EXPRESS FSC
031022	88.91	08/14/12	ZEP MANUFACTURING COMPANY
031023 V	.00	08/14/12	***** NOT A VALID VENDOR
120007 M	324387.53	07/19/12	SHORE REGIONAL HIGH SCHOOL

Upon the call of the roll the foregoing motion was carried by the following vote: Aye -3-  
Nay -0- .

Commissioner Cunniff moved, seconded by Commissioner McBride that the following  
Consent Agenda items be passed and approved:

**RESOLUTION AUTHORIZING THE PUBLIC DISPLAY OF FIREWORKS  
IN THE BOROUGH OF MONMOUTH BEACH**

**BE IT RESOLVED** by the Mayor and Commissioners of the Borough of Monmouth  
Beach that pursuant to the New Jersey Uniform Fire Code, N.J.A.C. 5:70-3.2(a) F-3103.3, the Mayor  
and Commissioners of the Borough of Monmouth Beach hereby authorize and grant a permit for  
the public display of Fireworks for September 8, 2012 with a rain date of September 9, 2012; and

**BE IT RESOLVED** that a contract agreement be entered into by and between the Borough of Monmouth Beach and International Fireworks Mfg. Co. in the amount of Twelve Thousand Dollars (\$12,000.00) to provide said fireworks display in the Borough of Monmouth Beach; and

**BE IT RESOLVED** that the municipal fee for the fireworks display should be waived in this case; and

**BE IT FURTHER RESOLVED** that the Monmouth Beach Fire Official shall insure that all applicable regulations are enforced, all required permits obtained and all necessary insurance documents filed.

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## RESOLUTION

**BE IT RESOLVED** by the Board of Commissioners of the Borough of Monmouth Beach that the architectural proposal submitted by Monteforte Architectural Studio, LLC, dated August 6, 2012, for a project entitled Phase VIII, Monmouth Beach Bathing Pavilion (No. 104.08-03) Borough of Monmouth Beach, is hereby accepted; and

**BE IT FURTHER RESOLVED** that Monteforte Architectural Studio, LLC be authorized to perform the services as outlined in said proposal, in an amount not to exceed Nine Thousand Dollars (\$9,000.00); and

**BE IT FURTHER RESOLVED** that a payment in the amount of Two Thousand Dollars (\$2,000.00) for Invoice #6267, representing Phase 1 of the proposal, be authorized and applied and credited to said proposal.

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Upon the call of the roll the foregoing motions were carried by the following vote: Aye-3  
Nay-0

*End of Consent Agenda*

Mr. Collins read the following Ordinance noting that copies were available for the public:

**An Ordinance Of The Borough Of Monmouth Beach, County Of Monmouth,  
State Of New Jersey Amending Chapter XI Entitled "Beaches, Dunes,  
Pavilion And Waterways" Section 11-2.2 Entitled "Facility Fees, Beach Rates  
And Bathhouse Charges**

Commissioner Cunniff moved, seconded by Commissioner McBride that the public hearing be opened.

Upon the call of the roll the foregoing motion was carried by the following vote: Aye -3  
Nay -0.

The Mayor asked the audience if anyone would like to speak on this ordinance. She advised that this amendment provides for free beach badges to certain persons in recognition of their volunteer service in the community. No person requested to speak.

Commissioner McBride moved, seconded by Commissioner Cunniff that the public hearing be closed.

Upon the call of the roll the foregoing motion was carried by the following vote: Aye -3  
Nay -0.

Commissioner Cunniff moved, seconded by Commissioner McBride that the ordinance be adopted on second reading and public hearing.

Upon the call of the roll the foregoing motion was carried by the following vote: Aye -3  
Nay-0.

Mr. Collins advised that the next item on the agenda was the Public Hearing on the 2012 Monmouth County Municipal Open Space Grant Application.

Commissioner Cunniff moved, seconded by Commissioner McBride that the public hearing be opened.

Upon the call of the roll the foregoing motion was carried by the following vote: Aye -3 Nay-0.

Robert Stetz, Monmouth Beach Borough Engineer, presented to the public attendees details regarding the potential application submittal to the Monmouth County Open Space Program for funding for Griffin Park Improvements. He reviewed with the attendees the program requirements and the public hearing, public hearing notice, and resolution requirements. Mr. Stetz informed the attendees that the town has been awarded previously by the Monmouth County Open Space Program for improvements made to the restroom and playground facilities at Griffin Park. Mr. Stetz recapped the initial Borough Meeting for this project, which took place on July 16, 2012, and reviewed the scope of the project and estimated cost. Mr. Stetz then discussed the project need and recapped the second meeting on the project during which he met with the Recreation Commission. Mr. Stetz informed the attendees that the proposed project scope incorporates the reorientation of the soccer field in addition to grading the field so water will drain off the field better. In addition, the Borough wished to install artificial turf on the Little League baseball field, install two (2) new basketball courts, an artificial turf infield on the softball field, clean out, weed, and rehabilitate the playground area, repair the existing gazebo, upgrade the walkway and safety lighting, and install fitness stations around the park. Mr. Stetz declared that the estimated cost of the project is \$621,000 and the Borough is asking for \$250,000 in funding from the Monmouth County Open Space Program.

Matthew Walter, Chairperson of the Recreation Commission addressed the audience and spoke about past work that had been done on the Little League field, but was not sufficient to fix the recurring issues inhibiting play on the field. Mr. Walter also declared that the original facility dates back to 1954 and that all members of the Recreation Commission have been apprised of the proposed project at Griffin Park.

Commissioner McBride stated He and Mr. Walter had met multiple times over the last six (6) months to discuss the project.

Mr. Stetz stated other discussions on the proposed project scope had included the possibility of installing lights on the ball fields and paddle tennis courts. The possibility of increased noise and impact on the neighborhood deterred the installation of lights.

Commissioner Cunniff inquired as to whether two (2) basketball courts were needed.

Tim Riepl, of 20 Ocean Avenue, runs the recreation basketball program and stated that on Saturday evenings, twenty-six (26) young athletes in grades five (5) and six (6) will be using the facilities at Griffin Park.

Dan Thormann, of 21 Riverdale Avenue, stated he believes providing outdoor courts will bring kids to the park instead of other areas of the town.

Kathlane Pavlick, of 6 Johnson Street, spoke of the tennis courts located at Griffin Park. Ms. Pavlick stated the courts are in great condition and have been filled all summer. Ms. Pavlick then stated she believes if the town directed the same attention to the other facilities in the park as it has the tennis courts, more people would use the park.

Commissioner Cunniff stated he is not opposed to a second court but just wanted to establish the need for it.

Matthew Cooke inquired as to the cost the basketball court.

Mr. Stetz replied that the cost is \$120,000 for both basketball courts.

Commissioner Cunniff asked what the cost is for the artificial turf infield.

Mr. Walter replied he thought it would work best for the infield because of the result of geese on the field. Mr. Walter stated the fields are a disaster and they flow directly into the streams.

Commissioner Cunniff asked what would happen when the fields are under water.

Mr. Stetz replied that the artificial turf infield would be nailed down and he would look into how being flooded would affect the turf.

Commissioner McBride stated they would look into the cost of alternatives and how flooding affects the turf.

Mr. Cooke asked what would happen to the rubber pelts as a result of flooding.

Mr. Stetz replied that nothing would happen because the pelts help the water drain better and are environmentally safe.

Commissioner McBride inquired as to the difference between artificial and real turf.

Mr. Stetz replied they will need proper drainage and he will need to look into that issue.

Commissioner Cunniff asked if the artificial turf would be prone to weeds.

Mr. Stetz replied that unless the field is not maintained, the turf will not have weeds. Mr. Stetz stated the turf would need to be power washed and the reason artificial turf is chosen is because it does not require much maintenance.

Commissioner McBride asked the Recreation Commission to speak about the existing configuration of the park.

Mr. Walter stated the soccer field runs east to west and is about Olympic size, but definitely high school size. Mr. Walter stated other towns have complained about the safety issues with the field, which the Recreation Commission has tried to correct without success. The soccer field will be used by micro soccer and older players as well. Mr. Walter stated they have a need for a diverse array of fields and multi-purpose fields because of those sports offered including baseball, Little League, softball, and soccer.

There being no further comments:

Commissioner Cunniff moved, seconded by Commissioner McBride that the public hearing be closed.

Upon the call of the roll the foregoing motion was carried by the following vote: Aye -3 Nay-0.

Commissioner Cunniff moved, seconded by Commissioner McBride that the following Resolution be adopted:

### **MUNICIPAL RESOLUTION**

**WHEREAS**, the Monmouth County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County Park, recreation, conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and

**WHEREAS**, the Governing Body of the Borough of Monmouth Beach desires to obtain County Open Space Trust Funds in the amount of \$250,000.00 to fund Griffin Park Improvements, Griffin Street between Margaret Avenue and Tocci Avenue (Block 43.01, Lot 1 and Block 44, Lot 37); and

**WHEREAS**, the total cost of the project including all matching funds is \$620,755.00; and

**WHEREAS**, the Borough of Monmouth Beach is the owner of and controls the project site.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MONMOUTH BEACH THAT:**

1. Francis W. Mullan, Borough Engineer for the Borough of Monmouth Beach, is authorized to (a) make an application to the County of Monmouth for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Open Space Grants Program and (c) act as the municipal contact person and correspondent of the above named municipality; and
2. The Borough of Monmouth Beach is committed to this project and will provide the balance of funding necessary to complete the project in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and
3. If the County of Monmouth determines that the application is complete and in conformance with the Monmouth County Municipal Open Space Program and the Policy and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such policies and procedures, and applicable federal, state, and local government rules, regulations and statutes thereto; and
4. Susan Howard, Mayor of the Borough of Monmouth Beach, is hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Monmouth for the approved Open Space Trust Funds; and
5. This resolution shall take effect immediately.

Upon the call of the roll the foregoing motion was carried by the following vote: Aye -3  
Nay -0.

**Administrator's Report:**

Mr. Chismar advised that he had no report.

**Borough Attorney's Report:**

Mr. Collins advised that he had none at this time.

Commissioner McBride moved, seconded by Commissioner Cunniff that the meeting be opened to the public.

Upon the call of the roll the foregoing motion was carried by the following vote: Aye -3  
Nay -0.

No members asked to speak.

There being no further comments or questions, Mr. Collins advised that an Executive Session would be held, that the discussion would last approximately ½ hour and that the Mayor and Commissioners did not expect to take formal action after the session (other than to adjourn) but the public was invited to stay.

Commissioner McBride moved, seconded by Commissioner Cunniff that the meeting be closed.

Upon the call of the roll the foregoing motion was carried by the following vote: Aye -3  
Nay-0.

Commissioner Cunniff moved, seconded by Commissioner McBride the following resolution:

**BE IT RESOLVED** that the following portion of this meeting dealing with the following generally described matters shall not be open to the public: Pending or Anticipated Litigation and/or contract negotiations in which the public body is or may be a party: COAH and Law Enforcement Issues

**BE IT FURTHER RESOLVED** that it is anticipated that the matters to be considered in private may be disclosed to the public at a later date when confidentiality is no longer required:

**BE IT FURTHER RESOLVED** that private consideration is deemed required and is permitted because of the following noted exceptions set forth in the Open Public Meetings Act:

Related to pending/anticipated litigation or contract negotiations in which the public body is or may be a party.

Falls within the attorney-client privilege and confidentiality is required.

Upon the call of the roll the foregoing motion was carried by the following vote: Aye -3-, Nay -0-.

The Commissioners reconvened IN PUBLIC at approximately 8:00 P.M.

Commissioner McBride moved, seconded by Commissioner Cunniff that the meeting be adjourned.

Upon the call of the roll the foregoing motion was carried by the following vote: Aye -3-, Nay -0-.

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Mayor Howard

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Commissioner Cunniff

---

Commissioner McBride

ATTEST:

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Dennis A. Collins, Esq.  
Borough Attorney  
August 14, 2012