

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY  
WASHINGTON BOROUGH COUNCIL MINUTES – October 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: McDonald, Gleba, Higgins, Valentine, Boyle - Present  
Housel – 8:15 p.m.  
Cioni – Absent

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

Mayor McDonald led everyone in the flag salute.

Mayor McDonald read the following Statement into the Record:

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

**MINUTES:**

Mayor McDonald entertained a motion to approve the minutes of the Regular meeting of October 5, 2010.

Motion made by Higgins, seconded by Gleba and approved.

Roll Call: Higgins, Boyle, Gleba, McDonald, Valentine – Yes

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

**CORRESPONDENCE**

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

Tax Collector RE: Tax Sale  
Borough Manager RE: 2010 Pool Financial Information

Borough Manager RE:  
DOT RE:

Advertising Costs for RFP's  
Stop Line Relocation

Ayes: 5, Nays: 0  
Motion Carried

Discussion:

#### Pool Financial Information

Manager Phelan explained the document that he provided to the Governing Body regarding the 2010 pool financial information. The 2009 numbers represent the information provided to Council in March of this year compiled by the Recreation Director at the time. The 2010 numbers reflect the actual numbers for this pool season. Manager Phelan stated he was unable to verify the well pump repair costs for 2009 and the CPO courses for 2009. As a result, if Council wishes to reduce the loss in 2009; they can reduce it to \$61,000 from \$69,000. If Council chooses to open the pool in 2011, the well pump will need to be repaired and the net loss for 2010 would be \$42,000. If Council chooses to not open the pool in 2011 the net loss is reduced to \$30,000.

#### Request for Proposals

Councilwoman Gleba asked if the fact that Council will now be evaluating the professionals annually; will that need to be stated in the Request for Proposal's? Attorney Cushing stated no. That could be discussed during the interview process. Councilwoman Gleba stated that her recommendation would be to advertise on the League of Municipalities website. She also stated that Mr. Del Elba recommended the advertisements for attorneys be placed on the Warren and Hunterdon County Bar Association website This is a free service. She asked Manager Phelan to contact the association for more information. Councilwoman Gleba stated that we do not have a retainer with the current engineer. She suggested Council consider a retainer fee for engineering services and also requested an itemized list of services charged to general engineering for this year.

Councilwoman Gleba motioned to advertise for professionals on the League of Municipalities website and the Warren/Hunterdon County Bar Association website, seconded by Councilman Valentine.

Ayes: 5, Nays: 0  
Motion Carried

Councilman Boyle asked if the Governing Body needs to follow the same timeline regarding interviews of professionals. Manager Phelan stated yes, we will need to adhere to the original timeline. Manager Phelan stated that Council can begin

interviewing with the candidates that have already sent proposals in. Mayor McDonald stated that the Governing Body should wait until after the elections.

## **AUDIENCE**

Motion made by Valentine, seconded by Higgins to open the audience portion of the meeting.

Krista Black – 182 W Washington Ave

Ms. Black stated she would like to discuss the approval given to install a fence on Borough property given to her neighbor who resides at 184 W Washington Ave. This approval was given by the Governing Body on October 5, 2010.

Ms. Black stated that because Mr. Taylor installed a fence with a locked gate she has lost access. She also stated that Mr. Taylor keeps mounds of firewood on his property near their fence. She has concerns about the possible rodents, spiders, and anything else living in the firewood stacked by the fence. Ms. Black presented pictures to Council.

At the recommendation of Attorney Cushing, Manager Phelan will reach out to both parties to provide information regarding mediation. Manager Phelan will also reach out to Mr. Taylor so that he can provide a key to Ms. Black so that she will have access to the gate.

Rudy Bescherer 191 Broad Street

Mr. Bescherer stated he is very disappointed that the former court employees were not offered termination pay when they were released from employment with the Borough. Attorney Cushing stated that there was no legal obligation for the Borough to pay termination pay. He also stated that if the former employees were disappointed they should be discussing this with Council.

Karen Abel Hackettstown NJ

Ms. Abel asked the Mayor and Council if they had considered adopting a Resolution in support of Congressman Garrett's position concerning the mortgage crisis. She asked this Governing Body to seriously consider adopting a Resolution. Councilwoman Gleba asked if any other municipalities in Warren County had adopted a similar resolution. Ms. Abel stated not that she was aware of. Councilman Valentine stated he needs more information on this.

Councilman Housel arrived at 8:15 p.m.

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

Ayes: 6, Nays: 0  
Motion carried.

## **ORDINANCES**

Ordinance 13-2010 AN ORDINANCE TO AMEND CHAPTER 85 OF THE CODE OF THE BOROUGH OF WASHINGTON AMENDING MUNICIPAL PARKING LOT HOURS (Public Hearing/Adoption)

Mayor McDonald entertained a motion to introduce Ordinance #13-2010 on final adoption and have the clerk read by title.

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

The Clerk read Ordinance #13-2010 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.

Roll Call: Valentine, Mc Donald, Gleba, Higgins, Boyle, Housel – Yes

Ayes: 6, Nays: 0  
Motion Carried

Public Hearing:

Hearing no comments from the public motion made by Housel, seconded by Gleba to close the public hearing.

Ayes: 6, Nays: 0  
Motion Carried

Motion made by Housel, seconded by Gleba to adopt Ordinance 13-2010 on final passage.

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

Ayes: 6, Nays: 0  
Motion Carried

***ORDINANCE # 13-2010***

**AN ORDINANCE AMENDING CHAPTER 85 OF THE CODE OF  
THE BOROUGH OF WASHINGTON AMENDING MUNICIPAL  
PARKING LOT HOURS**

**WHEREAS**, the Mayor and Council believe it is beneficial for the municipality to provide consistent and uniform municipal parking lot hours to provide convenience for customers, residents, and current businesses.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Washington, in the County of Warren and State of New Jersey, that Chapter 85 entitled “Vehicles and Traffic” of the Code of the Borough of Washington be amended as follows:

**Section 1.** Section 59 entitled “Names and locations of lots; hours; charges” of Article XIV entitled “Municipal Parking Lots” of Chapter 85 is hereby amended as follows:

- A. Subsection B is hereby amended as follows:
  - B. Borough Hall Parking Lots. Parking is permitted in parking lots adjacent to the municipal building for Borough Hall business and for business at Taylor Street School. Overnight parking is prohibited from 3:00 a.m. to 6:00 a.m. except for borough employees.
- B. Subsection C is hereby amended as follows:
  - C. Other Lots. Parking is permitted by permit purchased from the Borough of Washington for overnight parking between the hours of 3:00 a.m. and 6:00 a.m. only in the following municipal parking lots:
    1. Southern Plaza, located at the eastern end of Allegar Street.
    2. Western Plaza, located on the eastern side of South Lincoln Avenue, south of West Washington Avenue.
    3. South Central Plaza, located on the driveway between East Washington Avenue and Allegar Street.
    4. East Church Street Plaza, located on the south side of East Church Street, west of 25 East Church Street.
    5. Broad Street Plaza, located on the west side of Broad Street, south of the former Public Library building.
    6. North Central Plaza, located at 46-52 East Washington Avenue

7. Center Plaza, located adjacent to 64-68 East Washington Avenue (Midtown)

Permit is required to park in the above lots between the hours of 3 a.m. and 6 a.m.

**Section 2.** Section 70 of Article XIV entitled “Municipal Parking Lots” of Chapter 85 is amended as follows:

§85-70. Parking stickers for municipal lots.

Parking stickers in a form, shape and color to be designated by the Borough of Washington shall be available for purchase from the Borough Clerk for the sum of \$12 per month or \$144 for the entire year for overnight parking in municipal parking lots designated in Section 85-59 C. An overnight sticker for municipal lots shall be effective from 3:00 a.m. to 6:00 a.m. Any vehicle parking in an area requiring stickers that does not have a sticker shall be towed away at the owner’s expense and risk.

**Section 3.** All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.

**Section 4.** If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.

Ordinance 14-2010 AN ORDINANCE CREATING ARTICLE XII ENTITLED MAINTENANCE OF CERTAIN PRIVATE ROADS WITH CHAPTER 75 OF THE CODE OF THE BOROUGH OF WASHINGTON (Introduction)

Mayor McDonald entertained a motion to introduce Ordinance #14-2010.

Ordinance 14-2010 was introduced by Councilman Housel, seconded by Councilman Boyle.

It was further moved by Housel, seconded by Boyle that the Clerk read Ordinance #14-2010 by title only.

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

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

The Clerk read Ordinance #14-2010 entitled, "AN ORDINANCE CREATING ARTICLE XII ENTITLED MAINTENANCE OF CERTAIN PRIVATE ROADS WITHIN CHAPTER 75 OF THE CODE OF THE BOROUGH OF WASHINGTON"

Discussion:

Councilman Higgins noted the last sentence in section 75-77 states that the purpose of this article is to permit the Borough to voluntarily remove snow and ice from the roads without any further obligation on the Borough's part either to maintain the roads or to continue Snow Removal services. Attorney Cushing stated that this is correct as worded. Manager Phelan stated that if a future Council decides they do not want to do this; they can retract it. Attorney Cushing states this allows future Councils the right to rescind this.

Motion made by Housel, seconded by Boyle to adopt Ordinance 14-2010 on first reading.

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

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

**ORDINANCE # 14 -2010**  
**BOROUGH OF WASHINGTON**  
**WARREN COUNTY, NEW JERSEY**

**AN ORDINANCE CREATING ARTICLE XII ENTITLED "MAINTENANCE ON CERTAIN PRIVATE ROADS" WITHIN CHAPTER 75 OF THE CODE OF THE BOROUGH OF WASHINGTON**

**WHEREAS**, *N.J.S.A.* 40:67-23.1 authorizes a municipality to repair, maintain, or provide for the removal of snow, ice or other obstructions from roads that have not been dedicated to and accepted as public roads by adopting an ordinance providing for such activities if the governing body finds that travel on such roads is sufficient to justify the expense; and

**WHEREAS**, the Mayor and Council have identified certain private roads within the Borough which have sufficient travel to justify the expense of snow and ice removal;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Washington, County of Warren and State of New Jersey as follows:

1. A new Article XII entitled “Maintenance on Certain Private Roads” is hereby created within Chapter 75 entitled “Streets and Sidewalks” of the Code of the Borough of Washington to read as follows:

**Section 75-74. Definitions.**

For purposes of this Article, the terms used herein are defined as follows:

ALLEY – A developed or undeveloped passage, as through a continuous row of houses, permitting access from the street to backyards, garages, and the like.

IMPROVED ROAD – A road that has been surfaced with asphalt.

SNOW REMOVAL – The act of removing snow and/or controlling ice by plowing, salting or other means.

PRIVATE ROADS – A right-of-way, improved or unimproved, which has not been dedicated to and accepted by the Borough of Washington and over which there is a private right of passage.

PUBLIC ROAD - A right-of-way, improved or unimproved, over which there is a public right of passage

**Section 75-76. Findings**

The Borough hereby determines that in its opinion the travel on the Private Roads or alleys delineated in this ordinance is sufficient to warrant the expenditure of municipal funds for Snow Removal.

**Section 75-77. Extent of Borough’s obligation.**

Nothing in this article shall be deemed or interpreted to constitute either a dedication of the roads designated in this article to the public or an acceptance by the Borough of the roads as a public road. The purpose of this article is to permit the Borough voluntarily to remove snow and ice from the roads without any further obligation on the Borough’s part either to maintain the roads or to continue Snow Removal services.

**Section 77-78. Basic maintenance/repair work not provided.**

The Borough will not provide any basic maintenance/repair work to any Private Roads in the Borough.

**Section 77-79. Designated streets for Snow Removal.**

The Supervisor of Streets and Roads is authorized to conduct Snow Removal services as required only on the following private roads or streets in the Borough:



1. Catelle Court
  - a. Unimproved road located on the perimeter of Block 37, Lot 8
2. Rear of North Jackson Avenue
  - a. Unimproved road parallel to the railroad tracks located on Block 300, Lot 1.04.
3. Improved road off of Independent Street
  - a. Alley located 160' off of Belvidere Ave, and runs parallel to Rush Avenue for approximately 140'.
4. Unimproved road #1 off of Cornish Street
  - a. Alley located approximately 95' off of South Prospect Street.
  - b. Alley runs parallel to South Prospect Street to which the dimensions are 38" x 327'.
5. Unimproved road #2 off of Cornish Street
  - a. Alley located approximately 233' off of South Prospect Street.
  - b. Alley runs parallel to South Prospect Street to which the dimensions are 25" x 327'.
6. Improved road between Broad Street and South Lincoln Avenue
  - a. Located on a portion of Block 301, Lot 2.

#### **Section 77-80. Consent of Property Owner.**

No Snow Removal services will be provided on Private Roads unless the Borough has received written consent from the owner(s) of the Private Road. Said consent shall be in the form provided by the Borough.

2. All ordinances and resolutions inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistencies.

3. In accordance with Chapter 3, Article II, Section 15, Subsection E of the Code of the Borough of Washington, this Ordinance shall become effective 20 days after final passage unless the Council, by an affirmative vote of five (5) Council Members, shall adopt a resolution declaring the Ordinance to be an emergency upon which said Ordinance will take effect upon final passage.

#### **REPORTS:**

Motion was made by Housel, seconded by Gleba to receive and file the following reports:

Managers Report  
CFO Monthly Report  
Tax Collector Report

## BID 2011 Budget Proposal

Ayes: 6, Nays: 0

Motion Carried

### **COMMITTEE REPORTS:**

**DPW:** Manager Phelan stated the two items that have not passed inspection so far are the plumbing and the fire suppression system.

**Streets Committee:** No Report

**Finance Committee:** No Report

**Shared Services Committee:** No Report

**Senior Services:** No Report

**Website Committee:** No Report

**Sewer:** No Report

**Park Committee:** No Report

**Grant Committee:** Councilwoman Gleba stated she is working with the committee and the Borough Manager on a grant from the American Rivers Organization to help fund the Pleasant Valley Dam. She is looking into whether or not we have the funds to pay for the engineer to fill out the grant application. She also stated the grant committee will no longer be meeting on a monthly basis due to lack of attendance and public participation. The committee will continue to work through email and phone calls. She stated at the end of the year she will recommend whether or not this committee will be needed in 2011; we may be starting to get bogged down with committee's.

### **OLD BUSINESS**

None

### **NEW BUSINESS**

#### **Resolution 173-2010 Redemption of Tax Sale Certificate**

Motion made by Higgins, seconded by Valentine and adopted.

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

Ayes: 6, Nays: 0

Motion Carried

**RESOLUTION #173-2010**

**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 4, 2008 to Stuart Lasher, PO Box 83, Milltown, NJ 08850-0083, in the amount of \$1,144.50 for taxes or other municipal liens assessed for the year 2007 in the name of Orlofski, Jennifer, as supposed owners, and in said assessment and sale were described as 145 Broad Street, Block 95.01 Lot 21, which sale was evidenced by Certificate #08-00456; and

**WHEREAS**, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 10-4-10 and before the right to redeem was cut off, as provided by law, Ocwen Loan Svc LLC, claiming to have an interest in said lands, did redeem said lands claimed by Stuart Lasher, by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$18,949.03, which is the amount necessary to redeem Tax Sale Certificate #08-00456.

**NOW THEREFORE BE IT RESOLVED**, on this 19th day of October, 2010 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Stuart Lasher, PO Box 83, Milltown, NJ 08850-0083 in the amount of \$18,949.03.

**BE IT FURTHER RESOLVED**, that the Tax Collector is authorized to cancel this lien on Block 95.01 Lot 21 from the tax office records.

**Resolution 174-2010 Resolution to Appoint Municipal Judge**

Motion made by Valentine, seconded by Housel and adopted.

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

Ayes: 5, Nays: 0

Abstain: 1 (Boyle)

Motion Carried

**RESOLUTION # 174-2010**

**MUNICIPAL JUDGE**

**WHEREAS**, the Borough of Washington, Warren County, New Jersey is now governed by Plan “E” of Municipal Charter Law; and

**WHEREAS**, under this plan the Council of the Borough is directed and authorized to appoint the **Municipal Judge** for a term of three (3) years for the Borough of Washington, Warren County, New Jersey; and

**NOW, THEREFORE, BE IT RESOLVED**, that J. Edward Palmer  
is hereby appointed for a three (3) year term beginning retroactively on, October 1, 2010 to expire on October 1, 2013.

**Resolutions 175-2010 through 177-2010 Approval of Items of Revenue**

Motion made by Housel, seconded by Valentine and adopted.

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

Ayes: 6, Nays: 0  
Motion Carried

**RESOLUTION # 175-2010**

**RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND  
APPROPRIATIONS NJSA 40A: 4-87**

**WHEREAS**, NJSA 40A: 4-87 provides that the Director of Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

**WHEREAS**, the Director may also approve the insertion of an item of appropriation for equal amount,

**NOW, THEREFORE, BE IT RESOLVED**, that the Governing Body of the Borough of Washington in the County of Warren State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2010 in the sum of \$100,364.00 which is now available from the State of New Jersey

**BE IT FURTHER RESOLVED**, that the like sum of \$100,364.00 is hereby appropriated under the caption of Other Expenses – ARC Small Cities.

## **RESOLUTION # 176-2010**

### **RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATIONS NJSA 40A: 4-87**

**WHEREAS**, NJSA 40A: 4-87 provides that the Director of Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

**WHEREAS**, the Director may also approve the insertion of an item of appropriation for equal amount,

**NOW, THEREFORE, BE IT RESOLVED**, that the Governing Body of the Borough of Washington in the County of Warren State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2010 in the sum of \$817.43 which is now available from the State of New Jersey

**BE IT FURTHER RESOLVED**, that the like sum of \$817.43 is hereby appropriated under the caption of Other Expenses – Body Armor.

## **RESOLUTION # 177-2010**

### **RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATIONS NJSA 40A: 4-87**

**WHEREAS**, NJSA 40A: 4-87 provides that the Director of Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

**WHEREAS**, the Director may also approve the insertion of an item of appropriation for equal amount,

**NOW, THEREFORE, BE IT RESOLVED**, that the Governing Body of the Borough of Washington in the County of Warren State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2010 in the sum of \$12,192.00 which is now available from the State of New Jersey

**BE IT FURTHER RESOLVED**, that the like sum of \$12,192.00 is hereby appropriated under the caption of Other Expenses – Clean Communities.

## **VOUCHERS**

Motion made by Housel, seconded by Higgins to approve the claims and vouchers in the amount of \$665,587.77.

Discussion:

Councilwoman Gleba asked the Borough Manager what the budgetary charge off is listed on page 13. Manager Phelan explained Council approved \$37,500 for Capital in 2010. The charge off creates the paper trail in order to move the money from current fund to capital. When it is ready to be spent the money will be available in the Capital Account.

Councilman Higgins asked about the water bill from the Borough Park. Manager Phelan stated this bill is just from July and August and we will be receiving more for the remainder of the year. Councilman Higgins asked if he could have the breakdown of the engineering oversight costs related to the DPW garage.

Ayes: 6, Nays: 0

Abstain: 1 (Higgins – Fire Department Invoices.)

Motion Carried

## **RECAP**

Manager Phelan will advertise for the second round of RFP's on the League of Municipalities Website and will advertise for the attorney's with the Warren and Hunterdon County Bar Association. Manager Phelan will obtain details regarding what is categorized and charged in the General Engineering category, he will reach out to Ms. Black and Mr. Taylor, he will also obtain details regarding the overages on engineering costs for the DPW garage.

## **COUNCIL REMARKS**

Councilman Boyle asked about the Governor's Tool Kit for municipalities. Manager Phelan stated this was filled out and sent in by the deadline.

Councilman Higgins stated he would like the Resolution regarding cyber-bullying on the next agenda. He stated he will provide a sample. He also stated he listened to the audio regarding the approval of information placed in the Washington Messenger. The only item approved by Council to be placed in the Messenger was the garbage information. He also noted the letter to the editor regarding a personnel matter has tainted the upcoming evaluation.

Councilwoman Gleba stated the Warren Hills Regional High School provides a free service putting together mailings. The program is for students with disabilities who are paired with a non disabled student. They are looking for work and provide quality work. She stated she has reached out to the BID and the Borough Manager to pass this information along. She also requested the professional evaluation policy be placed on the next agenda for adoption.

Councilman Housel noted the next Council meeting is scheduled for Wednesday November 3 because Election Day is Tuesday, November 2. He also noted that Warren Tech has printing services available if the Borough is interested in this service.

### **EXECUTIVE SESSION**

A motion was made by Housel, seconded by Valentine, to enter into Executive Session to discuss personnel at 8:45 pm.

Ayes: 5, Nays: 1 (Boyle)  
Motion carried.

### **RESOLUTION AUTHORIZING EXECUTIVE SESSION**

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

**WHEREAS**, the Open Public Meetings Act also recognizes exceptions to the right of the public to attend portions of such meetings; and

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

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

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

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

\_\_\_\_\_A matter where the release of information would impair a right to receive funds from the federal government;

\_\_\_\_\_A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

\_\_\_\_\_A collective bargaining agreement, or the terms and conditions thereof (Specify contract: \_\_\_\_\_);

\_\_\_\_\_A matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed; Real Estate Acquisitions

\_\_\_\_\_Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

\_\_\_\_\_Investigations of violations or possible violations of the law;

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

\_\_\_\_\_Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: \_\_\_\_\_ OR \_\_\_\_\_ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.);

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

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

**BE IT FURTHER RESOLVED** that the Mayor and Council hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Borough Attorney advises them that the disclosure of the discussion will not



detrimentally affect any right, interest or duty of the Borough or any other entity with respect to said discussion. That time is currently estimated to be: SIX MONTHS estimated length of time) OR upon the occurrence of \_\_\_\_\_;

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

A motion was made by Higgins, seconded by Boyle, to exit Executive Session at 9:00 p.m.

Ayes: 6, Nays: 0  
Motion carried.

Hearing no further business, a motion was made by Housel, seconded by Boyle, to adjourn the meeting at 9:00 pm.

Ayes: 6, Nays, 0  
Motion Carried.

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

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