

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – June 1, 2010**

The Regular Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 7:30 P.M.

Roll Call: Housel, McDonald, Cioni, Boyle, Higgins, Valentine - Present
Gleba - Absent

Also Present: Richard Cushing, Esq. Municipal Attorney
Richard Phelan, Borough Manager
Ann Kilduff, Deputy Borough Clerk

Mayor McDonald led everyone in the flag salute.

Mayor McDonald read the following Statement into the Record:

The requirements of the 'Open Public Meetings Law, 1975, Chapter 231 have been satisfied in that adequate notice of this meeting has been published in the Star Gazette and posted on the Bulletin Board of Borough Hall stating the time, place and purpose of the meeting as required by law.

CORRESPONDENCE:

Motion made by Higgins, seconded by Gleba to receive and file the correspondence.

1. Resolutions from Washington Borough Library
2. Ms. Shantee Coole – Block Party Change of Date
3. Tax Assessor Re: Road Adjacent to Block 10.03 Lot 3

Motion made by Valentine, seconded by Housel to allow the block party change.

Ayes: 6, Nays: 0
Motion Carried

Motion made by Higgins, seconded by Valentine to prepare Resolutions in support of the Library Board Resolutions.

Ayes: 4, Nays: 2 (Cioni, Boyle)
Motion Carried

Manager Phelan asked Council if they would like to use the value assigned to the “road” adjacent to Block 10.03 Lot 3. After discussion, a motion was made by Boyle, seconded by Cioni to use the value of the “road” assigned by the Tax Assessor.

Ayes: 6, Nays: 0
Motion Carried

MINUTES:

Motion made by Higgins, seconded by Cioni to approve the minutes from the May 4, 2010 Regular Meeting.

Two corrections were noted by the Deputy Clerk.

Ayes: 5, Nays: 0
Abstain: 1 (Housel)
Motion Carried

AUDIENCE

Rudy Bescherer – 191 Broad Street

Mr. Bescherer asked if the Municipal Court would be discussed this evening. Mayor McDonald stated that the topic is not on the agenda. Mr. Bescherer asked Council why they are considering merging our Municipal Court with another municipality. Mayor McDonald stated that there are many upgrades that our existing court needs that the other municipality has already done. Mr. Bescherer asked what the savings to the Borough would be if we merged courts. Manager Phelan stated that the savings would be approximately \$120,000 per year. Mr. Bescherer stated he finds that number hard to believe. Manager Phelan stated that the Borough would simply change the venue of our existing municipal court. Mr. Bescherer stated he feels that this is another bad decision by our Governing Body.

Joseph DePalma – State Street

Mr. DePalma inquired about his request regarding the tax issue he was having on his property. Attorney Cushing stated that he has reached out to the County, however he has not heard back yet. He was hoping to have an answer by this meeting and apologized for the delay.

Mr. Del Elba – 86 W. Stewart St

Mr. Del Elba asked each Council member what their thoughts were on shared services.

Councilman Boyle stated that he has been working with the municipalities of Hampton, Belvidere, and Glen Gardner on a potential garbage shared service agreement. Mr. Boyle noted that Washington Borough has good relationships with other municipalities and believes it is valuable to the Borough to explore cost savings.

Councilman Higgins stated that shared services are a good idea however; with contracted services the Borough needs to be sure that we are not held accountable at the end.

Mayor McDonald stated that he agrees with Councilman Higgins and is open to discussions with other towns.

Councilman Cioni stated the level of service needs to be the same or better than what the Borough already receives. He stated it is important for the Borough to do its research.

Councilman Housel stated that the Borough needs to explore every option in order to make ends meet.

Councilman Valentine stated he feels shared services are important but the Borough needs to proceed with caution to be sure the services are at an acceptable level and there is a cost savings.

Manager Phelan stated that every option needs to be explored however; not all municipalities reap benefits from shared services. It would need to benefit the Borough in order to proceed.

Motion made by Housel, seconded by Cioni to close the audience portion of the meeting.

Ayes: 6, Nays: 0
Motion Carried

ORDINANCES

Ordinance 8-2010 – AN ORDINANCE TO AMEND CHAPTER 85-81 OF THE CODE OF THE BOROUGH OF WASHINGTON, “ON STREET PARKING FOR HANDICAPPED” (INTRODUCTION)

Mayor McDonald entertained a motion to introduce Ordinance #8-2010.

Ordinance 8-2010 was introduced by Councilman Housel, seconded by Councilman Valentine.

It was further moved by Housel, seconded by Cioni that the Clerk read Ordinance #8-2010 by title only.

Roll Call: Higgins, Boyle, Valentine, Housel, Cioni, McDonald – Yes

Ayes: 6, Nays: 0

Abstain: 0

Motion Carried

The Clerk read Ordinance #8-2010 entitled, “AN ORDINANCE TO AMEND CHAPTER 85-81 OF THE CODE OF THE BOROUGH OF WASHINGTON, “ON STREET PARKING FOR HANDICAPPED.”

Motion made by Housel, seconded by Cioni to adopt Ordinance 8-2010 on first reading.

Roll Call: Housel, McDonald, Valentine, Higgins, Cioni, Boyle –Yes

Ayes: 6, Nays: 0

Abstain: 0

Motion Carried

**ORDINANCE # 8-2010
BOROUGH OF WASHINGTON
WARREN COUNTY, NEW JERSEY**

**AN ORDINANCE TO AMEND CHAPTER 85-81 OF THE CODE OF THE
BOROUGH OF WASHINGTON, “ON-STREET PARKING FOR
HANDICAPPED”**

WHEREAS, a resident has requested that a handicapped parking space be designated in front of their residence, at 7 Jackson Avenue, with the request supported by a recommendation from the resident’s medical doctor; and

WHEREAS, the Mayor and Council have determined that there is sufficient justification to designate the handicapped parking space as requested and that it is in the best interest of the Borough to do so.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Washington, County of Warren, that Borough Ordinance Article XVI – On Street Parking for Handicapped – Chapter 85-81 – Designation of spaces include the

designation of restricted parking in front of 49 State Street. The following paragraph shall be added as follows:

1. The following paragraphs are to be added: "Jackson Avenue: west side beginning at a point 262 feet north of the northerly curb line of Washington Avenue (Route 57) and extending 22 feet westerly there from"

Section 2. This Ordinance shall take effect upon passage in accordance with law.

REPORTS:

It was moved by Housel, seconded by Boyle, to receive and file the following reports.

1. Issues and Details
2. Managers Report
3. Washington Borough Court April
4. Zoning/Code Enforcement

COMMITTEE REPORTS:

DPW Committee: Manager Phelan stated he met with the contractor and the project is on target for completion by the end of August or early September.

Streets Committee: Councilman Boyle stated that significant decisions need to be made before winter. A meeting will be publicized on the website.

Finance Committee: No Report

Shared Services Committee: Councilman Boyle stated he met with the Town of Belvidere regarding garbage pickup. Most towns do not offer vegetation pick up. The apartment complex would not be part of the shared service agreement.

Senior Services: Councilman Housel reported a senior services meeting will be held on 6/23 at 6:30 p.m.

Website Committee: - No Report

Sewer Committee – No Report

Park Committee – No Report

Grant Committee- No Report

Park Committee – No Report

OLD BUSINESS:

2010 Budget Discussion

Councilman Higgins stated he reviewed the proposals for the forensic audit and would like to see the three of the bidders come in for interviews. Motion made by Higgins, seconded by Boyle to invite Snider and Co., Chinn Consulting Assoc., and Sovali Company in for interviews.

Roll Call: Higgins, Boyle, McDonald – Yes
Housel, Valentine, Cioni – No
Motion Defeated

Recreation Director Masenior stated he would like council to rescind the motion to decrease the proposed budget cuts to the Recreation Department. Mr. Masenior stated he is ok with removing adult basketball, karate, hockey, soccer, and softball since they are self supporting. He also has no problem with removing the Grand Illumination, the July 4th activities, or the Egg Hunt if the committee can raise the funds to support these programs.

Mayor McDonald asked if the Recreation Committee is ok with these proposed cuts in the budget. Mr. Masenior stated the committee approved the recommendation.

Motion made by Cioni, seconded by Housel to support the Recreation budget recommendations. These recommendations result in \$9,991.00 being removed from the Recreation Budget.

Ayes: 6, Nays: 0
Motion Carried

Rick Feldman noted for Council that the Recreation Committee agreed to not having any cuts made. He will check the minutes.

Councilman Cioni stated that the longer Council delays in making a decision on refuse collection the less money the town will save in 2011. Councilman Cioni motioned for Council to eliminate two the options this evening and begin to move forward with the other two, seconded by Councilman Boyle.

After discussion, Council concurred to explore shared services and privatization for refuse collection.

Ayes: 5, Nays: 1 (Higgins)
Motion Carried

Manager Phelan will provide information and costs from private refuse collection companies.

NEW BUSINESS

Resolution 118-2010 Release of Funds from Toll Bros. Escrow Account

Resolution 118-2010 was moved on a motion made by Housel, seconded by Valentine and adopted.

Roll Call: Housel, Valentine, Cioni, McDonald, Higgins, Boyle

Ayes: 6, Nays: 0
Motion Carried

RESOLUTION #118-2010

**A RESOLUTION AUTHORIZING THE RELEASE OF FUNDS FROM
TOLL BROS. ORDINANCE REVIEW ESCROW ACCOUNT
HELD IN TRUST BY THE BOROUGH OF WASHINGTON**

WHEREAS, Jim Majewski, Division Senior Vice President of Toll Brothers of Perryville Corporate Center III, P.O. Box 4002, Clinton, NJ 08809-4002 has requested the return of the funds remaining in the escrow account for Toll Bros. Ordinance Review Account Number 7200020913; and

WHEREAS, Municipal Engineer Andrew S. Holt, P.E. has determined after reviewing the file that the escrow account money can be released.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Municipal Treasurer is hereby authorized to issue a check to Toll Brothers for the actual account balance in the Toll Bros. Ordinance Review escrow account.

Resolution 120-2010 Approval of Amended Shared Service Agreement for Police Services Between the Borough of Washington and the Township of Washington

Resolution 120-2010 was moved on a motion made by Housel, seconded by Cioni and adopted.

Roll Call: Housel, Cioni, McDonald, Valentine – Yes
Higgins, Boyle – No

Ayes: 4, Nays: 2
Motion Carried

RESOLUTION 120-2010

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE SHARED SERVICE AGREEMENT FOR POLICE SERVICES BETWEEN THE TOWNSHIP OF WASHINGTON AND THE BOROUGH OF WASHINGTON (WARREN COUNTY)

WHEREAS, on June 3, 3009 the Township of Washington (Township) and the Borough of Washington (Borough) entered into a Shared Services Agreement for Police Services, via Resolutions 09-72 and 114-2009 respectively, for the purpose of ensuring the safety and welfare of its residents by providing police protection in a professional, comprehensive and affordable manner; and

WHEREAS, both the Township and Borough have agreed to amend the terms and conditions of the previously approved agreement in order to maintain the positive relationship between both municipalities while providing equal or greater level of service to both communities.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Washington that the Mayor and Clerk are authorized to execute the Amendment to the June 3, 2009 Shared Service Agreement for Police Services Between the Township of Washington and the Borough of Washington (Warren County) in substantially the form attached hereto.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forward to the Borough's Chief Financial Officer, the Township Committee of the Township of Washington, and the Township's Chief Financial Officer.

Resolution 125-2010 Police Services Agreement Amendment

Resolution 125-2010 was moved on a motion made by Housel, seconded by Cioni and adopted.

Roll Call: Housel, Cioni, Valentine, McDonald – Yes
Higgins, Boyle – No

Ayes: 6, Nays: 2
Motion Carried

**AN AMENDMENT TO THE JUNE 3, 2009 SHARED
SERVICE AGREEMENT FOR POLICE SERVICES
BETWEEN THE TOWNSHIP OF WASHINGTON AND THE
BOROUGH OF WASHINGTON (WARREN COUNTY)**

THIS AMENDMENT to the June 3, 2009 **SHARED SERVICES AGREEMENT** is made this _____ day of _____, 2010 by and between **THE TOWNSHIP OF WASHINGTON** (“the Township”), a municipal corporation in the County of Warren, State of New Jersey with offices at 211 Route 31 North, Washington, New Jersey 07882 and the **BOROUGH OF WASHINGTON** (“the Borough”), a municipal corporation in the County of Warren, State of New Jersey with offices at 100 Belvidere Ave., Washington, New Jersey, 07882.

WITNESSETH:

WHEREAS, on June 3, 2009 the Township of Washington (Township) and the Borough of Washington (Borough) entered into a Shared Services Agreement for Police Services (the “Agreement”) for the purpose of ensuring the safety and welfare of their residents by providing police protection in a professional, comprehensive and affordable manner; and

WHEREAS, both the Township and Borough have agreed to amend the terms and conditions of the Agreement as set forth in this Amendment;

NOW, THEREFORE, in consideration of the mutual covenants contained in this Amendment, the parties hereto, intending to be legally bound, agree as follows:

1. A new paragraph 1.c.6 is added to the agreement to read as follows:

6. Crossing guard services as follows:

(a) The Township shall assign and supervise the performance of crossing guards within the Borough. Through the end of the 2009-2010 school year, crossing guard salaries shall be as set by the Borough prior to the effective date of the Agreement. For all subsequent school years (September 1, 2010 and beyond) during the remaining term of the Agreement, the salary of all crossing guards assigned within the Borough shall be set by the Township, in consultation with the Borough in advance of the school year. Said salary shall be provided in accordance with the current Township Salary guide.

(b) The Township Chief of Police, or his representative, in consultation with the Superintendent of Borough Schools, shall review the current location assignments and number of crossing guards assigned to the Borough. In the event that this review requires a reduction in the number of crossing guards assigned to the Borough, the appropriate reduction will be made by the Township. Under no circumstances shall the number of crossing guards assigned to the Borough be greater than the number set forth in paragraph 3.b. below.

2. A new paragraph 3.e. is added to the agreement to read as follows:

In addition to the amounts set forth at paragraph 3.a. above, retroactive to January 1, 2010, the Borough agrees to pay for 100% of the costs associated with the crossing guards that are assigned within the Borough during the term of this agreement.

3. Except as modified in this Amendment all the provisions of the Agreement remain in full force and effect

IN WITNESS WHEREOF, the parties hereto have executed this Amendment the date first above written.

Resolution 121-2010 Awarding a Contract for Air Conditioning Repair with the Municipal Building

Resolution 121-2010 was moved on a motion made by Housel, seconded by Cioni and adopted.

Roll Call: Housel, Cioni, Higgins, Boyle, McDonald, Valentine

Ayes: 6, Nays: 0

Motion Carried

Resolution 121-2010
RESOLUTION AWARDING A CONTRACT FOR AIR CONDITIONING
REPAIR WITHIN THE MUNICIPAL BUILDING

WHEREAS, the Borough Council of the Borough of Washington has a need to repair the air conditioning within the Municipal Building and award a contract as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and

WHEREAS, the Purchasing Agent has certified that the costs of this contract may or will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is 2 months; and

WHEREAS, Binsky Service has submitted a proposal dated May 17, 2010 - indicating they will provide the above-referenced services at the rates listed in their fee schedule for an amount no to exceed \$25,000; and

WHEREAS, Binsky Service has completed and submitted a Business Entity Disclosure Certification which certifies that Binsky Service has not made any reportable contributions to a political or candidate committee in the Borough of Washington in the previous one year, and that the contract will prohibit the Binsky Service from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer has certified to the Borough Clerk that funds are available in the following budget account:

C-04-08-005-000-003

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Washington to enter into a contract with Binsky Service as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that notice of this appointment will be published as required by law within ten days of the passage of this resolution; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the Chief Financial Officer, Suburban Consulting Engineers and Binsky Service.

Resolution 122-2010 Introduction of Business Improvement District Budget

Resolution 122-2010 was moved on a motion made by Boyle, seconded by Cioni and adopted.

Roll Call: Boyle, Cioni, Higgins, Valentine, Housel, McDonald

Ayes: 6, Nays: 0

Motion Carried

RESOLUTION #122 - 2010

INTRODUCING AND APPROVING THE BUDGET OF

THE WASHINGTON BOROUGH BUSINESS IMPROVEMENT DISTRICT

WHEREAS, the governing body of the Borough of Washington on June 4, 2003 adopted Ordinance 7-2003 creating the Washington Borough Special Improvement District; and

WHEREAS, the governing body of Borough of Washington designated the Washington Borough Business Improvement District Management Corporation as the District Management Corporation for the Special Improvement District; and

WHEREAS, the Washington Borough Business Improvement District Management Corporation Board of Directors have approved a 2010 Business Improvement District Budget for submittal to Borough Manager for submission to the Mayor and Council of the Borough of Washington for their consideration; and

WHEREAS, pursuant to N.J.S.A. 40:56-80 and N.J.S.A. 40:56-84, the governing body of Borough of Washington is required to approve the budget and fix the time and place for the holding of public hearing upon the budget; and

WHEREAS, the governing body of Washington Borough has determined that at least ten days prior to the hearing a complete copy of the proposed budgets shall be: (a) posted on the bulletin board in the Borough Municipal Building; (b) made available to each person requesting the same before and during the public hearing; (c) a copy of the budget shall be advertised along with the date, time and place of the hearing in a newspaper published in the county and circulating in the municipality at least 10 days prior to the hearing; and (d) the hearing shall be held not less than 28 days after the approval of the budget.

NOW, THEREFORE, BE IT RESOLVED, the governing body of the Borough of Washington that:

- 1) The Washington Borough Business Improvement District budget is hereby introduced and approved by the governing body of the Borough of Washington for the period of January 1, 2010 – December 31, 2010 in the amount of \$277,975.
- 2) The hearing on the Washington Borough Business Improvement District Budget shall be Tuesday, July 6, 2010;
- 3) A special assessment in the amount of **\$200,000** will be imposed and will be collected with either the regular tax payment (or payment in lieu of taxes), or otherwise, on properties located within the Borough of Washington as set forth within Ordinance 7-2003 as amended from time to time and the assessment proposed will be determined by the Borough Assessor;
- 4) Payments received by the Borough of Washington for the District will be transferred to the Washington Borough Business Improvement District Management Corporation to be expended in accordance with the approved budget;
- 5) The Borough Clerk will be authorized to forward a certified copy of the adopting resolution to Washington Borough Business Improvement District Management Corporation, the Warren County Board of Taxation, and the Director of the Division of Local Government Services in the State of New Jersey Department of Community Affairs after the public hearing and adoption by a majority vote of the full membership of the governing body.

Resolution 123-2010 Approval of Fireworks for Washington Celebrates America

Resolution 123-2010 was moved on a motion made by Higgins, seconded by Valentine and adopted.

Roll Call: Higgins, Valentine, Housel, Cioni, McDonald

Ayes: 5, Nays: 0
Abstain: 1 (Boyle)
Motion Carried

RESOLUTION #123-2010

**RESOLUTION GRANTING PERMISSION FOR A
FIREWORKS DISPLAY IN THE
BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY.**

BE IT RESOLVED, by the Mayor and Common Council of the Borough of Washington, Warren County, New Jersey that permission is hereby granted to Washington Celebrates America Inc. have a **Fireworks Display** in the Borough of Washington at 9:00 P.M., **Sunday, July 4, 2010** with a **Rain Date of Saturday, July 10, 2010**.

BE IT RESOLVED, that a true copy of this Resolution be forwarded to the New Jersey Department of Labor and Industry, Trenton, NJ, together with a copy of the required Certificate of Liability Insurance.

Resolution 124-2010 Pleasant Valley Mill Dam Study

Resolution 124-2010 was moved on a motion made by Higgins, seconded by Cioni and adopted.

Roll Call: Higgins, Cioni, Housel, Valentine, Boyle, McDonald

Ayes: 6, Nays: 0
Motion Carried

**BOROUGH OF WASHINGTON
WARREN COUNTY, NEW JERSEY
RESOLUTION # 124-2010**

**RESOLUTION AUTHORIZING EXPENDITURES
FROM THE CAPITAL IMPROVEMENT FUND**

WHEREAS, the Borough of Washington has been notified by the New Jersey Department of Environmental Protection that the Pleasant Valley Mill Dam is not in compliance with New Jersey Dam Safety Standards (N.J.A.C. 7:20—et. seq.); and

WHEREAS, it is the Borough's intention to decommission the dam by removing the spillway weir to allow free flow of the Pohatcong Creek; and

WHEREAS; in order to receive approval from the New Jersey Department of Environmental Protection to decommission the Borough must demonstrate that this action will not have an adverse effect to properties downstream; and

WHEREAS, the Borough Council has authorized the Borough Engineer to move forward with the preliminary engineering study to address concerns by the State; and

WHEREAS, the Local Bond Law (N.J.S.A. 40A:2-20) allows for expenditures of this nature to be made from the Capital Improvement Fund; and

WHEREAS, the Chief Financial Officer has certified to the Borough Clerk that funds are available in the Capital Improvement Fund.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, Warren County, New Jersey, that it hereby authorizes the expenditure of funds from the Capital Improvement Funds for the above-referenced project.

BE IT FURTHER RESOLVED, that a certified copy of this resolution is forwarded to the Chief Financial Officer.

Resolution 126-2010 Change in EDU

Resolution 126-2010 was moved on a motion made by Cioni, seconded by Housel and adopted.

Roll Call: Cioni, Housel, McDonald, Valentine, Higgins, Boyle

Ayes: 6, Nays: 0

Motion Carried

RESOLUTION # 126-2010

A RESOLUTION TO ADJUST SEWER BILLINGS IN ACCORDANCE WITH CHAPTER 70, SECTION 28B OF THE CODE OF THE BOROUGH OF WASHINGTON.

WHEREAS, the Borough of Washington commenced operations of a municipal sewer utility in January of 1999; and

WHEREAS, certain facts have come to the attention of the Borough to justify modification of sewer service charges which have been reviewed by the Borough Manager; and

WHEREAS, notice has been provided to the owner(s) of the property or properties listed below of the action proposed to be taken with the date, time and place

where the Mayor and Council will meet to consider change(s) in the E.D.U.'s assigned to the property or properties listed below; and

WHEREAS, all parties affected by this resolution will be notified of the action taken, in writing, and notified of an opportunity to appear, in person, at a formal hearing of the governing body, if dissatisfied with the decisions made herein.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the following changes in the sewer service charge(s) are approved:

BLOCK/LOT	NAME/ADDRESS	REASON/ADJUSTMENT
85/1	David & Gwen Burdge 15 Pershing Avenue Washington, NJ 07882	Change in Use (1) to (.5) E.D.U.s Effective: June 2010

BE IT FURTHER RESOLVED that the Borough Clerk be directed to send a certified copy of this resolution to all parties affected by this resolution and advise them of their right to protest the decision and request a formal hearing before the governing body, as provided in Chapter 70, Section 13. If no protest is filed, the decisions contained herein shall be considered final.

VOUCHERS

Motion made by Housel, seconded by Valentine to approve the vouchers and claims in the amount of \$ 684,157.84.

Councilman Higgins noted that there is a large charge for water at the park. Manager Phelan stated the leak has not been found yet. The Borough Engineer and Gary Masenior will be meeting with the water company. Mr. Higgins stated that this needs to be taken care of. Councilman Higgins also questioned the \$79.00 charge for paint. Mayor McDonald stated that this was for painting of the office.

Roll Call: Housel, Cioni, Valentine, McDonald, Boyle, Higgins – Yes
Higgins – abstained from Fire Department vouchers and voted not to the paint for the Mayors office.

Ayes: 6, Nays: 0
Motion Carried

RECAP

Manager Phelan stated that the Resolutions for the Library will be done for the next meeting, he will take care of the block party change in date, he will move forward with the sale of the property with the information provided by the Tax Assessor. Manager Phelan will also reduce the recreation budget by the amount approved by Council and will provide costs as it relates to the privatization of refuse collection.

COUNCIL REMARKS

Councilman Housel remarked that he is glad the DPW Garage is making progress.

Councilman Cioni stated he is working with Ms. Uporsky regarding the recreation foundation and receiving a 501 3C status.

Councilman Valentine noted to make the Library Board aware that the Borough is only giving them the minimum state requirements and not any additional funding. He also stated that he voted no on the forensic audit due to the fact he feels that the tax rate is high enough and should not be paid for by taxpayer money.

Councilman Boyle stated that there is a fundraiser at the park on 7/17 to benefit the Make a Wish Foundation. He also noted that the motion on the forensic audit was to only interview a few of the firms that submitted proposals.

Councilman Higgins asked for an update on transitional aid. Manager Phelan stated the DCA is being very restrictive this year. It is likely the Borough will not be receiving the large amount of funds received last year. He asked about the status of the questions submitted by Ms. Woykowski. Manager Phelan stated he is working on them. In addition, Councilman Housel has prepared some answers for her as well.

Mayor McDonald stated he spoke with Senator Lautenberg and discussed the financial needs of the Borough. Mr. Lautenberg will be sending information on grants that may be available.

Motion made by Boyle, seconded by Cioni to enter Executive Session.

EXECUTIVE SESSION

RESOLUTION 133-2010

RESOLUTION AUTHORIZING EXECUTIVE SESSION

WHEREAS, the Open Public Meetings Act; *N.J.S.A. 10:4-6 et seq.*, declares it to be the public policy of the State to insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

WHEREAS, the Open Public Meetings Act also recognizes exceptions to the

right of the public to attend portions of such meetings; and

WHEREAS, the Mayor and Council find it necessary to conduct an executive session closed to the public as permitted by the *N.J.S.A.* 40:4-12; and

WHEREAS, the Mayor and Council will reconvene in public session at the conclusion of the executive session;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey that they will conduct an executive session to discuss the following topic(s) as permitted by *N.J.S.A.* 40:4-12:

_____ A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public (Provision relied upon: _____);

_____ A matter where the release of information would impair a right to receive funds from the federal government;

_____ A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

_____ A collective bargaining agreement, or the terms and conditions thereof (Specify contract: _____);

_____ A 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; Real Estate Acquisitions

_____ Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

_____ Investigations of violations or possible violations of the law;

Pending or anticipated litigation or contract negotiation in which the public body is or may become a party; (The general nature of the litigation or contract negotiations is: Comcast _____ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position in the litigation or negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

_____ Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: _____

_____ OR _____ the public disclosure of such information at this time would have a potentially negative impact on

the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.);

_____ Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is: OR _____ the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

_____ Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit;

BE IT FURTHER RESOLVED that the Mayor and Council hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Borough Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Borough or any other entity with respect to said discussion. That time is currently estimated to be: **SIX MONTHS** estimated length of time) OR upon the occurrence of _____;

~~BE IT FURTHER RESOLVED~~ that the Mayor and Council, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

Hearing no further business to come before Council, it was moved by Higgins, seconded by Valentine that the meeting be adjourned at 9:30 p.m.

Ayes: 6, Nays: 0.
Motion carried.

Mayor Scott McDonald

Ann Kilduff, Deputy Borough Clerk