

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – October 6, 2009**

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: Cioni, Boyle, Higgins, McDonald, Gleba, Valentine - Present
Housel – 8:20 p.m.

Also Present: Richard Cushing , Esq. Municipal Attorney
Rich 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.

EXECUTIVE SESSION

Motion made by Cioni, seconded by Valentine to enter Executive Session for matters relating to personnel.

Ayes: 6, Nays: 0
Motion Carried

Resolution 189-2009

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;

_____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: OR _____ 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 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: **___Approx. 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.

PROCLAMATIONS

Mayor McDonald presented proclamations of appreciation to previous Governing Body members.

***PROCLAMATION
OF THE
BOROUGH OF WASHINGTON***

WHEREAS, Marianne Van Deursen has been a member of the Washington Borough Council since 1997; and

WHEREAS, due to Marianne Van Deursen's dedication to the Borough of Washington she was appointed as Mayor by the Council of the Borough of Washington in 2003, and then was the first elected Mayor for another term of four years by the

community; and

WHEREAS, Marianne Van Deursen has served with the utmost skill and leadership not only as a Council Member for the Borough of Washington but also as Mayor; and

WHEREAS, Marianne Van Deursen will always be remembered by her colleagues for her willingness to help others, commitment to local government, and dedication to Washington Borough; and

WHEREAS, the Mayor and Council, of the Borough of Washington, desire to express the appreciation of the entire community to Marianne Van Deursen for her many years of outstanding service and commitment to the Borough of Washington.

NOW, THEREFORE, BE IT PROCLAIMED by Scott McDonald, Mayor of the Borough of Washington, in the County of Warren, State of New Jersey, that the heartfelt appreciation of the Mayor and Council of the Borough of Washington and all its inhabitants are hereby expressed for the many years of public service and leadership performed by Marianne Van Deursen.

BE IT FURTHER PROCLAIMED that this Proclamation be duly embossed, signed by the Mayor, publicly presented to Marianne Van Deursen on October 6, 2009, and forever recorded in the official records of the Borough of Washington, as an everlasting tribute to Marianne Van Deursen by an appreciative and thankful community.

PROCLAMATION
OF THE
BOROUGH OF WASHINGTON

WHEREAS, Christina Woykowski has been a member of the Washington Borough Council since 2005; and

WHEREAS, Christina Woykowski also served on various committees within the Borough and served with skill, dedication and commitment above and beyond the reasonable expectations of a community; and

WHEREAS, Christina Woykowski will always be remembered by her colleagues for her willingness to help others, commitment to local government and dedication to Washington Borough; and

WHEREAS, the Mayor and Council, of the Borough of Washington, desire to

express the appreciation of the entire community to Christina Woykowski for her many years of service to the Borough of Washington

NOW, THEREFORE, BE IT PROCLAIMED by Scott McDonald, Mayor of the Borough of Washington, in the County of Warren, State of New Jersey, that the heartfelt appreciation of the Mayor and Council of the Borough of Washington and all its inhabitants are hereby expressed for the many years of public service performed by Christina Woykowski.

BE IT FURTHER PROCLAIMED that this Proclamation be duly embossed, signed by the Mayor, publicly presented to Christina Woykowski on October 6, 2009, and forever recorded in the official records of the Borough of Washington, as an everlasting tribute to Christina Woykowski by an appreciative and thankful community.

PROCLAMATION
OF THE
BOROUGH OF WASHINGTON

WHEREAS, Heather Oakley has been a member of the Washington Borough Council since 2005; and

WHEREAS, Heather Oakley will be remembered by her colleagues for her willingness to serve with skill and dedication for the Borough of Washington; and

WHEREAS, the Mayor and Council of the Borough of Washington, on behalf of the entire community, would like to express their appreciation to Heather Oakley for her years of service to the Borough of Washington.

NOW, THEREFORE, BE IT PROCLAIMED by Scott McDonald, Mayor of the Borough of Washington, in the County of Warren, State of New Jersey, that the heartfelt appreciation of the Mayor and Council of the Borough of Washington and all its inhabitants are hereby expressed for the years of public service performed by Heather Oakley.

BE IT FURTHER PROCLAIMED that this Proclamation be duly embossed, signed by the Mayor, publicly presented to Heather Oakley on October 6, 2009, and forever recorded in the official records of the Borough of Washington, as an everlasting tribute to Heather Oakley by an appreciative and thankful community.

PROCLAMATION
OF THE
BOROUGH OF WASHINGTON

WHEREAS, Andrew Turner has been a member of the Washington Borough Council since 2005; and

WHEREAS, Andrew Turner also served on various committees within the Borough and served with dedication and commitment; and

WHEREAS, Andrew Turner will be remembered by his colleagues for his eagerness to help others, commitment to local government and dedication to the community of the Borough of Washington; and

WHEREAS, Andrew Turner has performed his duties on the Council as a hardworking member who only sought after the best interest for the Community of the Borough of Washington; and

WHEREAS, the Mayor and Council, of the Borough of Washington, desire to express the appreciation of the entire community to Andrew Turner for his dedicated years of service to the Borough of Washington.

NOW, THEREFORE, BE IT PROCLAIMED by Scott McDonald, Mayor of the Borough of Washington, in the County of Warren, State of New Jersey, that the heartfelt appreciation of the Mayor and Council of the Borough of Washington and all its inhabitants are hereby expressed for the many years of public service performed by Andrew Turner.

BE IT FURTHER PROCLAIMED that this Proclamation be duly embossed, signed by the Mayor, publicly presented to Andrew Turner on October 6, 2009, and forever recorded in the official records of the Borough of Washington, as an everlasting tribute to Andrew Turner by an appreciative and thankful community.

AUDIENCE:

Sandy Cerami, Executive Director Business Improvement District
Monica Hamberger – Vice President Business Improvement District

Ms. Cerami stated that the BID's construction project is going smoothly and is nearing completion. She stated that there is good news regarding the project. It is estimated to come in at \$100,000 under budget. The BID would like to use the excess funds to

purchase 44 East Washington Avenue for additional parking spaces and the development of a pocket park as proposed in the redevelopment plan. Ms. Cerami stated the proposed addition of 44 East Washington Avenue could be included in the current agreement and maintenance agreement.

Ms. Hamberger explained to the Mayor and Council that within the redevelopment plan there was a pocket park included in the designs. This would be a wonderful addition to the downtown area and will attract potential business, stimulate more foot traffic in the area, and would be a wonderful venue to hold seasonal attractions and/or entertainment. There is already a potential business owner interested in opening a bookstore with a coffee shop overlooking the park. The BID was able to obtain the help of an architecture firm to outline some potential designs for the pocket park free of charge.

Ms. Hamberger explained that the land purchase by the BID would be completed with the excess funds available from the construction project. The financing is already in place with Skylands Bank and the USDA. The BID is now asking for the Governing Body's approval to include this lot in the parking lot agreement and financing agreement. This is an excellent opportunity to purchase this lot for \$100,000 that may not present itself again.

Councilman Cioni stated that he thinks it's a great idea however the timing is bad. The Borough is in no position to undertake additional debt at this time. Mr. Fliegauff stated that this is folded into the debt that the Borough will already incur for the parking lot in five years. He also explained that the BID Board of Directors is solidly behind this project and this opportunity will be missed if the property enters into the hands of the owners estate. The BID has done a lot of work to get the asking price of this property down to \$100,000.00. Mayor McDonald commented that the Borough missed its first opportunity to purchase this property; this is a second chance.

Audience member Marianne Van Deursen stated that the Borough has already committed to the \$490,000. The BID has done a fantastic job and brought the parking lot project under the original estimated cost. Look at where we are right now with the downtown as compared to ten years ago. She stated that if Council loses this opportunity it will be a real shame. Audience member Heather Oakley agreed with Ms. Van Deursen and stated the Borough has the money; it's already there. The Borough may never get this chance again. Right now the property is doing nothing for us.

Councilman Cioni asked who will be responsible for the soft costs associated with the purchase; closings, amendment to the agreement, etc. Councilman Cioni also asked who is going to pay for the improvements to the lot once it is purchased. Sandy Cerami stated the bid will pay for the improvements to the lot out of BID money. The BID will raise the funds to improve the lot. Councilman Higgins asked if the BID will absorb the soft costs? Mr. Fliegauff stated the BID would absorb the soft costs if we have influence on how it is done. It was stated at this time that a park committee should be formed.

Motion made by Councilman Higgins to approve the purchase by the BID of the hardware store lot 44 East Washington Avenue, in the amount of \$100,000 and authorizing the professionals to prepare such documents as required. The authority to purchase the lot is subject to the agreements. Motion seconded by Councilman Boyle.

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

Dave Hackney 11 N Prospect Street

Mr. Hackney stated he is before Council requesting that a non-profit organization be allowed to operate a hot dog stand at Vara Field on Saturdays. He stated that he was told by the Borough Manager that because it was a Green Acres location that it is not allowed and would be subject to open bidding. Mr. Hackney stated that they are only trying to raise money for their children's sports teams and the hot dog stand is not a permanent structure. Manager Phelan stated that any concession stand on Green Acres property has to go out to bid. Councilman Boyle noted that the swim team does not have a concession stand at the Borough park/pool. Councilman Housel asked if he is a veteran. Mr. Hackney stated yes, the gentleman running the hot dog stand is a veteran. Councilman Housel suggested putting the hot dog stand on the sidewalk as that eliminates the problem. Mr. Hackney thanked Council and said that they will operate the hot dog cart on the sidewalk.

Chris Woykowski – 24 South Prospect Street

Ms. Woykowski stated that she had sent an email to the Mayor and Council this morning. She would like a date as to when the reports on the website will be updated. She stated that in her email she also mentioned an error in the pie chart reflecting the breakdown of property taxes as it relates to the BID. Manager Phelan stated that the pie charts have been changed and an additional chart was created to reflect the taxation on the BID properties. Ms. Woykowski asked if she could see the excel spreadsheet that was used in generating the pie charts. Manager Phelan told Ms. Woykowski to stop in to his office and he will provide them to her.

ORDINANCES

Ordinance 13-2009 AN ORDINANCE FIXING THE SALARY OF AND WAGES OF CERTAIN MUNICIPAL OFFICIALS AND REPEALING PORTIONS OF PRIOR INCONSISTENT SALARY AND WAGE ORDINANCES FOR THE YEARS BEGINNING JANUARY 1 2009 (Introduction)

Mayor McDonald entertained a motion to introduce Ordinance #13-2009.

Ordinance 13-2009 was introduced by Councilman Housel, seconded by Councilman Cioni.

It was further moved by Housel, seconded by Cioni that the Clerk read Ordinance #13-2009 by title only.

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

Ayes: 7, Nays: 0
Motion Carried

The Clerk read Ordinance #13-2009 entitled, "AN ORDINANCE FIXING THE SALARY AND WAGES OF CERTAIN MUNICIPAL OFFICIALS AND REPEALING PORTIONS OF PRIOR INCONSISTENT SALARY AND WAGE ORDINANCES FOR THE YEARS BEGINNING JANUARY 1, 2009"

Ordinance 13-2009 was moved by Councilman Housel, seconded by Councilman Cioni be introduced on first reading.

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

Ayes: 7, Nays: 0
Motion Carried

It was further moved by Housel, seconded by Cioni that Ordinance #13-2009 be published in the Star Gazette on October 15, 2009 as required by law and that the public hearing be scheduled for November 4, 2009.

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

Ayes: 7, Nays: 0
Motion Carried

REPORTS:

Councilman Boyle asked about the complaints in the Issues and Details report regarding the potholes on Youmans Avenue. Manager Phelan will check with the Road Supervisor tomorrow as to the status.

COMMITTEE REPORTS:

Redevelopment Committee: No Report

DPW Garage: Manager Phelan stated that the Bonding Agency has secured payment for the sub contractors. There are cracks in some of the recent pour of concrete however the Borough Engineer is addressing these issues.

Sewer Committee: No Report

Streets Committee: No Report

Finance Committee: No Report

Shared Services Committee: Councilman Boyle asked if everyone received his email on the last Shared Services meeting. Everyone had seen the update.

Senior Services: No Report

Website Committee: - Councilman Cioni stated that the video is almost done for the website. Manager Phelan stated that staff members are reviewing the website for any changes that may be necessary.

Concession Stand Committee – No Report

Recreation Report – No Report

Parking Lot Committee – No Report

VOUCHERS AND CLAIMS

Mayor McDonald entertained questions or additions to the vouchers and claims for payments that were not previously addressed before the meeting. Motion made by Cioni, seconded by Housel to pay the vouchers and claims in the amount of \$983,933.23.

Councilman Higgins asked about the HVAC payment on page two of the list. Manager Phelan stated that this is not the last payment there is a small punch list of items that need to be addressed. He asked about the payment to T&M Associates on page 12; is this an invoice that was just recently found? Manager Phelan stated yes.

Councilman Higgins requested that on the back page of the bill list a column is created stated what was budget for Current Fund, Sewer Fund, Capital Accounts, and Trust funds and what was spent to date.

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

Ayes: 7, Nays: 0
Motion Carried

OLD BUSINESS:

Investigation of Sump Pumps

Manager Phelan explained that sometime in 2008 the Borough contracted with Veolia Water to investigate 55 homes with illegal connections into the sewer system in order to remedy the I and I problem. All but twelve property owners have responded. How does Council want to proceed with the remaining 12 homes? Mayor McDonald suggested sending a letter to the homeowners by certified mail.

NEW BUSINESS

Resolution 187-2009 Establishing Trick or Treating in the Borough of Washington.

Resolution 187-2009 was moved on a motion made by Housel, seconded by Valentine and adopted.

Councilwoman Gleba stated that she does not think Council should be mandating a curfew during this time of the year when there are many events going on. Mayor McDonald stated that the curfew is a suggestion and it does cut down on the mischief night events.

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

Ayes: 7, Nays: 0
Motion Carried

RESOLUTION # 187-2009

A RESOLUTION SUGGESTING A HALLOWEEN CURFEW AND ESTABLISHING OBSERVANCE OF TRICK OR TREAT WITHIN THE BOROUGH OF WASHINGTON, COUNTY OF WARREN, STATE OF NJ.

WHEREAS, Halloween Night and several nights before and after have historically been nights when acts of criminal mischief and vandalism have increased throughout the municipality; and

WHEREAS, the Borough of Washington desires to take some action to help reduce the likelihood of such incidents by establishing a suggested curfew to assist parents and lawful guardians of minor children; and

WHEREAS, said curfew is viewed as an important part of maintaining the peace and order of the community and all persons are strongly urged to cooperate with the

Washington Township Police Department abiding by the curfew. The Mayor and Council suggest that this curfew be imposed on all minors in their care and custody; and

WHEREAS, the door to door solicitation of treats is a tradition enjoyed by many as well as an annoyance and inconvenience to others and, therefore needs to be regulated to provide for the safety, health and welfare of all persons within the community.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey agrees that there is hereby established a suggested curfew for all persons seventeen (17) years of age or younger of 9:00 p.m. from Thursday, October 29, 2009 up to and including Sunday, November 2, 2009. Curfew shall be extended for school - sponsored events to one (1) hour after the conclusion of the event.

BE IT FURTHER RESOLVED, that Trick or Treat shall be observed with the Borough of Washington on Saturday, October 31, 2009 from 4:00p.m. to 7:00 p.m..

Resolution 188-2009 Bon Escrow Release – Village Gate

Resolution 188-2009 was moved on a motion made by Housel, seconded by Cioni and adopted.

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

Ayes: 7, Nays: 0

Motion Carried

RESOLUTION # 188-2009

**A RESOLUTION AUTHORIZING THE RELEASE OF
PERFORMANCE BOND FUNDS FROM THE
DEVELOPER’S ESCROW ACCOUNT ESTABLISHED IN
THE NAME OF VILLAGE GATE BY THE BOROUGH OF
WASHINGTON**

WHEREAS, Village Gate has posted a Performance Bond with the Borough of Washington prior to work beginning on this project; and

WHEREAS, funds were posted in the Developer’s Performance Bond Account to cover the performance of the contract specifications; and

WHEREAS, Municipal Engineer Andrew S Holt has determined that there are no outstanding requirements with Village Gate and is recommending the release of the Performance Bond

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 Village Gate c/o NK Architects, 95 Washington Street, Morristown, NJ 07960 for the actual account balance in the Village Gate Performance Bond account.

Resolution 190-2009 Amending the Labor Agreement with the CWA

Resolution 190-2009 was moved on a motion made by Cioni, seconded by Gleba and adopted.

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

Ayes: 5, Nays: 0
Abstain: 2
Motion Carried

RESOLUTION # 190-2009

RESOLUTION AMENDING THE LABOR AGREEMENT WITH THE COMMUNICATIONS WORKERS OF AMERICA, AFL-CIO, LOCAL 1032

WHEREAS, on October 21, 2008, a labor contract between the Borough of Washington and the Communications Workers of America, AFL-CIO, Local 1032 was ratified; and

WHEREAS, Article XV, “Other Benefits”, Section 5, “Employee Assistance Program” of the contract requires that the Borough provide all employees covered by this labor contract access to an Employee Assistance Program; and

WHEREAS, it was determined that the services required in this article are now being provided by the Borough’s healthcare provider, and therefore no longer needs to be provided via a third-party.

NOW, THEREFORE BE IT RESOLVED, that both the Borough of Washington and the Communications Workers of America, AFL-CIO, Local 1032 hereby agree to amend the current labor contract as follows:

1. **Current Language**

Article XV, “Other Benefits”, Section 5, “Employee Assistance Program”

The Borough agrees to provide an Employee Assistance Program

Amended Contract Language

Article XV, "Other Benefits", Section 5, "Employee Assistance Program" is removed in its entirety.

BE IT FURTHER RESOLVED, a certified copy of this resolution is forwarded to the Borough Manager and Communications Workers of America, AFL-CIO, Local 1032

Resolution 191-2009 Re-Amending Resolution 76-2009 Authorizing the Appointment of Richard Phelan as Borough Manager

This Resolution was tabled until the next meeting.

COUNCIL REMARKS

Councilman Higgins requested that the Borough Manager inquire whether or not the stop lines at the intersection of Route 57 and Belvidere Avenue be moved five feet on either side.

Councilman Boyle stated he wanted to recognize recreation committee member Erica Kilkinney for the arts and crafts program at the park this year. He requested a letter be sent to her thanking her for the many hours that she put into this program.

Motion made by Higgins, seconded by Boyle to re-enter Executive Session for the purpose of contract negotiations after a five minute recess.

Ayes: 7, Nays: 0
Motion Carried

Resolution 189-2009

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;

_____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: DEP Litigation/COAH and Planner Outstanding Bills _____ OR ___ 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 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: **___Approx. 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 Housel, seconded by Boyle that the meeting be adjourned at 10:07 p.m.

Ayes: 7, Nays: 0.
Motion carried.

Mayor Scott McDonald

Kristine Blanchard, RMC Borough Clerk