

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – April 21, 2015**

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: Conry, Thompson, Higgins, McDonald, Noone, Heinrich,
Klimko

Also Present: Kristine Blanchard, RMC Borough Manager/Clerk
Leslie Parikh, Municipal Attorney

MINUTES:

Regular Meeting – March 17, 2015

Motion made by Higgins, seconded by Conry to approve the Regular Meeting minutes of March 17, 2015.

Ayes: 7 Nays: 0
Motion Carried

Regular Meeting – April 7, 2015

Motion made by Higgins, seconded by Conry to approve the Regular Meeting minutes of April 7, 2015.

Ayes: 5 Nays: 0
Abstain: (2) Noone, Thompson
Motion Carried

CORRESPONDENCE:

A motion was made by Conry, seconded by Noone to receive and file the following correspondence:

1. Outside Dining Table Request – Lost Ladies Grill

Ayes: 7, Nays: 0
Motion Carried

Council Discussion:

Councilman Thompson asked if this was a request for only one table. Mayor McDonald replied that the request is for one table and added that Manager Blanchard should provide them with the rules and regulations associated with the outdoor dining table.

A motion was made by Higgins, seconded by Conry to approve the outdoor dining table for the Lost Ladies Grill.

Ayes: 7, Nays: 0
Motion Carried

AUDIENCE:

Mayor McDonald opened up the audience portion for remarks, petitions, statements, and testimony from guests.

Shirley Coleman – 166 N. Lincoln Avenue

Ms. Coleman stated that her neighbors at 167 North Lincoln Avenue have their truck parked in their yard again and would appreciate Manager Blanchard’s assistance in addressing the issue.

Deborah Franklin – 145 N. Lincoln Avenue

Ms. Franklin asked for an update on the North Lincoln Avenue paving project. Mr. Bloom from Finelli Engineering replied that he spoke to the contractor and the curbing portion of the project should begin this week. Once the curbs are completed Mr. Bloom will schedule the paving through Tilcon as soon as possible.

Marco Mateo – Washington Township

Mr. Mateo appeared before Council to provide an update on the Washington Theatre and that he was recently evicted from the theatre. Two weeks prior Mr. Mateo had given the landlord approximately \$3,000 to cover back property taxes which Mr. Mateo added was in lieu of rent. Mr. Mateo was hopeful to re-establish the theatre after it had been shut down in December due to fire code violations. After being falsely accused of trespassing, Mr. Mateo was asked to sign a letter of voluntary eviction through his landlord. Mr. Mateo stated that he did not want to sign the letter because he was still very hopeful to reopen the theatre and possibly secure a grant that would allow him to purchase the theatre as a historic acquisition. Mr. Mateo stated that he would like to keep the theatre going for the benefit of the entire community. Mr. Mateo stated that unfortunately after another false accusation he was given an ultimatum to either sign the voluntary letter of eviction or be arrested. Regretfully, Mr. Mateo signed the letter of eviction. Mr. Mateo continues to feel that the theatre is a vital part of the Washington community and does not want to see it become just another eyesore in the Borough or worse yet, become a victim to arson. Mr. Mateo asked Council if the Borough could possibly purchase the theatre in order to save it. Attorney Parikh replied that there are many considerations and legalities to go through. Mayor McDonald recused himself at this point due to his position on the Washington Theatre Advisory Board. Deputy Mayor Heinrich replied that due to the fact that the building is deteriorating and would need a substantial amount of money to restore, the Borough would probably not be able to purchase the property at this time. Attorney Parikh added that the Borough would be legally able to acquire the property but would not be able to run a business for profit out of the property. Attorney Parikh stated that she would have to research if the Borough was interested in purchasing the property if it would be able to lease the building out to Mr. Mateo to operate. Mr. Mateo added that he is just trying to figure out what his options are to save the theatre. Councilman Higgins asked how did the building get in such disarray if the theater has been operating for the past eight years. Mr. Mateo replied that he wasn't able to keep up with the costs to repair the roof and the heating system both which caused further damage. Mr. Mateo commented that business started trending downward after digital projection came out and 3D movies became a big hit. Councilman Higgins added that he would love to see the theatre remain open and become a successful community theatre but for the Borough to take ownership would be on the burden of the taxpayers.

Karla Bogli – 150 North Lincoln Avenue

Ms. Bogli asked if it was possible to add curbing to North Lincoln Avenue when the paving project is being done. Ms. Bogli added that since there are no curbs, the cars parking on the side of the road and the snow plows coming through are causing her property to deteriorate. Mr. Bloom replied that the grant itself for North Lincoln Avenue did not include curbing which is a large cost for that length of road. Mr. Bloom added that the Streets Committee had discussed curbing and unfortunately at this time it is a cost issue. Councilwoman Noone added that Council is disappointed that they can't do curbing on North Lincoln at this time and that there is \$200,000 budgeted for streets and

roads and that is very little money for the amount of roads in the Borough that need repair and need paving. Ms. Bogli commented that her section of North Lincoln Avenue has been neglected for a very long time. Councilman Higgins replied that he understands curbing is needed and it is on the list but there are other roads that need to be fixed first.

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

Ayes: 7, Nays: 0
Motion Carried

REPORTS:

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

1. DPW Report – March 2015
2. Municipal Court Report – March 2015
3. Washington Township Police Report – March 2015

Ayes: 7, Nays: 0
Motion Carried

COMMITTEE REPORTS:

Streets Committee

Mr. Dawson Bloom from Finelli Engineering stated that the Streets Committee met yesterday and a few items were discussed. The Streets Committee put together a list of streets that need to be paved in 2015. Mr. Bloom added that there are probably more streets on the list than there is money available. The list includes North Prospect Street (from Route 57 to Carlton Avenue), Park Avenue (from Pohatcong Avenue to Railroad Avenue), Presidential Drive, McDonald Street, Flower Avenue (Harding Street to Sunrise Terrace), Filmore Street (from McKinley Avenue to Gibson Place), Jefferson Street, West Warren (from Belvidere Avenue to Grand Avenue), and Stewart Street (from Belvidere Avenue to Grand Avenue). Mr. Bloom will have Tilcon provide estimates for each of those locations which will most likely exceed the budget so down the road the Streets Committee will have to make decisions as to which roads get paved.

Mr. Bloom added that the repairs to the Mid Block Crossing were discussed since there is some pressure from the Department of Transportation to take action. Mr. Bloom has been in discussion with the D.O.T. to see what kind of paving section they would require and what other adjustments would be needed to make the Mid Block Crossing pedestrian / vehicular connection safer and more clear.

Mayor McDonald added that he has a letter from the D.O.T. in regards to the Route 57 Mid Block Crossing that they insist the Borough sign to accept full ownership of the crosswalk. Councilman Higgins stated that since Attorney Parikh has not had the opportunity to go over the letter he is not comfortable with the Borough signing it. In order to update everyone on Council Mr. Bloom stated that the Mid Block Crossing on Route 57 was constructed by the Borough and approved by the D.O.T. approximately eight years ago. Mr. Bloom added that typically there are then agreements that follow the construction and a process that identifies the Mid Block Crossing. That process and the agreement were not completed and the Mid Block Crossing on Route 57 doesn't officially exist. The crosswalk only recently came to light since the D.O.T. wants to resurface all of Route 57. The D.O.T. has indicated that if there is not an agreement in place then they will simply remove it. Council agreed to table this discussion until Attorney Parikh and Mr. Bloom have reviewed the agreement.

Councilwoman Noone made a motion to table the memorandum of agreement from the Department of Transportation and have the attorney and engineer work on the amendments, seconded by Conry and approved.

Ayes: 7, Nays: 0
Motion Carried

Councilwoman Klimko expressed concerns over the width of the sidewalk and how there is no shoulder in the road. Councilwoman Klimko added that if a pedestrian is standing right on the edge, they are practically in the line of traffic and she would like to see the curbing pushed back a little bit to provide more safety. Councilwoman Klimko stated that pushing the curbing back could also provide additional parking spaces as well. Mr. Bloom expressed that there would be additional costs with making those amendments to the crosswalk and the Borough may run into issues with matching pavers.

Councilwoman Klimko commented that she does not want to spend the money to make the repairs now and a few years later have to make more repairs. Mr. Bloom replied that perhaps another committee meeting is needed to discuss the options and the scope of the work goes from making a few repairs to a larger reconfiguration project. Mr. Bloom also suggested that he schedule a meeting with the D.O.T. to see what they would consider repairs versus new project.

ORDINANCES:

Ordinance 4-2015 An Ordinance Providing Funding for a Zero Turn Lawnmower for the Borough of Washington and Appropriating \$6,000 for Such Purposes (Introduction)

Council Discussion:

Councilman Heinrich asked if this purchase was being taken out of last year's budget. Manager Blanchard replied that this purchase is coming out of unexpended capital items from last year's budget which was also discussed in the Manager's Report this week. Manager Blanchard stated that CFO Turchan and herself agreed that they could purchase the new zero turn mower for the Recreation Commission which was definitely needed. Manager Blanchard added that the old mower went to the D.P.W. for repair and to keep for their own mowing purposes. Councilwoman Klimko asked who cuts the grass at the parks for the Recreation Commission. Manager Blanchard replied that the Recreation Commission hires their own seasonal staff.

Motion made by Noone, seconded by Conry to introduce Ordinance 4 – 2015 and have the Clerk read by title.

Roll Call: Noone, Klimko, McDonald, Conry, Higgins, Heinrich,
Thompson

Ayes: 7, Nays: 0

Motion Carried

The Clerk read Ordinance 4-2015 An Ordinance Providing Funding for a Zero Turn Lawnmower for the Borough of Washington and Appropriating \$6,000 for Such Purposes

ORDINANCE #4-2015

**AN ORDINANCE PROVIDING FUNDING FOR A ZERO TURN
LAWNMOWER FOR THE BOROUGH OF WASHINGTON AND
APPROPRIATING \$6,000 FOR SUCH PURPOSES.**

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN AND STATE OF NEW JERSEY, AS FOLLOWS:

Section 1. The Borough of Washington, in the County of Warren, New Jersey, authorizes the acquisition of a zero turn lawnmower, for the Borough of Washington to be funded from the sources specified in Section 2 of the Ordinance.

Section 2. The amount of \$6,000 is hereby appropriated for the purposes stated in Section 1 of the Ordinance and which amount was funded from the Capital Improvement Fund in the amount of \$6,000.

Section 3. In connection with the purpose and the amount authorized in Sections 1 and 2 hereof, the Borough determines the purpose described in Section 1 hereof is not a Current Expense and is an improvement which the Borough of Washington may lawfully make as a general improvement.

Section 4. All ordinances or parts of ordinances which are inconsistent with the terms of this Ordinance be and the same are hereby repealed to the extent of their inconsistency.

Section 5. This Ordinance shall take effect immediately upon due passage and publication according to law.

Motion made by Conry seconded by Thompson to approve Ordinance 4 – 2015 on first reading.

Ayes: 7, Nays: 0
Motion Carried

Public Hearing of Ordinance 4-2015 An Ordinance Providing Funding for a Zero Turn Lawnmower for the Borough of Washington and Appropriating \$6,000 for Such Purposes will be on May 19, 2015 and advertisement of the Public Hearing will be in the Star Gazette on May 1, 2015.

A motion was made by Higgins, seconded by Noone to approve advertisement of the Public Hearing of Ordinance 4-2015.

Roll Call: Noone, Klimko, McDonald, Conry, Higgins, Heinrich,
Thompson
Ayes: 7, Nays: 0
Motion Carried

NEW BUSINESS:

Approval to Apply for the 2015 Recreational Trails Program Grant Application

RESOLUTION #78-2015

**RESOLUTION IN SUPPORT OF GRANT APPLICATION UNDER THE NEW
JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION'S 2015
RECREATIONAL TRAILS PROGRAM**

WHEREAS, the New Jersey Department of Environmental has announced that they are accepting applications for grant funding under the 2015 Recreational Trails Grant Program; and

WHEREAS, the Borough of Washington currently owns recreational lands that would be suitable for expansion under this program; and

WHEREAS, the Recreation Commission and Recreation Director has determined that if the Borough is the recipient of this grant the funds could be used in create a walking path at Railroad Ave. Park that would greatly benefit residents of the community.

NOW, THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Washington hereby endorse submitting an application under the above-referenced grant program.

BE IT FURTHER RESOLVED, that a certified copy of this be forwarded to the New Jersey Department of Environmental along with the grant application.

A motion made by Heinrich, seconded by Conry to give approval to apply for the 2015 Recreational Trails Program Grant.

Council Discussion:

Councilman Higgins asked if there were any conditions associated with the grant such as the Borough matching the funds. Manager Blanchard replied that grant amount is \$24,000 with a match from the Borough of \$6,250 for a total cost spent of \$31,250. Manager Blanchard added that she and Mr. Bloom both reviewed the proposal and the Railroad Avenue project would exceed the amount of \$31,250 so the Borough and Recreation would have to come up with additional funding. Manager Blanchard estimated the walking trails project on the Railroad Avenue site would cost approximately \$75,000 to \$100,000 in funding to complete the project. Manager Blanchard added that the Borough can apply for the grant and if awarded the Borough does not have to take it if the Borough is in the position next year where the money can not be raised. Councilwoman Noone stated that it makes sense to the Borough at least try to get the grant and take it from there.

Roll Call: Klimko, Noone, Conry, Thompson,
Heinrich, Higgins, McDonald
Ayes: 7, Nays: 0

Motion Carried

Approval of Bingo Application – St. Joseph’s Church

A motion made by Conry, seconded by Noone to give approval to for a Bingo Application for St. Joseph’s Church.

Ayes: 7, Nays: 0
Motion Carried

Resolution #73-2015 Redemption of Tax Certificate

RESOLUTION #73-2015

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on November 7, 2014 to FWDSL & Associates LP, 5 Cold Hill Rd S Ste:11, Mendham, NJ 07945, in the amount of \$689.57 for taxes or other municipal liens assessed for the year 2013 in the name of Domenic, Jeffrey A. & Meribeth I. as supposed owners, and in said assessment and sale were described as 351 North Prospect St. , Block 2.06 Lot 6, which sale was evidenced by Certificate #14-00005; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 3-23-15 and before the right to redeem was cut off, as provided by law, EastWest Bank on behalf of Lereta Tax Service claiming to have an interest in said lands, did redeem said lands claimed by FWDSL & Associates LP by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,418.12 which is the amount necessary to redeem Tax Sale Certificate #14-00005.

NOW THEREFORE BE IT RESOLVED, on this 21st day of April, 2015 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 Rd S Ste: 11, Mendham, NJ 07945 in the amount of **\$2,718.12** (This amount consists of \$1,418.12 Certificate Amount redeemed + \$1,300.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 2.06 Lot 6 from the tax office records.

Resolution #74-2015 Redemption of Tax Certificate

RESOLUTION #74-2015

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 Rd S Ste:11, Mendham, NJ 07945, in the amount of \$6,808.27 for taxes or other municipal liens assessed for the year 2011 in the name of Mueller, Elizabeth L. as supposed owner, and in said assessment and sale were described as 80 Park Avenue, Block 83 Lot 4, which sale was evidenced by Certificate #12-00051; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 4-09-15 and before the right to redeem was cut off, as provided by law, Fifth Third Bank on behalf of Title Source, Inc. claiming to have an interest in said lands, did redeem said lands claimed by FWDSL & Associates LP by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$32,271.45 which is the amount necessary to redeem Tax Sale Certificate #12-00051.

NOW THEREFORE BE IT RESOLVED, on this 21st day of April, 2015 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 Rd S Ste: 11, Mendham, NJ 07945 in the amount of **\$46,771.45** (This amount consists of \$32,271.45 Certificate Amount redeemed + \$14,500.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 83 Lot 4 from the tax office records.

Resolution #75-2015 Redemption of Tax Certificate

RESOLUTION #75-2015

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 Rd S Ste:11, Mendham, NJ 07945, in the amount of \$7,445.93 for taxes or other municipal liens assessed for the year 2011 in the name of Beasley, Harold J. as supposed owner, and in said assessment and sale were described as 156 N. Lincoln Avenue, Block 6 Lot 71, which sale was evidenced by Certificate #12-00008; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 4-15-15 and before the right to redeem was cut off, as provided by law, PNC Bank, claiming to have an interest in said lands, did redeem said lands claimed by FWDSL & Associates LP by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$40,148.54 which is the amount necessary to redeem Tax Sale Certificate #12-00008.

NOW THEREFORE BE IT RESOLVED, on this 21st day of April, 2015 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 Rd S Ste: 11, Mendham, NJ 07945 in the amount of **\$55,148.54** (This amount consists of \$40,148.54 Certificate Amount redeemed + \$15,000.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 6 Lot 71 from the tax office records.

Resolutions #73-2015, #74-2015, and #75-2015 were moved on a motion made by Higgins, seconded by Conry and approved.

Roll Call: Klimko, Noone, Conry, Thompson,
Heinrich, Higgins, McDonald

Ayes: 7, Nays: 0

Motion Carried

Resolution #77-2015 Requesting Permission for the Dedication by Rider for Senior Activities Purposes

RESOLUTION #77-2015

**A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY
RIDER FOR SENIOR ACTIVITIES PURPOSES**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a county or municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, N.J.S.A.40A:5-29 provides that the Director of the Division of Local Government Services may approve expenditures or moneys by dedication by rider; and

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

1. The Borough Council does hereby request permission of the Director or the Division of Local Government Services to pay expenditures under the provisions of N.J.S.A.40A:5-29, for the exclusive purpose of depositing and expending funds paid by individuals to offset the costs of operating municipal “fee-based” senior’s activities programs.

2. The Municipal Clerk is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services. Kristine Blanchard, Municipal Clerk of the Borough of Washington, Warren County, New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Borough Council at a meeting held on April 21, 2015.

Resolution #77-2015 was moved on a motion made by Conry, seconded by Heinrich and approved.

Roll Call: Klimko, Noone, Conry, McDonald,
Heinrich, Higgins, Thompson
Ayes: 7, Nays: 0
Motion Carried

VOUCHERS:

Mayor McDonald entertained a motion to approve the vouchers and claims in the amount of \$470,715.47

Motion made by Conry, seconded by Higgins to approve the vouchers.

Council Discussion:

Councilman Heinrich asked about the charge from Good Impressions for a full page ad in the Washington Messenger for May and June. Mayor McDonald replied that typically that is an ad announcing the opening of the pool and listing the pool rates.

Roll Call: Noone, Conry, Klimko, Thompson, Heinrich, Higgins,
McDonald

Ayes: 7, Nays: 0

Motion Carried.

RECAP:

Manager Blanchard will communicate with The Lost Ladies Grill in regards to the regulations of the outdoor dining table. Manager Blanchard will also look into the truck located at 167 North Lincoln Avenue and coordinate the effort between the Municipal Attorney and the Municipal Engineer to amend the Mid Block Crossing agreement with the Department of Transportation.

COUNCIL REMARKS:

Councilman Heinrich stated that the bus is approximately half full for the trip to the Sands Casino in Bethlehem sponsored by the Senior Advisory Committee.

Councilman Noone announced that the Washington Borough Farmer's Market is going to open for the 2015 season on Saturdays from June 6th to September 26th between 9:00am to 1:00pm due to a large amount of work done by the Washington Borough Green Team and the Washington Business Improvement District.

Councilwoman Conry noted that Recreation is working on the Splash Pad at the Borough Park Pool which should be ready to go for the 2015 summer season. Councilwoman Conry asked Manager Blanchard to contact the Chief of Washington Township and have them place a patrol car near the mid block crossing so that a pedestrian does not get injured since the lights are not working properly.

Councilman Higgins asked if there was an update in regards to the solar farm. Manager Blanchard replied that she is still in discussion with Washington Community Solar and there's no update yet. Councilman Higgins asked if there has been any progress on the solar evaluation organized through the Washington Borough Board of Education. Manager Blanchard replied that their meeting is not until next week. Councilman Higgins also asked if the signage for the no parking areas around town will go up soon. Manager Blanchard replied that the D.P.W. has been busy with storm drains, potholes and brush pickup. Councilman Higgins stated that he has a copy of the Township of Mount Olive's employee code of conduct and would like the Borough's Attorney to review it.

Councilwoman Klimko stated that in the municipal parking lot where the farmer's market is going to be located there are signs for two hour parking during the hours of 8:00 am and 8:00 pm but there have been cars parked there for weeks. Since the two hour parking limit is not being enforced, there will be problems when it comes time for the farmer's

market to set up. Councilman Higgins added that Mr. Van Cleef was given 96 parking medallions for his tenants as part of the redeveloper's agreement and were told they can park wherever they want. Councilwoman Noone added that in the past if there was an event such as the farmer's market, there would be signs put up to notify residents that the spaces will be needed. Manager Blanchard replied that she can pass that information on to the Washington Township Police Department to notify the officer's on duty.

Councilman Thompson thanked Council for their thoughts, prayers and cards.

Mayor McDonald stated that there was a Route 57 Scenic Byway study done about two years ago. It was promoted to the Borough at that time that they would possibly get more grant opportunities due to their part in the Route 57 Scenic Byway but that was not the case. The organization is now in danger of losing funding so there is a meeting on May 11th at 7:00pm at the Washington Township Municipal Building with the hopes to start the organization back up again. Councilwoman Noone volunteered to represent the Borough at the meeting on May 11th. Mayor McDonald also stated that he has the Highlands Commission 2014 Annual Report if anyone would like to take a look. Mayor McDonald added that this past Saturday the Green Team started to create a walking path near the sewer plant and Community Garden. Carly Sopko from Shop Rite was able to solicit donations of drinks and snacks for those helping. The College of New Jersey, Phillipsburg Youth Corps and SAVE from Warren Hills High School all helped out and are hoping to complete the path in October.

EXECUTIVE SESSION:

At this time, Mayor McDonald stated that an Executive Session is needed for the purpose of litigation. A motion was made by Higgins, seconded by Thompson to enter into Executive Session after a ten minute recess.

Ayes: 7 Nays: 0
Motion Carried

RESOLUTION # 76-2015 **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: ___/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 Heinrich, to go out of Executive Session.

Ayes: 7, Nays: 0
Motion Carried

ADJOURNMENT:

Hearing no further business, a motion was made by Higgins, seconded by Noone to adjourn the meeting at 8:50p.m.

Ayes: 7, Nays: 0
Motion Carried

Mayor Scott McDonald

Kristine Blanchard, RMC Borough Clerk