

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – December 7, 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: McDonald, Cioni, Housel, Higgins, Valentine, Boyle - Present
Housel – arrived 7:50 p.m.
Gleba – Absent

Also Present: Richard Cushing, Esq. Municipal Attorney
Richard Phelan Borough Manager
Kristine Blanchard, 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.

MINUTES:

Mayor McDonald entertained a motion to approve the minutes of the Regular meeting of December 7, 2010.

Councilman Higgins noted one change.

Motion made by Valentine, seconded by Boyle and approved.

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

Ayes: 5, Nays: 0
Motion Carried

CORRESPONDENCE

None

AUDIENCE

Mayor McDonald opened the audience portion of the meeting.

Fay Ruskuski addressed Council regarding the Glass Steagall Resolution. Mayor McDonald stated someone had been before Council twice to speak about it as well. Ms. Ruskuski stated this has been done in Mansfield Township and she would like to have signatures collected and sent to Congressman Scott Garrett. Mayor McDonald stated the Borough does not have a draft Resolution in support of this. Councilman Valentine stated he is concerned with council getting involved in a political matter. Councilman Cioni requested a copy or her handouts be provided to Council for discussion at the next meeting. Manager Phelan stated he will get the information from Mansfield Township.

Gary Pohorely 115 Wayne Street

Mr. Pohorely wished to thank the DPW and Manager Phelan for their help with the Fall Stream Clean-Up which was coordinated with the Warren Hills Key Club. He also stated that the chain-link fence near the road at Mill Pond is a hazard. Manager Phelan stated they are currently working to decommission the dam. If so, the fence can be removed. He anticipates hearing from the DEP in approximately six months. Mr. Pohorely thanked Council for use of the property for the Community Garden. They had approximately 72 plots this past season. Some people gave their produce to charities including the Presbyterian Church, Big Brothers Big Sisters and Norwescap. Mr. Pohorely stated there is a greater need in the area and encouraged everyone to help those in need.

Joyce Pyle 88 W. Stewart Street

Ms. Pyle would like the Code Enforcer to address the deep hole near her neighbor's house. Ms. Pyle stated the hole is a few feet deep and full of water. It is marked with caution tape. Manager Phelan will speak to the Code Enforcer.

Hearing no further comments from the audience, motion made by Cioni, seconded by Higgins to close the audience portion of the meeting.

Ayes: 5, Nays: 0
Motion Carried

ORDINANCES

None

REPORTS:

Motion was made by Cioni, seconded by Valentine to receive and file the following reports:

1. Managers Reports (redacted version)
2. Code Enforcement
3. Municipal Court
4. Issues and Details Report
5. CFO Report
6. Tax Collectors Report

Ayes: 5, Nays: 0
Motion Carried

COMMITTEE REPORTS:

DPW: No Report

Streets Committee: No Report

Finance Committee: No Report

Shared Services Committee: Councilman Boyle stated he sent an e-mail to Council in regards to Hampton Borough taking their proposal off the table until the forensic audit is completed. They are concerned with some of the past practices in the Borough. Mr. Boyle feels the offer can be revisited in the future.

Senior Services: No Report

Website Committee: Councilman Cioni has been working with the Shade Tree Commission regarding updates to the website. They will discuss it at their December meeting and Councilman Cioni will forward any information and/or input he receives.

Sewer: No Report

Park Committee: No Report

Grant Committee: No Report

OLD BUSINESS

None

NEW BUSINESS

Concession Stand

Councilman Cioni stated he would like to make a motion to open the pool concession stand to competitive bidding in 2011. The RFP could go out in January via the Borough website as well as some marketing literature that can be compiled for prospective vendors. Existing contract literature can be reviewed by the manager and attorney prior to the RFP. Bid submission date would be early May for review and award by late May. Approximately \$5,000 could be used elsewhere. The motion was seconded by Councilman Higgins. Mayor McDonald asked if this was discussed with the Recreation Committee. Councilman Cioni stated he spoke to the Recreation Director. Manager Phelan noted it was not discussed with the committee. Councilman Boyle asked if there would be any out of pocket expenses. Councilman Cioni stated there would not be.

Councilman Housel arrived at 7:51 p.m.

Manager Phelan stated money used would be from the trust account and not affect the 2% cap. Councilman Cioni would like to see it proposed as year to year. Attorney Cushing stated it is difficult to write bid specs when the fee charged is done by percentage of profits. He feels a flat rate would be best. Councilman Cioni stated he is in the process of preparing a flyer with the number of people in attendance at the pool, what events are held there, etc. and specify food choices, no glass containers. He would like to request a menu from those interested in bidding. Councilman Housel asked if the concession stand would be open during baseball season. Councilman Cioni stated that would be up to the vendor's discretion and can be a per event cost. Councilman-elect Torres feels this is a good idea for a new business but may want to go more than a year at a time and may want to specify minimum number of hour of operation. Councilman Higgins feels the concession stand could be open during swim lessons as well.

Ayes: 6, Nays: 0

Motion Carried

2011 Budget

Councilman Valentine stated he attended the executive meeting at the library and feels they have good ideas. He feels any funds they receive from the Municipality should be given to them right away, as it will take the library time to initiate any necessary changes to make up the difference. Councilman Valentine made a motion, seconded by

Cioni, to inform the library board they will only be getting minimum funding. Any costs above and beyond will be their responsibility. All in favor. Motion carried. Manager Phelan stated he is working with the school superintendent and the library director on a preliminary concept of shared services with the schools in order to keep the same level of services. The concept would be sharing an employee at a reduced cost to work at both the school and library. Mayor McDonald informed Council that Mrs. Barbara Rose has announced her retirement. Manager Phelan stated Mrs. Rose has worked on a preliminary budget and feels the library can maintain the same level of service for one year. Councilman Valentine stated the hours of the library will not increase, but the services and benefit to the schools will increase.

Councilman Valentine feels that since we are over budget, the capital improvement funds should be kept as is without an increase this year. Councilman Higgins noted the funds roll over each year. Councilman Boyle asked if there is a capital improvement wish list for next year. Manager Phelan stated he has a few smaller projects requested totaling \$10,000. He is currently in the budget process. Councilman Boyle questioned the Beethoven Avenue repairs. Manager Phelan stated the grant has been applied for. If that grant is approved, it can be paid for or borrowed, depending on cost of the project. Councilman Housel suggested Council may wish to plan and budget for the \$10,000 we plan on spending on capital improvements next year.

Councilman Valentine asked what Council would like to consider now that Hampton Borough is no longer interested in a shared service agreement. Councilman Housel asked for clarification of the public question. Manager Phelan stated the public was asked if they wanted the garbage privatized or not privatized. He reminded Council the question was non-binding. Manager Phelan stated garbage could be set up as an expenditure line with off-setting revenue. It wouldn't be a reduction, but rather the same cost, but it would be outside of the cap. It could be treated as any other municipal charge where interest accrues and becomes delinquent. Councilman Housel asked if a reserve needed to be created. Manager Phelan stated it doesn't necessarily need to be created, but could be set in the fee. We have paid \$442,000 in garbage collection this year. Attorney Cushing explained while this can be done for sewer and water, he is not sure about the garbage and needs to research if this can legally be done. Councilman Higgins asked what would be done if someone wants to take their own garbage to the dump. Attorney Cushing feels this is a good question and questioned how it could be enforced if it is not a tax. These are a few of the questions that still need to be answered. The Borough also needs to look into commercial vs. residential vs. apartment complex charges. Councilman Boyle stated there are many intangibles with the billing and feels this may be too much for the town right now. Mayor McDonald stated a special election could be held if voters want to fund it. Manager Phelan stated the State feels that if the voters approve it, we can spend it. Councilman-elect Torres stated he agrees with the points made and feels it is a very complex issue. Councilman Housel asked if the monthly fee includes the tipping fees. Manager Phelan stated it does include both collection and disposal.

Councilman Valentine feels \$5,000.00 can be saved if the Borough creates a Land Use Board and thinks this topic should be re-visited. Councilman Housel stated this needs to be done by ordinance. Manager Phelan stated this is something that should be done in the beginning of the year. Councilman-elect Torres feels sometimes boards can get all of their business at once and back log. Mayor McDonald stated two meetings could be scheduled per month. The second one could always be cancelled if it is not needed.

Amend Bingo Licenses for St. Josephs Church

Motion made by Higgins, seconded by Cioni and adopted.

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

Approval of Raffle License St. Josephs Church

Motion made by Housel, seconded by Cioni and adopted.

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

Resolutions 209-2010 through 211-2010

Resolutions 209-2010 through 211-2010 were moved on a motion made by Housel, seconded by Valentine and adopted.

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

Ayes: 6, Nays: 0
Motion Carried

**A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE
As per N.J.S.A.54:5**

KNOW ALL PERSONS BY THESE PRESENTS, THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on September 16, 2010 to US Bank Cust Pro Capital I LLC, TLGS; 2 Liberty Place, 50 South 16th Street Ste 1950, Philadelphia, PA 19102, in the amount of \$2,440.48 for taxes or other municipal liens assessed for the year 2009 in the name of Nunn, Lester, Alberta c/o Eichlin L, as supposed owners, and in said assessment and sale were

described as 50 Youmans Ave, Block 10 Lot 10, which sale was evidenced by Certificate #10-00007; and

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 11-17-10 and before the right to redeem was cut off, as provided by law, Integra Title & Abstract/Eichlin,, claiming to have an interest in said lands, did redeem said lands claimed by US Bank Cust Pro Capital LLC, by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$2,541.29, which is the amount necessary to redeem Tax Sale Certificate #10-00007.

NOW THEREFORE BE IT RESOLVED, on this 7th day of December, 2010 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to US Bank Cust Pro Capital LLC, TLGS; 2 Liberty Place, 50 South 16th Street Ste 1950, Philadelphia, PA 19102 in the amount of **\$6,341.29** (this amount consists of \$2,541.29 Certificate Amount + \$3,800.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 10 Lot 10 from the tax office records.

RESOLUTION #210-2010

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS, THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on September 16, 2010 to US Bank Cust Pro Capital I LLC, TLGS; 2 Liberty Place, 50 South 16th Street Ste 1950, Philadelphia, PA 19102, in the amount of \$588.14 for taxes or other municipal liens assessed for the year 2009 in the name of Aroneo, Kristen, as supposed owners, and in said assessment and sale were described as 10 Vannatta St, Block 94 Lot 19.01, which sale was evidenced by Certificate #10-00032; and

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 11-17-10 and before the right to redeem was cut off, as provided by law, Corelogic /Aroneo, claiming to have an interest in said lands, did redeem said lands claimed by US Bank Cust Pro Capital LLC, by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$651.90, which is the amount necessary to redeem Tax Sale Certificate #10-00032.

NOW THEREFORE BE IT RESOLVED, on this 7th day of December, 2010 by the Mayor and Council of the Borough of Washington, County of Warren to authorize

the Treasurer to issue a check payable to US Bank Cust Pro Capital LLC, TLGS; 2 Liberty Place, 50 South 16th Street Ste 1950, Philadelphia, PA 19102 in the amount of **\$951.90** (this amount consists of \$651.90 Certificate Amount + \$300.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 94 Lot 19.01 from the tax office records.

RESOLUTION # 211-2010

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on September 16, 2010 to Stonefield Inv Fund I, LLC, 21 Robert Pitt Drive #202, Monsey, NY 10952, in the amount of \$455.05 for taxes or other municipal liens assessed for the year 2009 in the name of Sanchez, Jamie Bernardo & Teresa D, as supposed owners, and in said assessment and sale were described as 25 South Jackson Avenue, Block 81 Lot 5, which sale was evidenced by Certificate #10-00026; and

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 11-17-10 and before the right to redeem was cut off, as provided by law, Midland Mortgage claiming to have an interest in said lands, did redeem said lands claimed by Stonefield Inv Fund I, LLC by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$947.86, which is the amount necessary to redeem Tax Sale Certificate #10-00026.

NOW THEREFORE BE IT RESOLVED, on this 7th day of December, 2010 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Stonefield Inv Fund I, LLC, 21 Robert Pitt Drive #202, Monsey, NY 10952 in the amount of **\$1,147.86** (this amount consists of \$947.86 Certificate Amount + \$200.00 Premium)

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 81 Lot 5 from the tax office records.

Resolution 212-2010 Warren Heritage Byway Corridor Plan

Motion made by Housel, seconded by Valentine and adopted.

Mayor McDonald stated Route 57 will become a scenic byway. This makes grants available and will be run by Warren County as part of the management plan. Councilman Boyle asked if there is any cost to the Borough. Mayor McDonald stated there is none. Councilman Higgins asked if restrictions can be put upon billboards and

renovations to historic buildings. Mayor McDonald replied that they can. Councilman Higgins asked if it can affect our downtown signage and facades. Mayor McDonald replied it would not.

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

Ayes: 6, Nays: 0

Motion Carried

RESOLUTION # 212-2010

RESOLUTION SUPPORTING THE ADOPTION OF THE WARREN HERITAGE BYWAY CORRIDOR MANAGEMENT PLAN

WHEREAS, the Township of Franklin, Township of Greenwich, Town of Hackettstown, Township of Mansfield, Borough of Washington, and Township of Washington previously passed resolutions supporting the concept of a scenic byway for the length of Route 57 traversing these municipalities and the submission of a Nomination Application to the New Jersey Department of Transportation's New Jersey Scenic Byway Program, and;

WHEREAS, the New Jersey Department of Transportation designated the length of Route 57 traversing these municipalities as a New Jersey State Scenic Byway, to be called the Warren Heritage Byway, on February 4, 2009, in response to the submission of the Nomination Application, and;

WHEREAS, the New Jersey Scenic Byway Program requires that a Corridor Management Plan be completed within five years of the designation of any New Jersey State Scenic Byway in order to maintain this designation, and;

WHEREAS, a Study Committee consisting of representatives of the Township of Franklin, Township of Greenwich, Town of Hackettstown, Township of Mansfield, Borough of Washington, Township of Washington, and Warren County, in addition to other stakeholders, have completed the Warren Heritage Byway Corridor Management Plan for the length of Route 57 traversing these municipalities, and;

WHEREAS, the benefits of implementing the recommendations of Warren Heritage Byway Corridor Management Plan include:

- An increased public appreciation of the unique character of this roadway;
- An enhanced driving and community visitation experience that is derived from the conservation and interpretation of valuable intrinsic resources, joint marketing to increase economic development, access to recreational amenities, and other roadway improvements to support byway travelers, and;

- The ability to apply for federal funds through the National Scenic Byway Program that can be used to implement the recommendations of the Corridor Management Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Washington adopts the Warren Heritage Byway Corridor Management Plan as a tool for voluntarily preserving the intrinsic natural, scenic, recreational, historic, cultural, and archaeological resources along this roadway, and;

BE IT FURTHER RESOLVED, that the Borough of Washington will continue to work together with the members of the Study Committee and any other stakeholders to establish and serve as part of a permanent body to carry out the recommendations of the Warren Heritage Byway Corridor Management Plan to achieve the benefits of such collaboration.

Resolution 214-2010 Budget Transfers

Resolution 214-2010 was moved on a motion made by Housel, seconded by Valentine and adopted.

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

Ayes: 6, Nays: 0

Motion Carried

AUTHORIZING BUDGET TRANSFERS FOR FISCAL YEAR 2010 APPROPRIATIONS

WHEREAS, N.J.S.A. 40A: 4-58 provides for appropriations transfers during the last two (2) months of the fiscal year, when it has been determined that it is necessary to expend for any of the purposes specified in the budget an amount in the excess of the sum appropriated therefore and where it has been further determined that there is an excess in any appropriation over and above the amount deemed to be necessary to fulfill the purpose of such appropriation.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Washington, County of Warren, State of New Jersey, the Chief Financial Officer Natasha S. Turchan, be and the same is hereby authorized to make transfers among the Fiscal Year 2010 Budget as follows:

CURRENT FUND

Transfer From:					Transfer To:				
General Administration:					General Administration:				
Municipal	Health Insurance			25,988.78	Township	Clerk			
	Court					Other	Expenses	2,000.00	
	Salaries	And	Wages	22,192.22					
							Liability Insurance	4,500.00	
							Utilities		
							Water	8,000.00	
				-	Municipal	Court			
						Other	Expenses	33,681.00	
TOTAL				48,181.00	TOTAL				48,181.00

VOUCHERS

Motion made by Cioni, seconded by Housel to approve the claims and vouchers in the amount of \$ 470,139.91.

Councilman Higgins questioned the bill for CFM for winterizing the pool on September 28th and then a water bill for the park for approximately \$200. Manager Phelan sated the pool was not fully winterized until the soccer season was over at the park in mid-November. Councilman Higgins noted the municipal building only used \$97.00 worth of water.

Ayes: 6, Nays: 0

Abstain: 1 (Higgins – Fire Department Invoices)

Motion Carried

RECAP

Manager Phelan stated he will contact the code enforcer regarding the issue with the alley behind W. Stewart Street. He will begin drafting specifications for the

concession stand RFP and inform the library board of Council's decision regarding the 2011 budget.

COUNCIL REMARKS

Mayor McDonald stated that in regards to the professional appointments he has received the round two quotes and asked if there is anyone Council would like to interview. He stated he had received an e-mail from Councilwoman Gleba stating who she would like. Councilman Boyle stated he does business with Steinhardt's office. They were hoping to attend tonight's meeting, but had some concerns. Mr. Boyle agreed to discuss this in Executive Session. Councilman Valentine and Councilman-elect Torres both stated they have no one in particular they feel the need to interview. Manager Phelan reminded Council he needs an answer by the end of the week so there is no lapse in coverage. A straw poll could be conducted to get the process started. Councilman Boyle feels as there is a quorum and a deadline a decision should be made at this meeting. Councilman Higgins stated the new Council takes effect on January 1st and may vote differently. Attorney Cushing stated Council can state who they would like to appoint but can be changed if need be in regards to State approval. Councilman Higgins suggested a straw poll while Councilman-elect Torres suggests preparing a resolution to extend the current Council through the meeting in January. Manager Phelan stated the Borough will not have representation at the beginning of the year without State approval. Councilman Boyle feels councilmen-elect should be at meetings prior to January 1st in order to make informed decisions in January. Councilman Valentine feels the professionals we have now are working to the Borough's best benefit and we should keep the same. Councilman Boyle wants to change Bond Council. Mayor McDonald agreed and Councilman Valentine did agree to change this professional only. Councilman Boyle stated he will be abstaining from the municipal attorney appointment. Audience member Susan Sloan asked why the State is involved. Mayor McDonald explained it is because of the municipal aid we received. Attorney Cushing agrees with Manager Phelan that a straw poll should be done to get the process underway. He suggested having a special meeting with those who can vote in attendance. Councilman-elect Torres feels a straw poll could be very informative and agrees with having a special meeting. Council decided to discuss this further after Executive Session.

Councilman Higgins asked what needs to be done in regards to the cannon and asked where it came from. Manager Phelan stated he is waiting to hear back from the Historical Society. Mayor McDonald stated neither Alan Fisher nor Charlie Post is aware of any historical significance; however, previous Mayor VanDeursen feels there is some significance, but she was not sure of the specifics. Councilman Cioni made a motion to approve the sale of the cannon at the park, if it was found to have no historical value, in lieu of \$3,000.00 worth of work within the Borough by a certified and insured contractor. Said contractor would have to pay for removal of the cannon as well as re-seed the spot in the spring bringing it to a natural state at his own expense. If approved, Councilman

Cioni would like to see something in writing to memorialize the transaction and scope of services. This motion is contingent upon the value of the cannon. Councilman-elect Torres will research the cannon. Attorney Cushing suggested accepting cash instead of work so as not to have work performance issues. There was no second to the motion.

Councilman Higgins asked about the debt restructuring. Manager Phelan stated we are not able to meeting the 3% savings requirement. Non-conforming bonds are not being approved. The CFO is currently looking into this.

Councilman Boyle would like a proclamation prepared for Charles Wright honoring his 55 years of service with the Fire Department. He constructed the water pool and was very instrumental in fire prevention, safety and training. He would like the town to recognize his service. Mayor McDonald asked Councilman Boyle to provide Manager Phelan with any pertinent information so a proclamation may be prepared for the next meeting.

Councilman Housel – None

Councilman Cioni stated that sometime earlier this year, Council passed a resolution asking that the County waive the open space commitment to which they declined. A motion was made by Cioni, seconded by Higgins, to amend Resolution 54-2010 and ask them again to waive this tax for the 2011 fiscal year. This current tax (2010) is .094 which would equate to \$94.00 per \$100,000.00 assessed value or an average taxpayer savings of \$133.00 in 2011. All were in favor. Motion carried. Councilman Cioni would like the passed resolution sent to all municipalities in Warren County.

Councilman Cioni suggested having the attorney attend one meeting per month rather than two, therefore reducing the retainer fees. The manager could follow-up with any issues that came up at the meeting in the attorney's absence. Councilman Higgins suggested having one workshop and one business meeting per month, advertising that action may be taken in order to apply the bills and anything else that needs to be addressed. Manager Phelan stated the format doesn't necessarily need to change, just ask the attorney to only attend one meeting. Attorney Cushing stated he agrees with Manager Phelan. Many municipalities have one meeting per month or only have the attorney present at one of their meetings. He feels it is best for our form of government to have two meetings per month, although the attorney could only attend one. It would be a policy issue. Councilman Cioni stated the bidding attorney firms should be made aware to adjust their fees accordingly. A motion was made by Cioni, seconded by Boyle, to have the attorney only attend one meeting per month. All were in favor. Motion carried.

Councilman Valentine – None

EXECUTIVE SESSION

A motion was made by Cioni, seconded by Housel, to enter into Executive Session to discuss personnel matters at 9:21 p.m.

Ayes: 6, Nays: 0

Motion carried.

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: _____ 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.);

 X 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 Personnel – Professional Service Appointments _____ 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.

A motion was made by Higgins, seconded by Cioni, to exit Executive Session at 9:35 p.m.

Ayes: 6, Nays: 0
Motion carried.

Hearing no further business, a motion was made by Housel, seconded by Valentine, to adjourn the meeting at 9:35 pm.

Ayes: 6, Nays, 0
Motion Carried.

Mayor Scott McDonald

Ann Kilduff, Deputy Borough Clerk