

**Commissioners of Fire District No. 1**  
**Franklin Township Somerset County**  
**New Jersey**  
**RESOLUTION 09-20**  
**AUTHORIZING EXECUTIVE SESSION**

**WHEREAS**, N.J.S.A. 10:4-12 allows for The Board of Fire Commissioners of Fire District No. 1 to go into closed session during its Agenda Session, and

**WHEREAS**, the Board of Fire Commissioners of Fire District No. 1 has deemed it necessary to go into closed session to discuss certain matters which are exempted from the Public, and

**WHEREAS**, the Regular meeting of the Board of Fire Commissioners of Fire District No. 1 will reconvene;

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Fire Commissioners of Fire District No. 1 will go into closed session for the following reason(s) as outlined in N.J.S.A. 10:4-12:

Any matter which, by express provision of Federal Law, State Statute or Rule of Court shall be rendered confidential or excluded from discussion in public (Provision relied upon:

Any matter in which the release of information would impair a right to receive funds from the federal government;

Any matter the disclosure of which constitutes an unwarranted invasion of individual privacy;

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 (Specify contract:

Any matter involving the purpose, 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;

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;

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 (If pending or anticipated litigation, the matter is: \_\_\_\_\_

(If contract negotiation the nature of the contract and interested party is

*Under certain circumstances, if public disclosure of the matter would have a potentially negative impact on the Board's position in the litigation or negotiation, this information may be withheld until such time that the matter is concluded or the circumstances no longer present a potential impact);*

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*, 124 N.J. 478, the employee(s) and nature of discussion is **Somerset/Millstone Valley Member Physicals**

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;

**BE IT FURTHER RESOLVED** that the Board of Fire Commissioners hereby declares that its discussion of the aforementioned subject(s) may be made public at a time when the Boards Attorney advises the Fire Commissioners that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the District or any other entity with respect to said discussion. That time is currently estimated as the time of said matter. ( Estimated date: 30 Days) or upon the occurrence of \_\_\_\_\_;

**BE IT FURTHER RESOLVED** that the Board of Fire Commissioners of Fire District No. 1, for the aforementioned reasons, hereby declares that the public is excluded from the portion of the meeting during which the above discussion shall take place and hereby directs the Board Clerk to take the appropriate action to effectuate the terms of this resolution.

 _____ James Wickman, Chairman	 YES	 NO	 ABSTAIN
 _____ Timothy Szymborski, Clerk	 YES	 NO	 ABSTAIN
 _____ William Cullon III, Treasurer	 YES	 NO	 ABSTAIN
 _____ Rich De List, Commissioner	 YES	 NO	 ABSTAIN
 _____ Louis L. Hajdu-Nemeth Jr., Commissioner	 YES	 NO	 ABSTAIN

**I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION APPROVED BY THE COMMISSIONERS OF FIRE DISTRICT NO. 1, FRANKLIN TOWNSHIP, SOMERSET COUNTY, NEW JERSEY AT THEIR REGULAR MEETING HELD ON AUGUST 24, 2009**

  
 \_\_\_\_\_  
**TIMOTHY SZYMBORSKI, CLERK**