

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY  
WASHINGTON BOROUGH COUNCIL MINUTES – June 15, 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: Cioni, Boyle, Housel, Gleba, McDonald, Higgins, Valentine -

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.

**PROCLAMATIONS**

Mayor McDonald presented the following proclamations:

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

**WHEREAS**, Dave Hackney has been a Borough resident for many years; and

**WHEREAS**, over the last four (4) years, Dave has been an integral part of Washington Borough Youth Baseball by coordinating and expanding the scope of youth baseball; and

**WHEREAS**, through his volunteer efforts, he has been instrumental in the installation of a batting cage and shed, as well as repairing the field drainage issues at Steinhardt Field; and

**WHEREAS**, he has created the Washington Borough Youth Baseball “Opening Day” ceremonies, which is an event enjoyed by all participants and their families; and

**WHEREAS**, during his involvement, he has served as a coach and mentor to sports-minded children within the Borough.

**NOW, THEREFORE BE IT RESOLVED**, that Dave Hackney is recognized for his countless hours of volunteer work to improve the quality of life for families within the Borough.

**BE IT FURTHER RESOLVED**, that this Proclamation be duly embossed, signed by the Mayor, publicly presented to Dave Hackney on June 15, 2010, and forever recorded in the official records of the Borough of Washington, as an everlasting tribute to Dave Hackney by an appreciative and thankful community.

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

**WHEREAS**, Mary Finnegan, through the Warren Hills Regional High School Key Club, has created the Washington Community Garden Association; and

**WHEREAS**, the Association seeks to promote, create, and maintain community and home gardening and to encourage residents to better their community through recreational fulfillment and the community pride and unity that results from community gardening; and

**WHEREAS**, the Association encourages outdoor recreation, intergenerational cooperation among residents, knowledge about sustainable agriculture, better health among participants, and pride in our local community; and

**WHEREAS**, the community garden also works with looking for groups of individuals and organizations who will grow vegetables that will be distributed through the local food banks; and

**WHEREAS**, Mary has been instrumental in transforming an open parcel of land into a beautiful community garden to be enjoyed by residents for generations to come.

**NOW, THEREFORE, BE IT PROCLAIMED** 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 that Mary Finnegan is recognized for her countless hours of volunteer work to improve the quality of life for families within the Borough.

**BE IT FURTHER PROCLAIMED** that this Proclamation be duly embossed, signed by the Mayor, publicly presented to Mary Finnegan on June 15, 2010, and forever recorded in the official records of the Borough of Washington, as an everlasting tribute to Mary Finnegan by an appreciative and thankful community.

Ms. Finnegan thanked the Mayor and Council and the community on behalf of the Key Club members. Without their dedication and generosity this project would not have become a reality.

### **MINUTES:**

Regular Meeting of May 18, 2010

Motion made by Housel, seconded by Gleba to approve the minutes from May 18, 2010.

Mayor McDonald noted one correction.

Ayes: 5, Nays: 0

Abstain: 2 (Cioni, Boyle)

Motion Carried

### **CORRESPONDENCE:**

Motion made by Housel, seconded by Valentine to receive and file the following communications:

1. Manager Phelan Re: Garbage Collection Costs
2. Dawn Higgins Re: Harding Drive Block Party

Mr. Mason of 114 Harding Drive, approached the Mayor and Council regarding the Harding Drive block party. As a member of the committee, he requested permission from Council as per Mrs. Higgins letter.

Ayes: 6, Nays: 0

Abstain: 1 (Higgins)

### **AUDIENCE**

Bob Del Elba – 86 W. Stewart Street

Mr. Del Elba stated that the Concerned Citizens of Washington Borough have been discussing accountability since November. He stated that there are financial concerns in this community. This past winter, Council voted to put \$100,000 in the budget for a forensic audit. This Council went out to bid and received at least eight proposals. After voting for putting it in the budget and going out for bid, at the last meeting three Council members voted not to move forward. That is an absurdity. Mr. Del Elba stated that if Council takes the time to go out to bid, why would this Council not schedule interviews. Mayor McDonald stated that although your group has come to council meetings; he has heard opinions of other residents that have the opposite opinion. Councilman Valentine

stated that when he first came on Council he was for the audit. After the regular audit and the state audit, he is satisfied with the findings and believes that the Mayor and Council are doing what they need to do to correct the problems. Councilman Valentine stated he does not believe the taxpayers should be paying for this special audit. Mr. Del Elba stated he will continue to circulate a petition; urging Council to reconsider.

Sandy Cerami Director, Business Improvement District

Ms. Cerami informed Council that on Thursday, the BID will be going to the DEP in Trenton to meet with them regarding the hazardous remediation plan for the pocket park. There may be a grant opportunity available. Councilman Cioni asked about the turn around time? Ms. Cerami stated they would have a good indication at the meeting. Councilman Housel asked about the money for expenses the BID has incurred so far regarding the park. Ms. Cerami stated they are coming directly out of the BID budget.

Joe Kresser 92 Carlton Ave

Mr. Kresser stated he is disappointed to here that the audit will not be moving forward. He stated that the Borough has spent three million dollars and the garage is not complete yet. He asked when the Borough can expect to receive payment for liquidated damages. Manager Phelan stated that are completed at the end of the project.

Joyce Pyle 88 W Stewart St.

Ms. Pyle stated that she was unaware that there was another organization soliciting donations for the recreation programs. She stated that she was going to start to solicit for donations but doesn't want to start if another organization will be doing the same thing. Councilman Cioni explained that the idea is to form a Recreation Foundation and to receive tax exempt status. He explained the Borough can not solicit funds for recreation programs but a non profit group can. Councilman Cioni stated that at this stage it is in its infancy. He asked Ms. Pyle to contact Beth Uporsky who has been coordinating the effort.

Ms. Pyle also asked for an update on the garbage pickup discussions. Councilman Cioni stated that Council is currently looking into shared services or privatization. Manager Phelan provided Council with numbers on privatization this evening, and Councilman Boyle is working on shared services with Belvidere and Oxford.

Tracy Johnson 95 Lenape Trail

Ms. Johnson stated that she likes living in the Borough of Washington and takes many walks down Washington Avenue. She stated her concern is that some of the buildings do not always look like there being taken care of. Mayor McDonald noted that is one of the reasons why the Business Improvement District was formed. The BID is working

diligently with businesses. Mayor McDonald recommended that Ms. Johnson stop in the BID office and speak to the Director.

Evelyn Morrison

Ms. Morrison stated she wanted to pass information along to Council regarding the prevention task force for teens. It will be held June 22, 2010 at the Phillipsburg Alliance Church.

Ms. Morrison questioned Attorney Cushing on the legal issues relating to discrimination vs. retaliation. Attorney Cushing explained that there is a protection for persons who are retaliated against because of events arising out of some kind of discrimination conduct. Attorney Cushing explained to members of Council that at the last meeting a business owner had come before Council questioning the notice he had received stating that he was in violation of the sign ordinance. Attorney Cushing explained that the business owner was directed to the Board of Adjustment who would hear such matters. Ms. Morrison asked if the business owner was informed that he needed an attorney to be heard in front of the Board of Adjustment. She stated that she contacted the Board of Adjustment Attorney to find out if this was true; however she had not heard back from him.

Sandi Cerami Executive Director BID

Ms. Cerami stated that the Business Improvement District is always available to help navigate the application process for any business owner and worked with this business owner to help them file the necessary paperwork needed.

Beth Uporsky 281 Wyoming Avenue

Ms. Uporsky stated that she is appearing before Council to give a status update regarding the recreation foundation activities since the May 4<sup>th</sup> Council meeting. The Recreation Director has incorporated many of the recommendations made before the pool season begins. Ms. Uporsky stated that she would not be overseeing any of the financials a the pool; that is the Recreation Directors job. She also stated that she did not promise the pool would make money this year. It is unrealistic to see a turn around in one year. She also informed Council that she has spent over 100 hours talking to people professionals who are willing to volunteer their time as long as it can be a tax right off. Ms. Uporsky stated the mission statement is: The Washington Borough Recreational Foundation, through private donations, fundraising and volunteerism, supports high quality recreational areas, activities and alternatives for the citizens and guests of Washington Borough. We promote and support the teams and athletes who represent Washington Borough in the wider sports community, and help Washington Borough develop and grow its recreational resources. The foundation is also working right now on obtaining a 501 3C status so that people may give money to the foundation and be able to use it as a charitable contribution for taxes.

Motion to close the audience portion was moved by Cioni, seconded by Housel and adopted.

Ayes: 7, Nays: 0  
Motion Carried

## **ORDINANCES**

### Ordinance 9-2010 – CABLE TELEVISION FRANCHISE (INTRODUCTION)

Mayor McDonald entertained a motion to introduce Ordinance #9-2010.

Ordinance 9-2010 was introduced by Councilwoman Gleba, seconded by Councilman Valentine.

It was further moved by Gleba, seconded by Valentine that the Clerk read Ordinance #9-2010 by title only.

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

Ayes: 7, Nays: 0  
Abstain: 0  
Motion Carried

The Clerk read Ordinance #9-2010 entitled, “CABLE TELEVISION FRANCHISE”

Motion made by Housel, seconded by Valentine to adopt Ordinance 9-2010 on first reading.

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

Ayes: 7, Nays: 0  
Abstain: 0  
Motion Carried

Ordinance 9 – 2010

Chapter A96, CABLE TELEVISION FRANCHISE

## GENERAL REFERENCES

Streets and sidewalks -- See Ch. 75.

### § A96-1. Purpose.

The Borough hereby grants to Comcast of Northwest New Jersey, LLC., renewal of its nonexclusive municipal consent to place in, upon, across, above, over and under highways, streets, alleys, sidewalks, easements, public ways and public places in the Borough poles, wires, cables, underground conduits, manholes and other television conductors, fixtures, apparatus and equipment as may be necessary for the construction, operation and maintenance in the Borough of a cable television and communications system.

### § A96-2. Definitions.

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. Such meaning or definition of terms is supplemental to those definitions of the Federal Communications Commission (FCC) rules and regulations, 47 C.F.R. Subsection 76.1 et seq., and the Cable Communications Policy Act, 47 U.S.C. Section 521 et seq., as amended, and the Cable Television Act, N.J.S.A. 48:5A-1 et seq., and shall in no way be construed to broaden, alter or conflict with the federal and state definitions:

ACT OR CABLE TELEVISION ACT -- Chapter 186 of the General Laws of New Jersey, and subsequent amendments thereto, N.J.S.A. 48:5A-1 et seq.

BASIC CABLE SERVICE -- Any service tier which includes the retransmission of local television broadcast signals as defined by the FCC.

BOARD OR BPU -- The Board of Public Utilities, State of New Jersey.

COMPANY -- The grantee of rights under this ordinance and is known as "Comcast of Northwest New Jersey, LLC."

FCC -- The Federal Communications Commission.

MUNICIPALITY OR BOROUGH -- The Borough of Washington, County of Warren, State of New Jersey.

OFFICE OR OCTV -- The Office of Cable Television of the Board.

### § A96-3. Statement of findings.

Public hearings conducted by the Borough concerning the renewal of municipal consent herein granted to the company were held after proper public notice pursuant to the terms and conditions of the Act and the regulations of the Board adopted pursuant thereto. Said hearings, having been fully open to the public, and the Borough, having received at said public hearings all comments regarding the qualifications of the company to receive this renewal of municipal consent, the Borough hereby finds that the company possesses the necessary legal, technical, character,

financial and other qualifications and that the company's operating and construction arrangements are adequate and feasible.

§ A96-4. Duration of franchise.

A. The nonexclusive municipal consent granted herein shall expire 15 years from the date of expiration of the previous certificate of approval issued by the Board.

B. In the event that the municipality shall find that the company has not substantially complied with the material terms and conditions of this ordinance, the municipality shall have the right to petition the OCTV for appropriate action, including modification and/or termination of the certificate of approval; provided, however, that the municipality shall first have given the company written notice of all alleged instances of noncompliance and an opportunity to cure same within 90 days of that notification.

§ A96-5. Franchise fee.

Pursuant to the terms and conditions of the Act, the company shall, during each year of operation under the consent granted herein, pay to the Borough 2% of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for cable television reception service in the Borough or any higher amount required by the Act or otherwise allowable by law, whichever is greater.

§ A96-6. Franchise territory.

The consent granted under this ordinance to the renewal of the franchise shall apply to the entirety of the Borough and any property subsequently annexed hereto.

§ A96-7. Extension of service.

The Company shall be required to proffer service to any residence or business along any public right-of-way in the Primary Service Area, as set forth in the Company's Application. The Company's Line Extension Policy, as set forth in the Company's Application, shall govern any extension of plant beyond the Primary Service Area.

§ A96-8. Construction requirements.

A. Restoration. In the event that the company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways, or other surface in the natural topography, the company shall, at its sole expense, restore and replace such places or things so disturbed in as good a condition as existed prior to the commencement of said work.

B. Relocation. If at any time during the period of this consent the municipality shall alter or change the grade of any street, alley or other way or place, the company, upon reasonable notice by the municipality, shall remove, relay or relocate its equipment at the expense of the company.

C. Temporary removal of cables. The company shall, upon request of the municipality at the company's expense, temporarily raise, lower, or remove its lines in order to facilitate the moving of buildings or machinery or in other like circumstances. Whenever the request is made by, for, or on behalf of private parties, the cost will be borne by those same parties.



D. Removal or trimming of trees. During the exercise of its rights and privileges under this franchise, the company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks or other public places of the municipality so as to prevent the branches of such trees from coming in contact with the wires and cable of the company. Such trimming shall be only to the extent necessary to maintain proper clearance of the company's wire and cables.

§ A96-9. Customer service.

In providing services to its customers, the company shall comply with N.J.A.C. 14:18-1 et seq. and all applicable state and federal statutes and regulations. The company shall strive to meet or exceed all voluntary company and industry standards in the delivery of customer service and shall be prepared to report on it to the community upon written request of the Borough Manager or Clerk.

A. The company shall comply fully with all applicable state and federal statutes and regulations regarding credits for outages, the reporting of same to regulatory agencies and notification of same to customers.

B. The company shall comply fully with all applicable state and federal statutes and regulations regarding the availability of devices for the hearing impaired and the notification of same to customers.

C. The company shall use every effort to meet or exceed voluntary standards for telephone accessibility developed by the National Cable Television Association (NCTA). Those standards shall include, but not be limited to, the goal of answering 80% of incoming telephone calls within 30 seconds.

D. Nothing herein shall impair the right of any subscriber or the municipality to express any comment with respect to telephone accessibility to the complaint officer or impair the right of the complaint officer to take any action that is appropriate under law.

E. The company is permitted, but is not required to, charge a late fee consistent with applicable state and federal statutes and regulations.

§ A96-10. Municipal complaint officer.

The Office of Cable Television is hereby designated as the complaint officer for the municipality pursuant to N.J.S.A. 48:5A-26b. All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5. The municipality shall have the right to request copies of records and reports pertaining to complaints by Borough customers from the OCTV.

§ A96-11. Local office.

A. During the term of this franchise, and any renewal thereof, the company shall maintain a local business office or agent for the purpose of receiving, investigating and resolving all complaints regarding the quality of service, equipment malfunctions and similar matters. Such local business office shall be open during normal business hours and in no event less than 9:00 a.m. to 5:00 p.m., Monday through Friday. Telephone access and response for such purposes as mentioned herein will be provided by the company's employees, representatives or agents 24 hours per day.

B. The telephone number and address of the local office shall be listed in applicable telephone directories and in correspondence from the company to the customer. The telephone number for the local office shall utilize an exchange that is a non-toll call for Borough residents.

§ A96-12. Performance bonds.

During the life of the franchise, the company shall give to the municipality a bond in the amount of \$25,000. Such bond shall be to insure the faithful performance of all undertakings of the company as represented in its application for municipal consent incorporated herein.

A96-13. Subscriber rates.

The rates of the company shall be subject to regulation as permitted by federal and state law.

§ A96-14. Public, educational and governmental access.

A. The company shall continue to provide residents with system-wide public access opportunities on a channel maintained by the company. Qualified individuals and organizations may utilize public access for the purpose of cablecasting noncommercial access programming in conformance with the company's published public access rules.

B. The company shall continue to provide system-wide leased or commercial access channel opportunities on a channel maintained by the company for the purpose of cablecasting commercial access programming in conformance with the company's guideline and applicable state and federal statutes and regulations.

C. The company shall take any steps that are necessary to ensure that the signals originated on the access channels are carried without material degradation, and with a signal whose quality is equal to that of the other channels that the company transmits.

§ A96-15. Commitments by company.

A. Company representatives shall appear at least once annually, upon reasonable written request of the Borough, at a public hearing of the governing body or before the Borough's Cable Television Advisory Committee, to discuss matters pertaining to the provision of cable service to residents of the Borough and other related issues as the Borough and company may see fit.

B. The company shall continue to provide a free standard cable installation with free basic service to each current and future elementary, middle, and secondary school classroom in the Borough provided the school is within 200 feet of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials and equipment, plus labor basis by the school requesting service. Monthly service charges shall be waived on all additional outlets.

The company shall provide one free non-networked internet connection and service via high-speed cable modem to the public library and all elementary, middle, and secondary

school libraries and computer labs, connections are to be accessible for student use and cannot be restricted to administrative use. All facilities must be located within 200 feet of active cable distribution plant.

C. The company shall provide one free standard installation with free basic service to the Municipal Building and each Fire Department, First Aid Squad, Library, Special Improvement District (S.I. D.) main office and Public Works building, as well as any other municipal owned building that is located in or may be constructed within the Borough throughout the duration of this agreement, provided that each facility is located within 200 feet of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials and equipment, plus labor basis by the Municipality. Monthly service charges shall be waived on all additional outlets.

D. Within 12 months of the issuance of a Certificate of Approval (COA) by the Office of Cable Television, the company shall provide to the municipality a one-time grant of \$25,000 for access support.

#### § A96-16. Emergency uses.

A. The company shall be required to fully comply with all applicable federal and state statutes and regulations rules and regulations governing the implementation, operation and testing of the emergency alert system (EAS).

B. The company shall in no way be held liable for any injury suffered by the municipality or any other person, during an emergency, if for any reason the municipality is unable to make full use of the cable television system as contemplated herein.

#### § A96-17. Liability insurance.

The company shall at all times maintain a comprehensive general liability insurance policy with a single limit amount of \$1,000,000 covering liability for any death, personal injury, property damages or other liability arising out of its construction and operation of the cable television system and an excess liability (or "umbrella") policy in the amount of \$5,000,000.00

#### § A96-18. Incorporation of application.

All of the commitments and statements contained in the application and any amendment thereto submitted in writing to the municipality by the company, except as modified herein, are binding upon the company as terms and conditions of this municipal consent. The application and any other relevant writings submitted by the company shall be considered a part of this ordinance and made a part hereof by reference as long as it does not conflict with state or federal law. All ordinances or parts of ordinances or other agreements between the Borough and the company that are in conflict with the provisions of this agreement are hereby declared invalid and superseded.

#### § A96-19. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction,

such portion shall be deemed a separate, distinct and independent provision, and its validity or unconstitutionality shall not affect the validity of the remaining portions of the ordinance.

§ A96-20. When effective.

This ordinance shall take effect immediately upon issuance of a renewal certificate of approval from the BPU.

**Ordinance 7-2010 AN ORDINANCE AUTHORIZING THE SALE OF SURPLUS PERSONAL PROPERTY TO THE WASHINGTON BOROUGH VOLUNTEER FIRE COMPANY FOR NOMINAL CONSIDERATION (Public Hearing/Adoption)**

Mayor McDonald entertained a motion to introduce Ordinance #7-2010 on final adoption and have the clerk read by title.

Motion made by Cioni, seconded by Housel to introduce on final reading and have the clerk read by title only.

The Clerk read Ordinance #7-2010 by title only and stated that this ordinance had been published in the Star Gazette as required by law; a copy was posted on the bulletin board and copies available upon request from the Clerk's office.

Motion made by Cioni, seconded by Housel to introduce Ordinance 7-2010 on final adoption.

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

Ayes: 6, Nays: 0  
Abstain: (Higgins)  
Motion Carried

Public Hearing:

Hearing no comments from the public, motion made by Boyle, seconded by Valentine to close the public hearing.

Ayes: 6, Nays: 0  
Abstain: 1 (Higgins)  
Motion Carried

Motion made by Cioni, seconded by Housel to adopt Ordinance 7-2010 on final passage.

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

Ayes: 3  
Nays: 3  
Abstain: 1  
Motion: Failed

Motion made by Cioni, seconded by Gleba to sell the items for scrap.

Ayes: 5  
Nays: 1 (Boyle)  
Abstain: 1 (Higgins)

### **REPORTS:**

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

Issues and Details  
Managers Reports  
CFO Report May 2010  
Tax Collectors Report May 2010

Ayes: 7, Nays: 0  
Motion Carried

### **COMMITTEE REPORTS:**

**DPW:** Manager Phelan stated the project is moving along and will be completed by August or end of September.

**Streets Committee:** No Report

**Finance Committee:** No Report

**Shared Services Committee:** No Report

**Senior Services:** The next meeting is 6/23 at 6:30 p.m.

**Website Committee:** - No Report

**Sewer –** No Report

**Park Committee –** No Report

**Grant Committee:** Councilwoman Gleba stated there is a Home Depot grant available. She will reach out to Beth Uporsky.

**Park Committee:** No Report

**OLD BUSINESS:**

**Budget** - No Discussion

**Garbage** – No Discussion

**NEW BUSINESS**

Resolutions 127-2010 through 129-2010 – Redemptions of Tax Sale Certificates

Resolutions 127-2010 through 129-2010 were moved on a motion made by Housel, seconded by Valentine and adopted.

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

Ayes: 7, Nays: 0

Motion Carried

**RESOLUTION # 127-2010**

**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 December 27, 2006 to Arthur Frustaci, 1178 Fifth Avenue, Alpha, NJ 08865, in the amount of \$203.66 for taxes or other municipal liens assessed for the year 2005 in the name of Anderson, Michael S and Samantha, as supposed owners, and in said assessment and sale were described as 5 Sunrise Terrace, Block 43 Lot 4, which sale was evidenced by Certificate #06-00415; and

**WHEREAS**, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 5-25-10 and before the right to redeem was cut off, as provided by law, Deutsche Bank/BAC claiming to have an interest in said lands, did redeem said lands claimed by Arthur Frustaci by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$25,807.56, which is the amount necessary to redeem Tax Sale Certificate #06-00415.

**NOW THEREFORE BE IT RESOLVED**, on this 15<sup>th</sup> day of June, 2010 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Arthur Frustaci, 1178 Fifth Avenue, Alpha, NJ 08865 in the **amount of \$25,807.56**.

**BE IT FURTHER RESOLVED**, that the Tax Collector is authorized to cancel this lien on Block 43 Lot 4 from the tax office records.

**RESOLUTION # 128-2010**

**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 November 17, 2009 to Changsheng Lu, 6 Johnson Avenue, Cranford, NJ 07016, in the amount of \$625.63 for taxes or other municipal liens assessed for the year 2008 in the name of Godfrey, Mark R, as supposed owners, and in said assessment and sale were described as 51A-51B Railroad Avenue, Block 79 Lot 16, which sale was evidenced by Certificate #09-00016; and

**WHEREAS**, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 5-10-10 and before the right to redeem was cut off, as provided by law, FARETS/GMAC Mortgage claiming to have an interest in said lands, did redeem said lands claimed by Changsheng Lu, by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,938.23, which is the amount necessary to redeem Tax Sale Certificate #09-00016.

**NOW THEREFORE BE IT RESOLVED**, on this 15th day of June, 2010 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Changsheng Lu, 6 Johnson Avenue, Cranford, NJ 07016, in the amount of **\$2,038.23** (this amount consists of \$1,938.23 Amount to Redeem + \$100.00 Premium).

**BE IT FURTHER RESOLVED**, that the Tax Collector is authorized to cancel this lien on Block 79 Lot 16 from the tax office records.

**RESOLUTION # 129-2010**

**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 November 17, 2009 to Changsheng Lu, 6 Johnson Avenue, Cranford, NJ 07016, in the amount of \$595.84 for taxes or other municipal liens assessed for the year 2008 in the name of Gentile, Joseph A, as supposed owners, and in said assessment and sale were described as 59 Lenape Trail, Block 101 Lot 13.33, which sale was evidenced by Certificate #09-00021; and

**WHEREAS**, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 5-10-10 and before the right to redeem was cut off, as provided by law, FARETS/Chase claiming to have an interest in said lands, did redeem said lands claimed by Changsheng Lu, by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,333.98, which is the amount necessary to redeem Tax Sale Certificate #09-00021.

**NOW THEREFORE BE IT RESOLVED**, on this 15th day of June, 2010 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Changsheng Lu, 6 Johnson Avenue, Cranford, NJ 07016, in the amount of **\$1,333.98**.

**BE IT FURTHER RESOLVED**, that the Tax Collector is authorized to cancel this lien on Block 101 Lot 13.33 from the tax office records.

Resolution 130-2010 Supporting the Preservations of Dedicated Library Funding for Municipal Public Libraries

Resolution 130-2010 was moved on a motion made by Valentine, seconded by Higgins and adopted.

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

Ayes: 5, Nays: 2  
Motion Carried

**RESOLUTION # - 130- 2010**  
**A RESOLUTION IN SUPPORT OF**  
**PRESERVING DEDICATED LIBRARY FUNDING**  
**FOR MUNICIPAL PUBLIC LIBRARIES**

**WHEREAS**, Assembly Bill A 2555 has been introduced by Assemblyman John DiMaio to eliminate the minimum local funding requirement for municipal public libraries; and

**WHEREAS**, municipal public libraries have been established at the direction of its citizens through a binding referendum which specified the minimum funding level at 1/3 of a mil; and

**WHEREAS**, public libraries are vital community centers providing essential services to the residents of their municipalities, **even more so during these difficult economic times**; and

**WHEREAS**, the current funding formula for municipal libraries has endured for over 100 years providing a stable source of tax support for municipal library services; and



**WHEREAS**, the A 2555 would critically weaken the foundation of library services in New Jersey by drastically reducing the minimum funding level which would directly impact library services; and

**WHEREAS**, the fiscal hardships facing many residents and businesses require access to key information resources available in New Jersey's free public libraries, such as access to computers for educational or business needs, or to find jobs and other opportunities; and increases the use of the other services of the public library, such as borrowing books and other media or attending programs for children and the entire family; and

**WHEREAS**, nearly 170,000 people visit NJ public libraries on any given day; and 48,000,000 visits were made to libraries in 2009 demonstrating that libraries are supported and valued by the residents of New Jersey.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Trustees of the Washington Public Library assembled in open public meeting on April 26, 2010, the said Board protests against A2555 and forwards this resolution to Assemblyman John DiMaio; to the State Senator and the Assemblypersons representing the district in which it is located and to Governor Chris Christie; and

**IN ADDITION**, this Board asks the Mayor and Council of the Borough of Washington to also adopt a formal resolution to oppose A2555 and that both the Board and the Mayor and Council forward their resolutions to the State Senator and the Assemblypersons representing the district in which the Library is located.

**AND BE IT FURTHER RESOLVED**, that the Board recommends and urges that the elected and appointed officials of the Borough of Washington take every possible step to persuade the Legislature and the Governor to support the will of the people to continue dedicated funding for municipal libraries.

Resolution 131-2010 Protesting Cuts to Funding to the New Jersey State Library and its Statewide Programs to Public Libraries

Resolution 131-2010 was moved on a motion made by Higgins, seconded by Gleba and adopted.

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

Resolution 132-2010 Redemption of Tax Sale Certificate

Resolution 132-2010 was moved on a motion made by Housel, seconded by Cioni and adopted.

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

Ayes: 7, Nays: 0  
Motion Carried

**RESOLUTION #132-2010**  
**RESOLUTION FOR REDEMPTION OF TAX SALE 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 November 17, 2009 to Borough of Washington, 100 Belvidere Avenue, Washington, NJ 07882 in the amount of \$614.09 for taxes or other municipal liens assessed for the year of 2008 and in the name of Carley, Linda S (currently United States of America USDA) as supposed owners, and in said assessment and sale were described as 97 N Lincoln Avenue, Block 16 Lot 11.01, which sale was evidenced by Certificate #09-00025.

**WHEREAS,** I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 5-5-2010 and before the right to redeem was cut off, as provided by law, USDA representing the property owner, claiming to have an interest in said lands, did redeem said lands claimed by Borough of Washington, and last above mentioned, by paying to the Collector of Taxes of said taxing district of Washington Borough the amount of \$3,497.10, which is the amount necessary to redeem Tax Sale Certificate #09-00025.

**NOW THEREFORE BE IT RESOLVED,** on this 15<sup>th</sup> day of June, 2010 by the Mayor and Council of the Borough of Washington, County of Warren authorizes the Mayor to sign Certificate #09-00025 for cancellation.

**BE IT FUTHER RESOLVED,** that the Tax Collector is authorized to cancel this lien on Block 16 Lot 11.01 from the tax office records.

Resolution 134-2010 Adopting Cafeteria Plan 125

Resolution 134-2010 was moved on a motion made by Housel, seconded by Cioni and adopted.

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

Ayes: 7, Nays: 0  
Motion Carried

**RESOLUTION 134-2010**

**ADOPTING CAFETERIA PLAN 125 MORE SPECIFICALLY KNOWN AS AND  
ENTITLED “BOROUGH OF WASHINGTON PREMIUM ONLY IRS CODE  
SECTION 125 PLAN” ATTACHED HERETO**

**WHEREAS**, recent amendments to the State Health Benefits Program Act (N.J.S.A. 52:14-to 17.25 et seq.), now require that employees of local governments contribute 1.5% of base salary to the cost of health care coverage under the SHBP; and

**WHEREAS**, under 46 CFR 125 of the IRS Code (Code), commonly referred to as “cafeteria plan 125,” (Plan) certain tax benefits accrue to both the employee and employer if the employer, instead of providing direct cash benefits to the employee (in the amount of 1.5% of base salary), makes a contribution, in like amount, on behalf of the employee, toward the cost of the employer’s group health insurance plan premium; and

**WHEREAS**, the making of such a contribution is acknowledged, under the IRS Code, to be a “qualified benefit” meaning a non-taxable permitted benefit which is not subject to social security, Medicare, federal unemployment taxes or income tax withholding; and

**WHEREAS**, in order for such “cafeteria plan” to qualify under the “Code” so as to declare such contribution to be a “qualified benefit,” the “Plan” must offer (among other requirements) the employee a choice between receiving a permitted but taxable benefit (i.e.: salary increase or other non-qualified financial benefit) and a permitted non-taxable qualified benefit (i.e.: employer contribution on behalf of the employee toward the health benefits plan premium); and

**WHEREAS**, under Section 1.2 of the Washington Cafeteria Plan 125, it is stated that the “purpose of this Plan is to provide participants with a choice between regular cash compensation and pretax treatment of group health insurance premium contributions; and

**WHEREAS**, the Chief Financial Officer, Borough Manager and Borough Attorney have all reviewed this Plan, found it satisfactory and recommended its adoption by the Borough Council.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Washington, County of Warren, State of New Jersey as follows:

1. It hereby declares that it is its intention that this Washington Cafeteria Plan qualify as a “cafeteria plan” under Section 125 of the Internal Revenue Code of 1986, as amended.
3. It hereby establishes and adopts the attached Washington Cafeteria Plan 125 which shall be known as the “Borough of Washington Premium Only IRS Code section 125 Plan.”

Resolutions 135-2010 through 139-2010 Renewal of ABC Licenses

Resolutions 135-2010 through 139-2010 were moved on a motion made by Cioni, seconded by Housel and adopted.

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

Ayes: 7, Nays: 0

Motion Carried

**RESOLUTION #135-2010**

**RETAIL CONSUMPTION LICENSE**

**WHEREAS**, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Consumption License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

**WHEREAS**, the following applicant has paid a fee of **\$720.00**.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Consumption License** be issued by the Borough Clerk and granted to:

LINSCO, INC.;  
t/a Scotty's Stadium Club  
15 Belvidere Ave.  
Washington NJ 07882

From July 1, 2010 – June 30, 2011, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

**BE IT FURTHER RESOLVED**, that the following conditions be imposed on the licensee:

- A. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Washington Township Police Department for assistance.
- B. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have had an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times

**RESOLUTION #136-2010**

**RETAIL CONSUMPTION LICENSE**

**WHEREAS**, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Consumption License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

**WHEREAS**, the following applicant has paid a fee of **\$720.00**.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Consumption License** be issued by the Borough Clerk and granted to:

VMI of Washington, Inc.  
t/a Enzo's Restaurant & Pizzeria  
328 W. Washington Ave.  
Washington, NJ 07882

From July 1, 2010 – June 30, 2011, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

**BE IT FURTHER RESOLVED**, that the following conditions be imposed on the licensee:

- C. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Washington Township Police Department for assistance.
- D. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have had an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times

#### **RESOLUTION #137-2010**

#### **RETAIL CONSUMPTION LICENSE**

**WHEREAS**, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Consumption License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

**WHEREAS**, the following applicant has paid a fee of **\$720.00**.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Consumption License** be issued by the Borough Clerk and granted to:

Washington Inn, Inc.  
t/a Felix's Tavern  
101 East Washington Ave.  
Washington, NJ 07882

From July 1, 2010 – June 30, 2011, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

**BE IT FURTHER RESOLVED**, that the following conditions be imposed on the licensee:

- E. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Washington Police Department for assistance.
- F. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have had an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times

#### **RESOLUTION #138-2010**

#### **RETAIL CONSUMPTION LICENSE**

**WHEREAS**, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Consumption License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

**WHEREAS**, the following applicant has paid a fee of **\$720.00**.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Consumption License** be issued by the Borough Clerk and granted to:

GRAMA, Inc  
t/a Mediterranean Bistro  
301 W. Washington Ave  
Washington, NJ 07882

From July 1, 2010 – June 30, 2011, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

**BE IT FURTHER RESOLVED**, that the following conditions be imposed on the licensee:

- G. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Washington Police Department for assistance.
- H. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have had an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times

#### **RESOLUTION 139-2010**

#### **RETAIL DISTRIBUTION LICENSE**

**WHEREAS**, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Distribution License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

**WHEREAS**, the following applicant has paid a fee of **\$720.00**.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Distribution License** be issued by the Borough Clerk and granted to:

Warren County Discount Liquor & Grocery, Inc.  
260 W. Washington Ave  
Washington, NJ 07882

From July 1, 2010 – June 30, 2011, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

**BE IT FURTHER RESOLVED**, that the following conditions be imposed on the licensee:

- I. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Washington Police Department for assistance.
- J. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to

discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have had an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times

#### Resolution 142-2010 Sewer Refund

Resolution 142-2010 was moved on a motion made by Housel, seconded by Valentine and adopted.

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

Ayes: 7, Nays: 0

Motion Carried

#### **RESOLUTION # 142-2010**

##### **A RESOLUTION AUTHORIZING THE REFUNDING OF A PAYMENT OF THE BOROUGH'S SEWER SERVICE CHARGE**

WHEREAS, according to the Treasurer's records, there is a payment of \$313.68 on the following property; and

BLOCK/LOT PROPERTY	PROPERTY OWNER/	AMOUNT TO BE REFUNDED
79/16	Godfrey, Mark R 51A – 51B Railroad Ave	\$313.68

The outside lien holder paid the sewer payment on 5-28-10 after a redemption payment was received on this property on May 5, 2010. The lien was cancelled from the tax system on May 5, 2010 after the redemption payment was posted. Therefore, the sewer payment needs to be refunded to the outside lien holder in the amount of \$313.68 to:

Changsheng Lu  
6 Johnson Avenue  
Cranford, NJ 07016

WHEREAS, the Borough Treasurer's office has received a written request that the above amount be refunded.

**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 Borough Treasurer to refund the above payment amount.



## **VOUCHERS**

A motion to pay the claims and vouchers the amount of 363,140.54 Valentine was moved by Cioni, and approved.

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

Ayes: 6, Nays: 0  
Abstain: 1  
Motion Carried

## **RECAP**

Manager Phelan will sell the vehicles referenced in Ordinance 7-2010 for scrap metal.

## **COUNCIL REMARKS**

Councilwoman Gleba – stated that she would like to remove the Cable Committee removed from Council Committees.

Councilman Higgins asked if the leak at the park has been fixed yet. Manager Phelan stated they are still looking for the leak. Councilman Higgins asked how the pool is going to be filled? Manager Phelan stated that the Fire Department is filling the pool.

Councilman Higgins asked if the Water Company had been notified regarding the Fire Department filling the pool. Manager Phelan stated yes. He also asked Manager Phelan to follow up with the school districts that the budget reductions presented to Council are the budget reductions they have made. He requested an update to the budget cuts made by Council and where the cuts came from. Councilman Higgins also stated that he believes it was someone on the Governing Body that referred to him as white trash and he does not want to be referred to as white trash. If someone on the Governing Body needs to say or discuss something with him he would be more than happy to meet with them.

## **EXECUTIVE SESSION**

### **RESOLUTION -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: Municipal Court \_\_\_\_\_ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position in the litigation or negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

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

\_\_\_\_\_ OR \_\_\_\_\_ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.);

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

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

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

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

Hearing no further business to come before Council, it was moved by Cioni, seconded by Valentine that the meeting be adjourned at 11:00 p.m.

Ayes: 7, Nays: 0.  
Motion carried.

\_\_\_\_\_  
Mayor Scott McDonald

\_\_\_\_\_  
Kristine Blanchard, RMC Borough Clerk

