

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – January 19, 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: Boyle, Cioni, McDonald, Gleba, Higgins, Valentine - Present
Housel – 8:30 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.

MINUTES

Motion made by Cioni, seconded by Gleba to approve the minutes from the December 15, 2009 regular meeting and Re-Organization meeting of January 5, 2010.

Two corrections were noted by the Clerk.

Ayes: 6, Nays: 0
Motion Carried

COUNCIL APPEARANCE

Kurt Klausfelder – Washington Borough Fire Chief

Mr. Klausfelder’s report to the Mayor and Council is as follows:

Membership

Currently the department is staffed by 37 active members. At this time our junior program holds no members as the last one has turned eighteen. It is unfortunate, but we have had several members move out of Washington this year. We have had one long time member and ex-chief come out of retirement and return to active duty to drive for us, and

we have received an interior firefighter as a transfer from one of our mutual aid departments.

Training

This year the Fire Department has trained in live burn structural firefighting evolutions, fire attack, hose line advancement, flashover training, live burn vehicle firefighting evolutions, forcible entry, and of course training on the ladder truck which includes an extensive three day training seminar from the manufacturer and another two day course on truck placement and aerial operations. Most of our training took place either in house or at the Warren County Fire Academy.

Apparatus

As you know the new ladder truck 83-69 has arrived and has been put into service. Engines 83-64 and 83-61 are in good order with nothing to report; engine 83-63 is having a battery problem that we are currently working on resolving. Support Unit 83-86 continues to have electrical problems and brush truck 83-82 and Command Unit 83-85 are in good order with nothing to report.

Fire Calls

At the time of writing this report, the fire department has responded to 160 calls so far this year. Last year at this time, we were at 184 calls. Our calls are not just going to fires anymore. They can be alarm activations, HAZ MAT calls, gas leaks, wires down, CO alarms, squad assist calls, patrol assist calls and public service calls. By filing reports with the Division of Fire Safety we are able to track number of calls, type of calls, hours on scene and response time. The average amount of time spent on scene is about one hour, and has a typical manpower response of ten members. With 160 calls that is 1600 man hours on scene, this does not include hours spent fundraising. Our overall average response time is still approximately eight minutes and twenty four seconds. Most career departments are four to five minutes response time.

Additional Information

This year the fire department has made the following purchases from monies other than budgetary and generated by fundraising.

\$1,210 to paint the truck bay and finish the ceiling.

\$800 to have the opening cut into the wall.

\$1,000 for the tool room which is still under construction.

\$400 for fire prevention month.

\$7,127 for station wear/class B uniforms

Approximately \$7,000 to \$8,000 to fix and or replace the automatic door openers on the truck bay doors.

This is a total expense of \$18,537.00.

Summary

The members of the fire department gave 1,812 hours of their time last year to participate in training and to respond to calls. Plus approximately 64 hours was spent fundraising, and 56 hours performing general public service duties. Each of our members has to maintain a 60% average or better in attendance. That adds up to a lot of missed work and wages as well as missed time from families and kids activities. Our fire department continues to make these sacrifices year after year in order to be the best trained, best equipped, and best prepared fire department they can be in order to meet the future needs of our community and residents.

Councilman Boyle thanked the Chief for his outstanding and extremely professional report. Mayor McDonald reiterated the comments and thanked the Chief and all of the members for everything they do for the community.

AUDIENCE:

Mayor McDonald entertained comments and questions from the audience members for items not listed on the agenda.

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

Ayes: 6, Nays: 0
Motion carried

ORDINANCES

ORDINANCE 1-2010 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 #1-2010.

Ordinance 1-2010 was introduced by Councilman Cioni, seconded by Councilwoman Gleba.

It was further moved by Cioni, seconded by Gleba that the Clerk read Ordinance #1-2010 by title only.

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

Ayes: 6, Nays: 0
Motion Carried

The Clerk read Ordinance #1-2010 entitled, "AN ORDINANCE TO AMEND CHAPTER 85-81 OF THE CODE OF THE BOROUGH OF WASHINGTON ON STREET PARKING FOR HANDICAPPED"

Ordinance 1-2010 was moved by Councilman Cioni, seconded by Councilman Valentine to be introduced on first reading.

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

Ayes: 6, Nays: 0
Motion Carried

It was further moved by Cioni, seconded by Valentine that Ordinance #1-2010 be published in the Star Gazette on January 29, 2010 as required by law and that the public hearing be scheduled for February 16, 2010.

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

Ayes: 6, Nays: 0
Motion Carried

**ORDINANCE # 1-2010
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 49 State Street, 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: “State Street – south side beginning at a point of 262 feet west of the westerly curb line of North Washington Avenue and extending 22 feet westerly therefrom.”

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

REPORTS:

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

1. Issues and Details
2. Zoning and Code Enforcement
3. Tax Collectors Revenue Report
4. CFO Report

Ayes: 6, Nays: 0
Motion Carried

COUNCIL COMMITTEE APPOINTMENTS

This item was tabled until the next Council meeting.

COMMITTEE REPORTS:

Redevelopment Committee: No Report

DPW Garage: No Report

Sewer Committee: No Report

Streets Committee: No Report

Finance Committee: No Report

Shared Services Committee: Councilman Boyle reported that the 2010 meeting schedule has been set. Meetings will be held every other month.

Senior Services: No Report

Website Committee: - The website committee suggested placing the audio portion of the Council meetings on the website after the minutes were approved. Councilman Higgins asked if there would be a fee for this service. Councilman Cioni stated there would be no additional fee. Councilman Cioni motioned to place the audio portion of the Council meetings after the minutes were approved on the Borough website, seconded by Councilwoman Gleba. All yes.

Concession Stand Committee – No Report

Recreation Report – No Report

Park Committee – Manager Phelan reported that a meeting is in the process of being scheduled. The Phase 1 environmental study was completed.

OLD BUSINESS:

Budget 2010

Manager Phelan stated that for the past several months several options have been presented to Council regarding the 2010 budget. Manager Phelan stated that as it looks right now, the Borough is looking at a shortfall in revenues. The overall budget shortfall is \$725,000.00. The only way to make this shortfall up is through departmental or other types of reductions. Manager Phelan stated that Council was presented with a worst case scenario based on departmental requests, as well as statutory obligations for 2010. Last year the Borough received \$550,000 in extraordinary aid and there is no guarantee that it will be available this year. Over the past several months we have worked on all scenarios. Nothing should be overlooked for changes in 2010. The question for the Governing Body is what would you like to entertain vs. not entertain. If we don't make these cuts we are looking at just under 30 cents. If we reduce the \$725,000 we can get into the single digits. Manager Phelan stated the debt encompasses 25% of our budget which includes sewer upgrades, ordinances dating back at least twelve years ago and are coming due. Our CFO is currently looking at restructuring all of our debt which may allow us to reduce our debt. Councilman Cioni requested the Manager work with the CFO and prepare a detailed breakdown of the debt so that it can be placed on the website.

Council reviewed the items that the Borough Manager presented to them as cost saving measures for the year 2010.

Merging the Municipal Court with Mansfield.

This would be an annual savings of \$120,000 per year. Council received a draft copy of an agreement. This basically just changes the venue. We still receive any and all of revenue that is owed to the municipality. This will also have to go before the Assignment Judge for review and approval. We are still required to have Judge, Court Administrator,

and Prosecutor which will be paid for by Mansfield Township. The possibility exists that the Borough can realize \$120,000 and the Assignment Judge can say no. Councilman Boyle asked how the Borough Manager came up with these numbers. Manager Phelan stated the Borough will be saving on personnel and operating costs. The Borough spends \$201,000 to run a court and Mansfield Township spends \$260,000 to run the shared court. Councilwoman Gleba asked what is the total cost for the Borough if we merge with Mansfield. Manager Phelan stated \$140,000 based on rough numbers. Councilwoman Gleba stated she would like a definitive answer. Manager Phelan stated there will be a savings but depending on timing we don't know how much right now. Councilman Boyle stated he is not confident that there are savings here. Manager Phelan stated that the Borough should appoint Mansfield's prosecutor and judge to realize these savings.

Marianne Van Deursen 32 Lambert Street

Ms. Van Deursen informed the Governing Body that Council had discussed this option before. Due to the potential increase in cases the judge may determine that there is a need for more court sessions. She asked if this was added into the Manager's cost estimates.

Christina Woykowski 24 S Prospect Street

Requested the Mayor and Council have a more accurate cost analysis.

Rudy Bescherer 191 Broad Street

Mr. Bescherer asked if the Mayor and Council appointed Mansfield's Prosecutor and Judge will these people accept the same salary for increased cases?

Councilman Cioni suggested the CFO from Mansfield Township come to our next meeting and prepare a better cost analysis. Council agreed.

Other Shared Service Agreements.

Manager Phelan stated he has reached out to other municipalities regarding shared service agreements. One being discussed right now is for Municipal Tax Collection services with Washington Township. The Township Mayor and Administrator are in agreement with this concept. Councilman Cioni motioned to continue negotiations with Washington Township regarding tax collection services seconded by Councilwoman Gleba. All in favor. This vote was completed after the recess of the Council meeting.

Councilman Higgins stated that the Borough should just approach the Township with doing a complete municipal merger. Councilman Higgins motioned to send Washington Township a letter regarding the possibility of a complete municipal merger, seconded by Housel. All yes.

Sale of Borough Owned Property.

Manager Phelan stated that the Borough owns some property that we can look into selling to the contiguous property owners. Councilman Valentine asked about the costs associated with this. Manager Phelan stated it would be time and closing costs. Motion

made by Councilman Cioni to authorize the Manager to begin the process of selling off any and all property owned by the Borough in accordance with the list the Manager supplied to Council, seconded by Councilman Higgins – All yes.

Manager Phelan also stated the old fire truck is ready to be sold as well. Motion made by Gleba, seconded by Valentine to auction off the old fire truck. – All yes.

Municipal Library

Manager Phelan asked Council if they want to reduce the funding to the Library. This will cause further reduction in library hours and staff. Councilwoman Gleba stated that she would like to pursue the formation of a Library Foundation. Manager Phelan stated there is nothing precluding that from happening now. Someone has to take the initiative to start the process. The Borough can not do that but a private citizen can. Councilman Valentine inquired about the Borough entering into the County Library system. Manager Phelan stated that would have to be approved by a referendum vote. Council asked the Manager to inquire how much it would cost to place the question on the ballot in November. Councilwoman Gleba motioned to not reduce the funding at the Library for 2010, seconded by Valentine.

Ayes: 6

Nays: 1 (Cioni)

Purchase of Park

Manager Phelan stated Council may want to reconsider the purchase of the new park where the old hardware store was. Councilman Higgins asked how can we do this? Manager Phelan stated no agreement has been executed yet. Councilman Higgins stated the spirit of the vote takes precedence here. Councilman Higgins noted the cost to the Borough will be \$85,000 in five years and does not affect this year's budget. Manager Phelan agreed but will help reduce debt in the future. This will not affect the 2010 budget, will help in the future.

A motion to discuss the reconsideration of the purchase of the park located at the old hardware store was made by Valentine, seconded by Housel.

Mayor McDonald asked for all those in favor:

Voice vote: 3 to 4

Motion failed

Sewer Billing

Manager Phelan stated the Borough will save \$5,000 a month by bringing the sewer billing in house. This will entail a one time fee of \$19,000 to set up the sewer system in house. The Borough will begin to realize savings in four months. Motion made by Councilman Higgins, seconded by Councilwoman Gleba to bring the sewer billing in house. All yes.

Annual Contribution to Fire Department.

Manager Phelan explained that the concept behind this is to write the fire department an annual contribution much like we do for the first aid squad. This is not really presented as a money savings for the Borough but will give the fire department control over how they spend their money. The fire department would continue to be covered under the Borough's insurance as this would be too costly to obtain on their own.

Chief Klausfelder stated that initially it does not sound like a bad idea. He stated the fire department has a few concerns and are working with the manager to have them addressed. Councilman Boyle asked if the concerns of the fire department easily addressed. Manager Phelan stated he believes they are. Councilman Boyle suggested if there is an impasse with fire department and manager it should come back to Council. Manager Phelan stated yes. Chief Klausfelder noted that this would have to be voted on by the fire department as well. Councilman Housel motioned to move forward with discussion with the fire department regarding an annual contribution, seconded by Councilwoman Gleba. All yes.

Merging of the Planning Board and Board of Adjustment

Manager Phelan stated he provided the data to Council regarding the number of meetings and hours the respective boards have met in 2008 and 2009. If this moved forward it would have to be done via Ordinance. The Planning Board would become the Municipal Land Use Board with nine members. The savings could potentially be \$5,000.

Motion made by Housel to discuss the consolidation of the Planning and Board of Adjustment into the Municipal Land Use Board, seconded by Valentine.

Marianne Van Deursen Planning Board Chair

Ms. Van Deursen noted that if the Planning Board is not meeting we are not paying the professionals. The applications may have decreased due to the economy however she stated she is optimistic that the Borough's redevelopment plan will come to fruition and we would then be seeing an increased number of applications. She stated when you eliminate the volunteers you eliminate the heart of your community.

Pat Post – Planning Board Member

Ms. Post stated that the Planning Board is aware of some possible cases that could be time consuming.

Mayor McDonald called for a roll call vote.

Roll Call: Housel, Valentine, Cioni – Yes
Gleba – Abstain
Higgins, Boyle, McDonald – No
Motion Failed

At this time, the Governing Body recessed for a ten minute break.

Council reconvened with all present.

Sewer Usage Fees

Manager Phelan stated there is a shortfall in sewer this year. Surplus has been used in large amounts but not regenerated in the current year. In order for the sewer to pay its bills the current \$45 per EDU will not meet the needs. At the moment there is no surplus in the sewer utility. The recommendation is to increase the sewer fees to \$52 per EDU. The resolution to do so could be prepared by the next Council meeting. Councilman Boyle noted that Council does not know why we are in debt in sewer operating. Manager Phelan stated it was bad planning during the budget process over the years. Sewer surplus was used to pay off other areas in need.

Motion made by Cioni, seconded by Housel to prepare a resolution for the next meeting to raise the sewer usage fee to \$52 per EDU.

Councilman Boyle asked Councilman Cioni if he is satisfied that you will take away the short falls with an increase when we really don't know why this has happened. Councilman Cioni stated yes, we are currently in the process of correcting our past practices. Councilman Higgins asked what happens if we run the sewer utility at a deficit. Attorney Cushing stated you only put it off for another year. Manager Phelan stated the sewer utility is supposed to be a self liquidating utility. The funds that come in are supposed to pay for the expenses to run the sewer utility. Councilman Higgins stated he would feel more comfortable knowing what the deficit was for each year. Council agreed to obtain more information and have Stephanie Lewis possibly attend the next Council meeting.

Councilwoman Gleba also stated she wanted to see the sewer bill list separately from the current fund bill list. Councilwoman Gleba made this motion, seconded by Boyle and approved.

Garbage collection

Mayor McDonald stated that this service is currently paid for through property taxes. Councilman Higgins asked how can this be brought up again if it's already been voted on. Manager Phelan stated that Council voted on the garbage contract and then reconsidered the 180 day out clause to eliminate bulk pickup. Attorney Cushing stated that someone who voted in favor of the original vote would have to bring it back up on the table for reconsideration.

Mayor McDonald entertained a motion to bring garbage pick up back up for reconsideration. No motion was made.

NEW BUSINESS

Approval of ABC Permit for Washington Ladies Auxiliary

Motion made by Housel, seconded by Cioni to approve the application of the Ladies Auxiliary ABC permit.

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

Ayes: 7, Nays: 0
Motion Carried

Recreation Fees 2010

The Recreation Director made a recommendation to keep the fees the same based on the information provided. Councilman Higgins asked if the Borough knows how much we made in Recreation fees. Director Masenior stated that all programs made money with the exception of the pool. The pool memberships were down by 70 members. Councilman Higgins asked if we reduce the fees will we increase the membership? Director Masenior stated that is not known. Councilman Boyle inquired as to whether or not the fees for Senior Citizens could be dropped completely. Director Masenior agreed with the concept of not charging senior citizens any fees.

Councilman Cioni motioned to approve the fees as stated and have an ordinance prepared for the next Council meeting, seconded by Housel. Manager Phelan stated he would like to create an ordinance that has a minimum fee and a maximum fee so that it does not need to be addressed every year. Councilman Cioni amended his motion to prepare an ordinance with minimum fees and maximum fees for recreation programs, seconded by Councilman Housel.

Ayes: 6, Nays: 1 (Higgins)

Resolution 31-2010 Release of Escrow

Resolution 31-2010 was moved on a motion made by Housel, seconded by Gleba and adopted.

Roll Call: Housel, Gleba, Higgins, Cioni, McDonald, Valentine, Boyle
Ayes: 7, Nays: 0
Motion Carried

RESOLUTION # 31-2010

**A RESOLUTION AUTHORIZING THE RELEASE OF
FUNDS FROM AN ESCROW ACCOUNT ESTABLISHED
IN THE NAME OF FREDERICK SINKBEIL IN TRUST BY
THE BOROUGH OF WASHINGTON**

WHEREAS, Frederick Sinkbeil applied to move a property line for 23 Gibson Place, Block 59 Lot 1; and

WHEREAS, funds were posted in escrow to cover the cost of professional review of this application; and

WHEREAS, Municipal Engineer Andrew S. Holt, P.E. has determined after reviewing the site 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 Frederick Sinkbeil, 23 Gibson Place, Washington, NJ 07882 for developers' escrow account #7200020917 for the actual account balance in the Frederick Sinkbeil escrow account.

Resolution 33-2010 Void and Replace Check

Resolution 33-2010 was moved on a motion made by Housel, seconded by Gleba and adopted.

Roll Call: Housel, Gleba, Higgins, Cioni, McDonald, Valentine, Boyle
Ayes: 7, Nays: 0
Motion Carried

RESOLUTION # 33 -2010

RESOLUTION STOP PAYMENT AND REPLACE CHECK

WHEREAS, check #36406 was issued 09/30/09 on the Borough of Washington Payroll Account in the amount of \$91.78 and made payable to William I. Zuckerman, 12 Keyes Street, Florham Park, NJ 07923; and

WHEREAS, the Treasurer's office received a written notification advising that this check was lost and requesting the Borough to stop payment and reissue the check.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Washington that the Treasurer be authorized to stop payment and replace check #36406.

Resolution 34-2010 Transfer of Overpayment of Taxes

Resolution 34-2010 was moved on a motion made by Housel, seconded by Gleba and adopted.

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

Ayes: 7, Nays: 0
Motion Carried

RESOLUTION #34-2010

A RESOLUTION AUTHORIZING APPLYING 2008
OVERPAYMENT TO 2010 TAXES

WHEREAS, according to the Tax Collector's records, an overpayment exists from a previous year's quarter on the following property due to both the Mortgage Company and homeowner paid the 4th Quarter 2008 taxes;

<u>BLOCK/LOT</u>	<u>NAME OF OWNER/ PROPERTY LOCATION</u>	<u>QUARTER</u>	<u>AMOUNT</u>
95.01/9	Schaaf, Royal A & Vicki A 22-24 Monroe Street	2008 4R	1,560.34

WHEREAS, the Tax Collector's office has received a request from Ms. Schaaf concerning this overpayment and that the overage be applied to the 1st Quarter 2010 taxes.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey to hereby authorize the Tax Collector to apply the overpayment to the 1st Quarter 2010 taxes.

Resolution 35-2010 Authorizing Change Order and Declaring Acceptance of the Washington Avenue Downtown Streetscape Project

Resolution 35-2010 was moved on a motion made by Housel, seconded by Cioni and adopted.

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

Ayes: 7, Nays: 0

Motion Carried

35-2010
RESOLUTION AUTHORIZING CHANGE ORDER 7 AND
DECLARING ACCEPTANCE OF THE WASHINGTON AVENUE
DOWNTOWN STREETSCAPE PROJECT

WHEREAS, a Contract was awarded to Marvec Construction Corp. by Resolution 186-2006 on 8/15/2006, for the Washington Avenue Downtown Streetscape Project in the amount of \$1,178,763.00; and

WHEREAS, On May 5, 2009, a proposal to close-out the project was approved by the Borough Council of the Borough of Washington via Resolution 99-2009 which amended the contract amount to \$1,297,380.53; and

WHEREAS, the Borough Engineer, by letter dated January 13, 2010 recommends a reduction change order in the amount of \$750.00 be approved to reflect a credit relating to the installation of engraved brick pavers, therefore reflecting a final contract price of \$1,296,630.53; and

WHEREAS, the Borough Engineer, by letter dated January 13, 2010 has advised that all outstanding punch list items have been addressed to his satisfaction and recommends final acceptance of the project.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Washington hereby accepts Washington Avenue Downtown Streetscape Project and authorizes final payment to Marvec Construction be made.

BE IT FURTHER RESOLVED that a certified copy of the within Resolution be forwarded to the Chief Finance Officer, Borough Engineer & Marvec Construction Corp.

VOUCHERS

Mayor McDonald entertained comments or questions not previously addressed before the meeting.

Hearing none motion to approve the bill list was made by Housel, seconded by Cioni and approved in the amount of \$1,044,357.00

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

Ayes: 7, Nays: 0
Motion Carried

RECAP

Manager Phelan stated he will breakdown the municipal debt for the website. He will ask the CFO of Mansfield Township to attend the next Council meeting. He will move forward with negotiations regarding the Tax Collectors shared service. He will draft a letter to Washington Township regarding a municipal merger. He will proceed with the sale of Borough owned property and move forward with the sale of the fire truck. He will inquire about the cost of a referendum regarding the municipal library. Manager Phelan will continue with bringing the sewer billing in house. He will also continue negotiations with the fire department relating to the annual contribution. He will prepare a resolution and acquire more information regarding the increase per EDU sewer fees, and draft an Ordinance for Recreation Fees.

COUNCIL REMARKS

Councilman Boyle inquired about soil erosion control. It seems at 35 West Marble Street there is a lot of erosion into the Shabcong Creek. Manager Phelan will have the engineer look into this.

Councilman Higgins asked if Manager Phelan had heard back regarding the \$250,000 for police pensions; Manager Phelan stated he has not heard back yet.

Councilman Housel stated that there are hard decisions being made and we are trying to do what is best. It doesn't always please everyone and is painful for us too. He encouraged everyone to attend the budget workshop meetings.

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

Ayes: 7, Nays: 0

Motion Carried

RESOLUTION 32-2010
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;

___X___ 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 _____ 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.

Council re-entered regular session at 11:55 p.m.

Hearing no further business to come before Council, it was moved by Higgins, seconded by Boyle that the meeting be adjourned at 11:55 p.m.

Ayes: 7, Nays: 0.
Motion carried.

Mayor Scott McDonald

Kristine Blanchard, RMC Borough Clerk