

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – January 18, 2011**

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, Jewell, Higgins, Valentine, Boyle, Torres - Present

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.

PRESENTATION:

PP&D Accounting Services

Presentation given by PP&D Accounting services regarding how a forensic audit is conducted and examples of fraud. Examples of fraud can include; unauthorized expenses, kickbacks for awarding a bid, and overpayments. Some forensic audit criteria would include; review public document sources and background checks for information about key individuals, interview knowledgeable persons, develop relationships, perform analysis of evidence, this type of audit will also supplement the auditor’s analytical procedures. The ultimate goal is to have better communication and evaluate whether controls in place are effective.

Council discussed focusing the scope of the forensic audit and will continue discussion during old business.

MINUTES:

Mayor McDonald entertained a motion to approve the minutes of the Regular meeting of December 21, 2010 and the Re-Organization meeting of January 4, 2011.

Motion made by Higgins, seconded by Jewell.

Mayor McDonald noted a correction on the December 21 minutes. Councilman Jewell noted corrections on the January 4 minutes.

Roll Call: Higgins, Boyle, McDonald, Gleba, Valentine, Jewell, Torres

Ayes: 7, Nays: 0

Abstain: 0

Motion Carried

EXECUTIVE SESSION MINUTES:

Mayor McDonald entertained a motion to approve the Executive Session minutes of December 21, 2010.

Motion made by Higgins, seconded by Boyle and approved.

Ayes: 7, Nays: 0

Motion Carried

CORRESPONDENCE

Manager Phelan Re: 2011 Budget Information

Motion made by Gleba, seconded by Higgins to approve the correspondence.

Ayes: 7, Nays: 0

Motion Carried

Council Discussion: Manager Phelan stated that in his correspondence he explained that if Council decides to exceed the 2% levy cap it must be approved via referendum. The notice of intent to seek voter input must be published by March 7. A Resolution authorizing the noticed must also be adopted by the Governing Body.

Councilwoman Gleba motioned to have the Resolution prepared in order to publish the notice, seconded by Councilman Valentine. Councilman Higgins asked if there was a date for the referendum election. Manager Phelan stated not at this time.

Ayes: 7, Nays: 0

Motion Carried

AUDIENCE

Mayor McDonald opened the audience portion of the meeting.

Joyce Pyle 88 West Stewart Street

Ms. Pyle asked when Council will consider a Recreation Commission. Mayor McDonald stated this is already on the agenda and will be discussed. Ms. Pyle asked how many bank accounts the Borough has. Manager Phelan will provide that information to her.

Bob Del Elba 86 West Stewart Street

Mr. Del Elba asked Council to reconsider Resolution 217-2010 at tonight's meeting. Mr. Del Elba also commended Council for bringing in the forensic auditor to present to the Governing Body. More education and information is needed for the public.

Mr. Del Elba also suggested bringing in other firms for a presentation as well. He stated it would be a good idea for the Governing Body and the citizens to hear from several different firms.

Rick Feldman 19 Prosper Way

Mr. Feldman requested his recreation committee appointment be discussed in Executive Session. Council agreed.

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

Ayes: 7, Nays: 0
Motion Carried

ORDINANCES

None

REPORTS:

Motion was made by Higgins, seconded by Boyle to receive and file the following reports:

1. Managers Reports (redacted version)
2. CFO Report

3. Municipal Court
4. Tax Collectors Revenue Report
5. Issues and Details

Councilman Higgins asked about the meeting with State officials next week as reported in the Managers Report. Manager Phelan stated this is a quarterly meeting as agreed to in our Memorandum of Understanding with the State. Manager Phelan stated that they will be discussing the forensic audit, the pay to play ordinance, seasonal employees, etc. Councilman Higgins asked if the State can mandate that the pool be closed. Manager Phelan stated yes.

Councilman Higgins asked if the inter-funds listed on the Tax Collectors report are what we have paid back in 2010. Manager Phelan stated yes, we have paid about 50% of the inter-funds back.

Ayes: 7, Nays: 0
Motion Carried

COMMITTEE REPORTS:

Councilwoman Gleba noted that the DPW Garage Committee can be removed.

Council Committees

Councilman Torres discussed his proposed Council Committee Resolution. He stated the Governing Body needs to make better decisions. He stated he has been to concerned citizens meetings and this is a group of very enthusiastic people. The Borough should have people lining up to volunteer on committees. He would like to see a commitment to citizen advisory committees.

Councilwoman Gleba noted that creating more committees defeats the purpose of having less committees as she suggested at the last meeting. Mayor McDonald suggested creating a subcommittee to review the committees. He stated that the proposed resolution needs some tweaking. Council concurred. Councilman Torres will chair the committee with Councilman Higgins and Councilwoman Gleba as members.

DPW: Will be removed

Streets Committee: No Report

Shared Services Committee: No Report

Senior Services: No Report

Sewer: No Report

OLD BUSINESS

Forensic Audit

Councilman Higgins recommended a Committee be formed to pinpoint the areas of focus. Councilman Higgins will chair the committee with members Councilman Jewell and Councilman Torres. It was also recommended that the Borough Manager be a part of the committee. The Committee will try to meet prior to the next meeting. Audience member Mr. Del Elba suggested that Council invite more auditing firms to present to Council.

Council concurred to have the Borough Manager invite other firms in for a presentation. He will begin with the lowest bidder from the previous bid request and work is way up the list.

Recreation Commission

Motion made by Councilman Higgins, seconded by Councilman Boyle to prepare a draft Ordinance for the creation of a Recreation Commission.

Council Discussion:

Council agreed to begin reviewing a draft Ordinance for the formation of a Recreation Commission. Manager Phelan stated that once an Ordinance is adopted it must go to the State for approval. Councilman Boyle asked for confirmation that this will help the Borough meet the 2% cap levy. Manager Phelan explained that recreation programs are fee based. The only items that will be removed from the current fund budget are the Recreation Director salary and the secretarial salary. If a recreation commission is formed; the commission is responsible for paying the salaries. Councilman Higgins stated that the Borough can contribute. Manager Phelan agreed and stated last year the amount was \$40,000. Councilwoman Gleba asked if the Council has any oversight? Manager Phelan stated if a commission is formed; the commission is responsible for the day to day operations. The commission oversees and funds the entire recreation program. Manager Phelan noted the Borough will still pay the Green Acres Loan, not the commission, if one were to be formed.

Manager Phelan stated the state still has to give approvals for hiring seasonal employees for the 2011 season. Councilman Higgins requested to see the information regarding hiring of employees for the recreation commission.

Attorney Cushing stated that he will work with the Manager in preparing a draft ordinance with more financial controls in place. They will use the previous recreation commission ordinance as a model.

Roll Call: Higgins, Boyle, McDonald, Valentine, Torres, Jewell, Gleba

Ayes: 7, Nays: 0

Motion Carried

At this time, Council discussed Resolution 217-2010, authorizing the waste water engineer to move forward with the geographic information system mapping of the borough's sanitary sewer/storm sewer collection system, previously approved by Council.

Council Discussion:

Councilman Jewell stated he would like more information on this project due to the price tag associated with it. He stated that the manager defined this as a want rather than a need. This may not be the best use of our finances.

Mayor McDonald explained by having this done it will help pin point where the I and I problems are. There is a cost savings to the borough down the road. Councilman Jewell asked if this should have gone to the sewer committee for review and also stated that there is a \$15,000 savings that could be used elsewhere. Councilman Valentine noted that this was already budgeted for in the 2010 budget. Councilman Higgins stated we don't need to spend this money.

Council concurred that the sewer committee will reach out to the engineer to schedule a meeting to discuss. Councilman Higgins asked Manager Phelan to see what dates and times are good for the engineer.

NEW BUSINESS

Approval of Release of Executive Session Minutes from July 6, 2010 and July 18, 2010.

Motion made by Higgins, seconded by Jewell to release minutes.

Ayes: 7, Nays: 0

Motion Carried

Approval of Washington Fire Department Member Benjamin Le Clair.

Motion made by Valentine, seconded by Gleba and approved.

Ayes: 5, Nays: 0

Abstain: 2 (Higgins, Jewell)

Resolution 10-2011 Appointment of a Waste Water Engineer – Suburban Consulting Engineers

Resolution 10-2011 was moved on a motion made by Higgins, seconded by Valentine and adopted.

Councilman Boyle noted he was disappointed with the Engineer. He stated he would like to see better communication and the sewer committee is waiting on the information regarding senior citizen discounts on sewer billing.

Roll Call: Higgins, Valentine, Jewell, McDonald – Yes
Boyle, Torres - No
Gleba – Abstain

Ayes: 4, Nays: 2
Abstain: 1

Resolution 10-2011
RESOLUTION AUTHORIZING 2011 PROFESSIONAL SERVICES CONTRACT
WITH SUBURBAN CONSULTING ENGINEERS
FOR WASTEWATER CONSULTING SERVICES

WHEREAS, the Borough Council of the Borough of Washington has a need to contract the services of a Wastewater Consultant; and

WHEREAS, the Borough Council of the Borough of Washington is awarding this contract under a “fair and open process” that has included public solicitation of qualifications; and

WHEREAS, publicly advertised requests for qualifications were posted on the Borough’s website; and

WHEREAS, on September 30, 2010, proposals for this professional service were publicly opened; and

WHEREAS, Suburban Consulting Engineers has submitted a proposal dated September 30, 2010 indicating they will provide the above-referenced services at the rates listed in their fee schedule for Wastewater Consulting Services; and

WHEREAS, for budgetary purposes, the Borough Council of the Borough of Washington would like to have this contract reflect a not to exceed amount of \$20,000.00, excluding escrow-related services; and

WHEREAS; any additional work above and beyond the base Wastewater Consulting Services charged in accordance with the hourly fee schedule stated above only if authorized by the Borough Council of the Borough of Washington; and

WHEREAS, the Chief Financial Officer has certified to the Borough Clerk that funds are available in the following budget account:

1-05-55-502-000-028

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Washington to enter into a contract with Suburban Consulting Engineers as described herein; and,

BE IT FURTHER RESOLVED that notice of this appointment will be published as required by law within ten days of the passage of this resolution; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the Chief Financial Officer and Suburban Consulting Engineers.

Resolution 11-2011 Appointing Municipal Engineer – Suburban Consulting Engineers

Resolution 11-2011 was moved on a motion made by Higgins, seconded by Valentine and adopted.

Roll Call: Higgins, Valentine, Jewell, McDonald – Yes
Boyle, Torres - No
Gleba – Abstain

Ayes: 4, Nays: 2
Abstain: 1

Resolution 11-2011
RESOLUTION AUTHORIZING 2011 PROFESSIONAL SERVICES CONTRACT
WITH SUBURBAN CONSULTING ENGINEERS
FOR GENERAL MUNICIPAL ENGINEERING SERVICES

WHEREAS, the Borough Council of the Borough of Washington has a need to contract the services of a Municipal Engineer; and

WHEREAS, the Borough Council of the Borough of Washington is awarding this contract under a “fair and open” process that has included public solicitation of qualifications; and

WHEREAS, publicly advertised requests for qualifications were posted on the Borough's website; and

WHEREAS, on September 30, 2010 proposals for this professional service were publicly opened; and

WHEREAS, Suburban Consulting Engineers has submitted a proposal dated September 30, 2010 indicating they will provide the above-referenced services at the rates listed in their fee schedule for General Municipal Engineering Services; and

WHEREAS, for budgetary purposes, the Borough Council of the Borough of Washington would like to have this contract reflect a not to exceed amount of \$45,000.00, excluding escrow-related services; and

WHEREAS; any additional work above and beyond the base General Engineering Services charged in accordance with the hourly fee schedule stated above only if authorized by the Borough Council of the Borough of Washington; and

WHEREAS, the Chief Financial Officer has certified to the Borough Clerk that funds are available in the following budget account:

1-01-20-165-000-028

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Washington to enter into a contract with Suburban Consulting Engineers as described herein; and,

BE IT FURTHER RESOLVED that notice of this appointment will be published as required by law within ten days of the passage of this resolution; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the Chief Financial Officer and Suburban Consulting Engineers.

Resolution 28-2011 Release of Escrow – Kathy's Kove

Resolution 28-2011 was moved on a motion made by Higgins, seconded by Jewell and adopted.

Roll Call: Higgins, Jewell, McDonald, Valentine, Boyle – Yes
Torres, Gleba – Abstain

Ayes: 5, Nays: 0
Abstain: 2

RESOLUTION #28-2011

A RESOLUTION AUTHORIZING THE RELEASE OF FUNDS FROM
KATHY'S KOVE & KAFE' ESCROW ACCOUNT
HELD IN TRUST BY THE BOROUGH OF WASHINGTON

WHEREAS, Kathy LaCorte, owner of Kathy's Kove & Kafé, 5 W. Washington Avenue, Washington, NJ 07882 has requested the return of the funds remaining in the escrow account for Kathy's Kove & Kafé #7760883194; and

WHEREAS, Board of Adjustment Engineer William Gleba of Finelli Consulting Engineers has determined after reviewing the file 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 Kathy's Kove & Kafé for the actual account balance in the Kathy's Kove & Kafé escrow account.

Resolution 29-2011 Release of Funds from Warren County Habitat for Humanity Escrow

Resolution 29-2011 was moved on a motion made by Higgins, seconded by Jewell and adopted.

Roll Call: Higgins, Jewell, Boyle, McDonald, Valentine – Yes
Gleba, Torres – Abstain

Ayes: 5, Nays; 0

Abstain: 2

Motion Carried

RESOLUTION #29-2011

A RESOLUTION AUTHORIZING THE RELEASE OF FUNDS FROM
WARREN COUNTY HABITAT FOR HUMANITY ESCROW ACCOUNT
HELD IN TRUST BY THE BOROUGH OF WASHINGTON

WHEREAS, Karen Hillyer, President of Warren County Habitat for Humanity, 31 Belvidere Avenue, Washington, NJ 07882 has requested the return of the funds remaining in the escrow account for Warren County Habitat for Humanity #7760883152; and

WHEREAS, Planning Board Engineer William Gleba of Finelli Consulting Engineers has determined after reviewing the file that the escrow account money can be released, as authorized by the Planning Board at their meeting of May 10, 2010.

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 Warren County Habitat for Humanity for the actual account balance in the Warren County Habitat for Humanity escrow account.

Resolution 30-2011 Cancel Small Balances for Municipal Taxes

Resolution 130-2011 was moved on a motion made by Boyle, seconded by Valentine and adopted.

Roll Call: Boyle, Valentine, Higgins, Jewell, McDonald, Gleba, Torres

Ayes: 7, Nays: 0
Motion Carried

RESOLUTION #30-2011
CANCEL SMALL BALANCES FOR MUNICIPAL TAXES
as per N.J.S.A. 40A:5-17.1

WHEREAS, the State of New Jersey allows a Municipal employee to process the cancellation of any municipal charges including overpayments or delinquencies of \$10.00 and less; and

WHEREAS, the Municipal employee allowed to process the cancellations shall be the Tax Collector.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey hereby authorizes the Tax Collector of the Borough of Washington to process the cancellation of any municipal taxes of \$10.00 or less for 2010 and 2011.

Resolution 31-2011 Refund Veteran Deduction

Resolution 31-2011 was moved on a motion made by Boyle, seconded by Valentine and adopted.

Roll Call: Boyle, Valentine, Higgins, Jewell, McDonald, Gleba, Torres

Ayes: 7, Nays: 0
Motion Carried

RESOLUTION #31-2011

RESOLUTION TO REFUND VETERAN DEDUCTION ALLOWED
As per N.J.S.A. 54:4-8.40 Et seq

WHEREAS, the Tax Assessor and Tax Collector has allowed the following Veterans' Deduction and wishes to refund this deduction; and

<u>BLOCK</u>	<u>LOT</u>	<u>NAME OF OWNER/ PROPERTY LOCATION</u>	<u>EXPLANATION</u>	<u>AMOUNT</u>
82	15	Giovannone, Pasquale 98 Youmans Avenue Washington, NJ 07882	Veteran's Deduction Allowed in 2010	250.00

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 Treasurer be authorized to refund the amount of \$250.00 to Pasquale Giovannone.

Resolution 32-2011 Refund Tax Deduction and Tax Overpayment

Resolution 32-2011 was moved on a motion made by Boyle, seconded by Jewell and adopted.

Roll Call: Boyle, Jewell, Higgins, McDonald, Gleba, Valentine, Torres

Ayes: 7, Nays: 0
 Motion Carried

RESOLUTION #32-2011
**RESOLUTION TO REFUND VETERAN DEDUCTION ALLOWED AND TAX
 OVERPAYMENT**
As per N.J.S.A. 54:4-8.40 Et seq

WHEREAS, the Tax Assessor and Tax Collector have allowed the following Veterans' Deduction. A 2009 tax overpayment was created by the mortgage company and the taxpayer both paying the 4th quarter 2009 Added Assessment. The Tax Collector wishes to refund these overpayments; and

<u>BLOCK</u>	<u>LOT</u>	<u>NAME OF OWNER/ PROPERTY LOCATION</u>	<u>EXPLANATION</u>	<u>AMOUNT</u>
8	1	Kenney, Susanne 111 W Warren St Washington, NJ 07882	Veteran's Deduction Allowed in 2010 4 th Quarter 2009	250.00 48.41

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 Treasurer be authorized to refund the amount of \$298.41 to Susanne Kenney.

Resolution 33-2011 Approving Certain Curbing Improvements along the Right of Way of Gibson Place for P&P of Washington LLC

Resolution 33-2011 was moved on a motion made by Higgins, seconded by Jewell and adopted.

Councilman Higgins confirmed that the applicant is paying for all improvements. Attorney Lowcher stated that they are paying for the improvements.

Roll Call: Boyle, Higgins, Jewell, McDonald, Valentine, Torres – Yes
Gleba – Abstain

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

RESOLUTION # 33-2011

**A RESOLUTION APPROVING CERTAIN CURBING
IMPROVEMENTS ALONG THE RIGHT OF WAY
OF GIBSON PLACE FOR P&P OF WASHINGTON
LLC**

WHEREAS, the Applicant (P&P of Washington LLC) applied to the Board of Adjustment for Variance relief for Block 56 Lot 1; and

WHEREAS, the Board of Adjustment granted Variance relief in Resolution 2010:8; and

WHEREAS, Resolution 2010:8 states that the Applicant must receive formal approval of the Borough Council of the placement of the improvements within the right of way of the are of Gibson place; and

WHEREAS, Resolution 2010:8 also states the Applicant shall afford the Borough with title 39 jurisdiction over both properties to afford the Borough with police enforcement over all traffic regulations; and

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 Governing Body hereby gives approval to P&P of Washington LLC Block 56 Lot 1 (66 Route 31 North) for the placement of improvements along the right of way of Gibson

Place as outlined in the Board of Adjustment Resolution 2010:8.

Resolution 35-2011 Resolution to Refund Soil and Sedimentation Control Application

Resolution 35-2011 was moved on a motion made by Higgins, seconded by Boyle and adopted.

Roll Call: Higgins, Boyle, Valentine, Torres, McDonald – Yes
Abstain: Gleba, Jewell

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

RESOLUTION #35-2011

A RESOLUTION AUTHORIZING A REFUND OF
SITE PLAN APPLICATION FEE TO
WARREN COUNTY HABITAT FOR HUMANITY

WHEREAS, Karen Hillyer, President of Warren County Habitat for Humanity, 31 Belvidere Avenue, Washington, NJ 07882 has requested the return of the site plan application fee deposited into the Current Fund in the amount of \$150.00; and

WHEREAS, the Planning Board authorized the refund of the site plan application fee and remaining escrow account monies at their meeting of May 10, 2010.

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 Warren County Habitat for Humanity in the amount of \$150.00, to be charged to Refund of Revenue – Acct. #1-01-55-274-000-000 in the Current Fund to refund the site plan application fee.

Resolution 36-2011 Recreation Committee Appointment – Michael Nauchbaur

Resolution 36-2011 was moved on a motion made by Valentine, seconded by Gleba and adopted.

Ayes: 7, Nays, 0
Motion Carried

RESOLUTION 36-2011

RECREATION COMMITTEE

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

WHEREAS, under this plan the Mayor of the Borough is to appoint the members of the Recreation Committee with the consent of the Borough Council; and

WHEREAS, the Mayor has designated the following person his appointee;

WHEREAS, The Council does approve of this appointment.

NOW, THEREFORE, BE IT RESOLVED, that the following named person is appointed to the Recreation Committee for a term ending **1/01/2015**

Michael Nachbaur

Resolution 37-2011 Recreation Committee Appointment – Maria Martinez

Resolution 37-2011 was moved on a motion made by Jewell, seconded by Boyle and adopted.

Ayes: 7, Nays: 0
Motion Carried

RESOLUTION 37-2011

RECREATION COMMITTEE

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

WHEREAS, under this plan the Mayor of the Borough is to appoint the members of the Recreation Committee with the consent of the Borough Council; and

WHEREAS, the Mayor has designated the following person his appointee;

WHEREAS, The Council does approve of this appointment.

NOW, THEREFORE, BE IT RESOLVED, that the following named person is appointed to the Recreation Committee for a term ending **1/01/2015**

Maria Martinez

Resolution 38-2011 Planning Board Appointment – Class II Employee Member – Mike Stone

Resolution 38-2011 was moved on a motion made by Valentine, seconded by Gleba.

Roll Call: Valentine, Gleba, McDonald – Yes
Higgins, Boyle, Jewell, Torres – No

Ayes: 3, Nays: 4
Motion Failed

Council discussed the Borough Manager and his role as the employee representative on the Planning Board.

Motion made by Higgins, seconded by Torres to appoint the Borough Manager as the Employee Representative to the Planning Board.

Roll Call: Higgins, Torres, Jewell, Boyle – Yes
McDonald, Valentine – No
Gleba – Abstain

Ayes: 4, Nays: 2
Abstain: 1
Motion Carried

VOUCHERS

Motion made by Higgins, seconded by Valentine to approve the claims and vouchers in the amount of \$175,478.14

Ayes: 7, Nays: 0
Abstain: 3 (Higgins – Fire Department Invoices, Gleba – Finelli Consulting Invoices), Jewell – Rescue Squad, Fire Department Invoices
Motion Carried

RECAP

Manager Phelan will find out the number of bank accounts the Borough is using. Manager Phelan will reach out to a second accounting firm for a presentation of forensic auditing to the Governing Body. Manager Phelan will work with the Borough Attorney regarding a draft ordinance for a Recreation Commission and will reach out to the Municipal Engineer regarding availability for a meeting with the sewer committee to discuss the GIS project.

COUNCIL REMARKS

Councilman Valentine stated that if Councilman Higgins would prefer; he would be happy to serve as the BID liaison. Councilman Higgins will get back to him. Councilman Valentine also stated that he would like to discuss the possibility of a Land Use Board at the next meeting.

Councilman Torres inquired as to how much money the cost of snow removal has been with the recent storms. Manager Phelan estimated around \$5,000 but will get back to him with a more accurate number.

Councilwoman Gleba asked if there had been a response from Freeholder Gardner regarding a meeting with the Council. The Mayor will send a letter from the Governing Body. Councilwoman Gleba also asked if the Council would like to use the contribution from Comcast for the Franchise Renewal to pay for the Comcast charges over the next several years. Council would like to review what the charges are. Manager Phelan will provide.

Councilman Boyle asked if the Manager will be providing the Borough with his annual report. Manager Phelan stated yes; he is working on this and will provide in March.

Councilman Jewell asked if there had been a problem with a DPW vehicle. Manager Phelan stated yes; it had been resolved.

Councilman Higgins stated he was unhappy with the snow and ice removal of the side roads. He also noted for Councilman Valentine that any polling of the Council over email is prohibited. All votes need to be taken during an open session.

At this time, motion made by Jewell, seconded by Higgins to enter Executive Session for personnel and litigation after a five minute recess.

Ayes: 6, Nays: 1
Motion Carried

EXECUTIVE SESSION

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: DPW Garage _____ 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: Gebhardt and Kiefer and Recreation Committee Appointment _____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. ;

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 Gleba, seconded by Jewell, to exit Executive Session at 11:20 p.m.

Ayes: 7, Nays: 0
Motion carried.

Hearing no further business, a motion was made by Torres, seconded by Valentine, to adjourn the meeting at 11:20 pm.

Ayes: 7, Nays, 0
Motion Carried.

Mayor Scott McDonald

Kristine Blanchard, Borough Clerk