

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – November 06, 2013**

The Regular Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 7:00 P.M.

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.”

Mayor McDonald led everyone in the flag salute.

Roll Call: Thompson, Conry, Torres, McDonald, Gleba, Higgins

Also Present: Kristine Blanchard, Borough Manager/Clerk, Judy Kopen, Municipal Attorney

EXECUTIVE SESSION:

Resolution #192-2013- Executive Session Authorization

A motion was made by Torres, seconded by Gleba, to go into Executive Session.

Ayes: 6, Nays: 0
Motion Carried

RESOLUTION # 192-2013

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: _____ litigation and contracts is Washington Township Mediation Agreement/NJ American Water Easement Purchase. 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: _____ 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 Torres, seconded by Gleba, to go out of Executive Session.

Ayes: 6, Nays: 0
Motion Carried

A motion was made by Higgins to prepare a resolution for the next scheduled meeting in regards to the Department of Labor investigation, seconded by Thompson.

Roll Call: Torres, Thompson, Gleba, McDonald, Higgins, Conry
Ayes: 6, Nays: 0
Motion Carried

MINUTES:

Regular Meetings – September 17, 2013

Motion made by Torres, seconded by Gleba to approve the minutes of September 17, 2013.

Ayes: 5, Nays: 0

Abstain: (1) Higgins
Motion Carried

Regular Meetings – October 15, 2013

Motion made by Torres, seconded by Gleba to approve the minutes of October 15, 2013.

Ayes: 6, Nays: 0
Motion Carried

COUNCIL APPEARANCE:

Sandi Cerami – Business Improvement District, Business Plan and Budget 2014

Ms Cerami thanked Council for all of their hard work, support and for getting the Borough back into a financially responsible position. Ms Cerami stated that November is the time of year when the BID's business plan and budget is due to Council. Ms. Cerami added that the BID's business plan shows the framework of the BID, basic principles, mission statement, and comprehensive strategies. The biggest accomplishment for 2013 was the many physical and capital improvements along with filling in many of the vacancies. Ms. Cerami stated she provided an organizational chart which shows who reports to who and an event calendar. The BID is trying to revive the Farmer's Market by moving it to Saturdays.

Ms. Cerami added that the big change for 2013 were the additional expenditures on the park property. The BID has not had any success in receiving grant funding for the park project. Ms. Cerami noted that the Board decided to use surplus funds to go ahead with the improvements to the park and therefore the surplus has been reduced due to the project. Councilman Higgins asked Ms. Cerami if the BID has a plan to rebuild their surplus. Ms. Cerami replied that she is still looking into grant funding, possible fundraisers and looking for additional sponsors for the BID's events. Councilman Higgins stated that if the BID continues to keep the tax rate at \$200,000, they need to cut Expenses. Ms. Cerami stated that she will prepare a Statement of Financial Position and a Cash Flow Statement and report back to Council.

REPORTS:

A motion was made by Higgins, seconded by Torres to receive and file the following reports:

1. Highway Department (DPW) Report - September
2. Municipal Court - September
3. Tax Collector Report – September
4. Board of Health Report

5. Recreation Revenue/Expense – September
6. Code Enforcement Report - October

Council Discussion:

Councilman Higgins noted that in the DPW report there is a lot of duplication on the streets being swept. Councilman Higgins would like to see more of a rotation on the streets being done. Councilwoman Gleba added that Council is still waiting for a revenue report with the breakout of departmental revenues year to date.

Ayes: 6, Nays: 0
Motion Carried

AUDIENCE:

Victor Cioni – 29 Alvin Sloan Avenue, Washington Borough Recreation Chairman

Mr. Cioni read the following Statement into the Record:
2013 Pool Season Recap

“Dear Mayor and Council, I stand before you to bring news of something not accomplished in documented history: The 2013 pool season was not only successful, but PROFITABLE. It was a short time ago in 2010 when the pool was almost closed because it routinely lost approximately \$50,000 per season. A burden that was picked up by the Borough taxpayers. This was the main reason the pool became a possible target for closure during the budget crisis. I voted with others on Council to save the pool from closure and stated at the time that the pool could be made successful with the correct leadership as well as application of fundamental business processes, marketing and staffing models. When my term ended on Council I was appointed to the Recreation Commission with the goal of turning it all around. Many believed it couldn’t be done and was never intended to make a profit but while I believed in the goal, I also realized I needed to make it happen. We recruited volunteers for my annual volunteer days at the park and by doing so each year and soliciting donations we were able to repaint the pool buildings inside and out, the grandstand and the grandstand bathrooms among many other things. We recruited new commissioners who were not afraid to get their hands dirty and to take actual ownership of their respective sport programs as well as develop new ones. We worked closely with the Borough Manager as well as Borough Council to share information and ideas to work together on a common goal. Most of the Council supported our vision and I thank them for that. Without their donations to help fund our restoration projects we might not have been so successful.

As I stated earlier to accomplish this huge task we needed good people who were truly dedicated to making all of Borough Recreation better. Last year I believe we found such a person when we hired our current Recreation Director, Melissa Hommes. No one has

ever worked harder to help us succeed than she has. We have never received so many compliments from both new pool members and veteran pool members about the state of the parks and the pool. We are also very fortunate to have a tremendous park steward in Dave Dickson who also understands every aspect of the intricacies of the pool and park equipment, but also is sought after for advice and guidance.

Again, we did this as a team and I present this success story not only to the Manager, Mayor and Council but really to the Borough taxpayer. The answer at the end of the message is very clear; yes, this can be done.

Special thank you to Adam Zimmer, Michael Nachbaur, Adam Robinson, Joe Pinto, Tim Shanahan, Beth Uporsky, Dave Dickson, all of the pool staff this year, our Mayor Scott McDonald, and those on Council that supported us.

Thank you,

Victor Cioni
Washington Borough Recreation Chairman

*Profit was \$5,079.65 verified by Finance department.”

Council Discussion:

Councilwoman Gleba asked if there was a big increase in memberships. Mr. Cioni replied that he didn't have exact numbers prepared at this time but he knows there was an increase in out of town residents using the pool and that was the goal. Mr. Cioni stated that the Recreation Department knew that for the pool to be successful it needed to be marketed outside of Washington Borough. Councilman Higgins asked about the underground pipes and potential leaks at the pool. Mr. Cioni replied that the Recreation Department solicited three different vendors and none of them called back to meet with Recreation regarding possible replacement of the underground pipes. Mr. Cioni stated that the underground infrastructure is really old and also that the companies that have done the winterization process at the park in the past have not done a great job. Mr. Cioni stated that this year the winterization process at the pool will be done in house which will be more cost effective.

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

Ayes: 6, Nays: 0
Motion Carried

At this time, Mayor McDonald stated that he had an appointment to the Recreation Commission that he would like to make. Mayor McDonald would like to appoint Mr. Chris Zimmerman.

Higgins motioned to appoint Mr. Zimmerman to the Recreation Commission, seconded by Torres.

Ayes: 6, Nays: 0
Motion Carried

OLD BUSINESS:

Nuisance Ordinance – Discussion

Councilman Torres stated that he updated the changes discussed at the Special Council Meeting on October 22, 2013.

Councilman Higgins questioned who was going to perform the inspections on the electrical, plumbing, and heating requirements written out in section 59-11.2. Councilman Torres replied those inspections would be performed by the New Jersey State Construction Official. Manager Blanchard added that this is only in regards to the business district and is complaint driven.

Council discussed at great length how to handle long term vacant buildings located within the business district of Washington Borough and the possibility of enforcing a registration fee for such vacant buildings.

Higgins motioned for a five minute recess, seconded by Conry.

Ayes: 6, Nays: 0
Motion Carried

Mayor McDonald concluded that by the next meeting Councilman Torres will provide a municipality in New Jersey who administers registration fees for long term vacant buildings and how that ordinance is written.

NEW BUSINESS:

Resolution #188-2013 – Redemption of Tax Certificate

RESOLUTION #188-2013

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 October 25, 2012 to FWDSL & Associates LP, 5 Cold Hill Road S., Suite 11, Mendham, NJ 07945 in the amount of \$2,814.27 for taxes or other municipal liens assessed for the year 2011 in the name of Thomas Nobile as supposed owner, and in said assessment and sale were described as 20 North Pickel Avenue Block 43 Lot 2, which sale was evidenced by Certificate #12-00029; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 10-10-13 and before the right to redeem was cut off, as provided by law, Carrington Mortgage Services/Lereta Bank, claiming to have an interest in said lands, did redeem said lands claimed by FWDSL & Associates by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$18,252.35, which is the amount necessary to redeem Tax Sale Certificate #12-00029.

NOW THEREFORE BE IT RESOLVED, on this 6th day of November, 2013 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to FWDSL & Associates LP, 5 Cold Hill Road S., Suite 11, Mendham, NJ 07945 in the amount of **\$31,252.35** (This amount consists of \$18,252.35 Certificate Amount redeemed + \$13,000.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 43 Lot 2 from the tax office records.

Resolution #188-2013 was moved on a motion made by Higgins, seconded by Conry and approved.

Roll Call: Torres, Thompson, Gleba, McDonald, Higgins, Conry
Ayes: 6, Nays: 0
Motion Carried

Resolution #189-2013 Release of Bonds for Ryan Homes

RESOLUTION #189-2013

**A RESOLUTION AUTHORIZING THE RELEASE OF WINTER GRADING
BONDS FOR RYAN HOMES HELD IN TRUST BY THE BOROUGH OF
WASHINGTON**

WHEREAS, Ryan Homes has requested the following cash bonds to be released:

Bl. 73.01, Lots 12, 13, & 14: \$ 7,500.00 (\$2,500.00 per lot)
Bl. 73.01, Lots 17, 18, 19 & 20: \$10,000.00 (\$2,500.00 per lot)

Total Cash Surety: \$17,500.00

WHEREAS, Andrew S. Holt, PE, PP, CME, Borough Engineer submitted a letter noting that inspections have been performed for the soil erosion and sediment control for the above-captioned lots and found the work to be satisfactory;

WHEREAS, Suburban Consulting Engineers recommends the cash deposit in the amount of \$17,500.00 be released at this time (\$2,500.00 per lot) from the Ryan Homes S.E. Winter Grading Bond Account #7760883376.

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 Ryan Homes for the Cash Surety in the amount of \$17,500.00.

Resolution #189-2013 was moved on a motion made by Higgins, seconded by Conry and approved.

Roll Call: Gleba, McDonald, Torres, Thompson, Conry, Higgins
Ayes: 6, Nays: 0
Motion Carried

Resolution #190-2013 Municipal Alliance Contract Grant Application 2014

RESOLUTION #190-2013

**A RESOLUTION OF THE BOROUGH OF
WASHINGTON APPROVING A CONTRACT WITH
THE COUNTY OF WARREN FOR MUNICIPAL
ALLIANCE PROGRAMS FOR THE YEAR 2014**

WHEREAS, the County of Warren Board of Freeholders have notified the various communities within the county of available grants for Municipal Alliance purposes; and

WHEREAS, the Borough of Washington is desirous of partaking in the grant opportunities with the County of Warren; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey, hereby approves the grant application with the County of Warren for a Municipal Alliance grant in the amount of:

Alliance Grant \$17,919.00 (Washington Borough/Franklin/Mansfield Township)

and the Mayor and Borough Clerk are hereby authorized to execute the contract agreement.

Resolution #190-2013 was moved on a motion made by Higgins, seconded by Conry and approved.

Roll Call: Gleba, McDonald, Torres, Thompson, Conry, Higgins
Ayes: 6, Nays: 0
Motion Carried

Resolution #191-2013 Overpayment of Taxes

RESOLUTION #191-2013

A RESOLUTION TO REFUND OVERPAYMENT
ON 2012 REAL ESTATE TAXES

WHEREAS, according to the Tax Collector's records, there is an overpayment of \$2,886.06 on 2012 1st Quarter Regular Taxes paid on property located at 78 Alvin Sloan Avenue, also known as Block 2.12 Lot 12, and in the name of Jordan, Junior A. & Hyacinth A.; and

WHEREAS, Signature Settlement Title and Corelogic Tax Service had both paid the 1st Quarter 2012 property taxes, resulting in the overpayment; and

WHEREAS, the Tax Collector has been resolving the matter of tax overpayments and has received a written request from Junior & Hyacinth Jordan that the overpayment be refunded to them.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey, to hereby authorize the Tax Collector and Treasurer to refund the amount of \$2,886.06 payable to:

Junior & Hyacinth Jordan
78 Alvin Sloan Ave.
Washington, NJ 07882

Resolution #193-2013 Overpayment on 2012 Real Estate Taxes

RESOLUTION #193-2013

A RESOLUTION TO REFUND OVERPAYMENT
ON 2012 REAL ESTATE TAXES

WHEREAS, according to the Tax Collector's records, there is an overpayment of \$673.69 on 2012 1st Quarter Regular Taxes paid on property located at 12 Oak Ridge Rd., also known as Block 44.01 Lot 6, and in the name of Rivera, Vincent & Tamara; and

WHEREAS, Sunrise Title paid the full amount billed even though the homeowner was credited the Homestead Rebate on the 1st Quarter 2012 property taxes, resulting in the overpayment; and

WHEREAS, the Tax Collector has been resolving the matter of tax overpayments and has received a written request from Junior & Hyacinth Jordan that the overpayment be refunded to them.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey, to hereby authorize the Tax Collector and Treasurer to refund the amount of \$673.69 payable to:

Vincent & Tamara Rivera
12 Oak Ridge Rd.
Washington, NJ 07882

Resolutions #191-2013 and #193-2013 were moved on a motion made by Higgins, seconded by Thompson and approved.

Roll Call: Gleba, McDonald, Torres, Thompson, Conry, Higgins
Ayes: 6, Nays: 0

Motion Carried

VOUCHERS:

Mayor McDonald entertained a motion to approve the vouchers and claims in the amount of \$1,546,735.82

Council Discussion:

Councilwoman Gleba stated that she is bothered by the charge from the Washington Township Police to the Recreation Department for coverage at their annual 5k race. Councilman Higgins responded that even for the parade sponsored by Washington Celebrates America, it is paid overtime to the Washington Township Police Department. Councilwoman Gleba would like to see the Washington Township Police Revenues. Councilman Thompson added that on page 14 there is a charge to Recreation from Sam's Club which the description is miscellaneous other. Councilman Thompson stated that Recreation uses that description a lot. Manager Blanchard will find out what the miscellaneous other is in this case. Councilwoman Gleba asked why the Borough pays the State of New Jersey for elevator inspections which is on page 7 charged to Buildings and Grounds. Manager Blanchard replied that the Borough pays for every inspection that takes place in the building such as elevator inspections, fire extinguisher inspections, etc. Councilman Higgins noted that there is a charge on page 6 for two pair of hip boots that were charged to Fire and Safety. Manager Blanchard replied that it appears to be charged to the wrong account. The boots were purchased for the cleaning the Mill Pond Dam. Motion made by Higgins, seconded by Conry and approved.

Roll Call: Torres, McDonald, Conry, Thompson, Gleba, Higgins
Ayes: 6, Nays: 0
Abstain: (1) Thompson – Fire Dept. & EMS
Motion Carried

At this time, Mayor McDonald stated that the next scheduled Council meeting needs to be moved due to the League of Municipalities Conference being held in Atlantic City.

Higgins made a motion to cancel the meeting on November 19, 2013 and reschedule it for Tuesday, November 26th at 7:00pm, seconded by Conry.

Ayes: 5, Nays: (1) Torres
Motion Carried

MEETING RE-CAP:

Manager Blanchard stated that she will work with the Labor Attorney and prepare a resolution in regards to the Department of Labor investigation for the next meeting.

Manager Blanchard will look into various options for the time clocks. Manager Blanchard will provide the revenue report for the governing body. The nuisance ordinance will be placed on the next agenda. Manager Blanchard will look into Councilman Thompson's question on miscellaneous items purchased by Recreation. Manager Blanchard will verify the hip boots purchased were charged to the correct account and also advertise the next Council meeting has been rescheduled for November 26th,

COUNCIL REMARKS:

Councilman Thompson stated that the traffic light located at Belvidere Avenue and Church Street needs to be fixed again. Councilman Thompson also advised everyone to fly their flag on upcoming Veteran's Day and to thank a Veteran.

Councilman Higgins stated that he had some residents state their concern to him that the Halloween Trick or Treat hours were too long this year. Councilman Higgins asked if the Borough has received a check from Cirelli for the recycled scrap metal. Manager Blanchard replied that she believes Cirelli may have paid Washington Township instead of the Borough. Manager Blanchard will research where the payment was sent. Councilman Higgins asked if all the department heads are aware that they have to submit their budgets. Manager Blanchard answered that they are already submitted and that she is working with CFO Turchan on putting the budgets together. Councilman Higgins asked about the Shared Services contract. Manager Blanchard replied that she is still working with Attorney Kopen on finalizing the language. Councilman Higgins congratulated Paul Jones on joining the Washington Borough Council. Councilman Higgins also stated that on Saturday the Marine Corps will be two hundred and thirty eight years old.

Councilman Torres also congratulated Mr. Jones on his victory and everyone else who won in the elections. Councilman Torres also congratulated Councilman Thompson on the birth of his granddaughter. Councilman Torres added that the flag is finally up at the library.

Councilwoman Gleba asked if there is any update in regards to the tax collector position. Manager Blanchard replied that CFO Turchan has yet to make a decision. Councilwoman Gleba also asked if something formal needed to be submitted by Council for the professional evaluations and appointments for next year. Manager Blanchard replied that no professional evaluations are necessary since the Borough did not go out for proposal and any appointments that need to be done will occur at the re-organizational meeting in January.

Mayor McDonald also congratulated Mr. Jones on his appointment to Council stated that he is looking forward to working with him.

EXECUTIVE SESSION:

Resolution #192-2013- Executive Session Authorization

A motion was made by Torres, seconded by Thompson, to go into Executive Session after a five minute recess.

Ayes: 6, Nays: 0
Motion Carried

RESOLUTION # 192-2013

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: _____ personnel _____. 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: _____ 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 Higgins, seconded by Thompson, to go out of Executive Session.

Ayes: 6, Nays: 0
Motion Carried

Hearing no further business, a motion made by Higgins, seconded by Torres to adjourn the meeting at 9:25p.m.

Ayes: 6, Nays: 0
Motion Carried

Mayor Scott McDonald

Kristine Blanchard, RMC Borough Clerk