

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #119-2025

**A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF MENDHAM
AUTHORIZING THE BOROUGH COUNCIL TO HOLD CLOSED EXECUTIVE SESSION TO DISCUSS THE
BOROUGH'S PENDING FOURTH ROUND AFFORDABLE HOUSING LITIGATION, THE SUBJECT
MATTER OF WHICH IS EXEMPT FROM PUBLIC DISCUSSION AS FALLING WITHIN THE ATTORNEY-
CLIENT PRIVILEGE AND PENDING LITIGATION PURSUANT TO N.J.S.A. 10:4-12B(1) AND -12B(7)
OF THE OPEN PUBLIC MEETINGS ACT**

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12b permits a public body to go into an Executive (Closed) Session during a public meeting to discuss certain matters such as:

1. Matters required by law to be confidential: Any matter which by express provision of the 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. Any matter in which the release of information would impair the right to receive federal funding.
3. Matters involving individual privacy: Any matter, the disclosure of which constitutes an unwarranted invasion of individual privacy such as records, data, reports, recommendations or other personal material of any education, 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.
4. Matters pertaining to a collective bargaining agreement: Any matter involving a 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, acquisition of real property or investment of public funds: Any matter involving the lease, purchase 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 of public protection: Any tactic and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection.

7. Matters relating to litigation, negotiations and attorney-client privilege: Any matter pending or anticipated litigation or contract negotiation other than in (4) above in which the Borough is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required for the attorney to exercise ethical duties as a lawyer.

1. 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 of the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed in public.
2. Deliberations after public hearing. Deliberations by the Borough occurring after a public hearing that may result in a civil penalty or the suspension or loss of a license or permit of a responding party.

And,

WHEREAS, the Mayor and Council have determined that it is necessary to go into an Executive Closed Session to discuss certain matters relating to items as permitted by N.J.S.A. 10:4-12b.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mendham that it shall adjourn into closed session to discuss the following subject matter(s) without the presence of the public in accordance with the provisions of R.S. 10:4-12b:
Matters to be discussed: litigation, negotiations and attorney-client privilege.

BE IT FURTHER RESOLVED, the matter(s) discussed will be made known to the public at such time as appropriate action is taken on said matter(s), and when disclosure will not result in unwarranted invasion of individual privacy or prejudice to the best interests of the Borough of Mendham, provided such disclosures will not violate Federal, State or local statutes and does not fall within the attorney-client privilege.

This resolution shall take effect immediately.

Dated: June 11, 2025

ATTEST

BOROUGH OF MENDHAM

Lauren McBride, Acting Borough Clerk

James R. Kelly, Mayor

