

BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – September 20, 2016

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, P.L. 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 let everyone in the flag salute.

Roll Call: Conry, Heinrich, Higgins, Klimko, McDonald, Noone, Thompson
Absent: None
Also Present: Ann Kilduff, Borough Clerk; Jasmine Lim, Interim Borough Manager;
Attorney Leslie Parikh; and Dawson Bloom, Borough Engineer

PROCLAMATION

Mayor McDonald read the following proclamation:

***PROCLAMATION DESIGNATING
OCTOBER 2016 AS
“NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH”***

WHEREAS, in 1991, the New Jersey Legislature found and declared that domestic violence is a serious crime against society; and

WHEREAS, in Warren County in 2014 (the most recent statistics available), 1,347 people were arrested as the result of an act of domestic violence; and

WHEREAS, domestic violence affects people of all ages, races, genders, income levels, and sexual identities; and

WHEREAS, survivors of domestic violence must deal with the effects of physical injuries, psychological damage, financial barriers, and trouble finding safe housing; and

WHEREAS, everyone should be free from violence; and

WHEREAS, no one should feel unsafe in their own home; and

WHEREAS, domestic violence will not be eliminated without a concerted effort amongst the community at large.

NOW, THEREFORE, BE IT RESOLVED, that I, Scott McDonald, Mayor of the Borough of Washington, County of Warren, do hereby proclaim October 2016 as Domestic Violence Awareness Month in Washington Borough and urge residents to work together to raise awareness of this important issue and support those who have been victimized.

BE IT FURTHER RESOLVED that the Borough Clerk be directed to have a certified copy of this proclamation recorded in the permanent minutes of the Borough of Washington in perpetuity.

Jill of the Domestic Abuse & Sexual Assault Crisis Center of Warren County thanked the Mayor, Council and the community for their support. She provided hand outs of upcoming fundraising and awareness events.

EXECUTIVE SESSION

A motion was made by Higgins, seconded by Conry, to approve Resolution 148-2016 Authorizing Executive Session for the purpose of contract negotiations and potential litigation at 7:06 pm.

Ayes: 7 Nays: 0

Motion Carried

RESOLUTION # 148-2016 **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 purchase, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed; Real Estate Acquisitions

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

_____Investigations of violations or possible violations of the law;

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

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

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

_____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 come out of Executive Session at 7:15 pm.

Ayes: 7 Nays: 0
Motion Carried

CORRESPONDENCE

A motion was made by Higgins, seconded by Thompson to receive and file the correspondence.

1. ISO's Public Protection Classification

Ayes: 7 Nays: 0
Motion Carried

Councilman Higgins explained the Borough has received the best insurance rating because of the fire protection in the town.

MINUTES

Regular Meeting Minutes September 6, 2016

Motion was made by Heinrich, seconded by Conry, to approve the Regular Meeting minutes of September 6, 2016.

Ayes: 7 Nays: 0
Motion Carried

Executive Session Minutes of the Regular Meeting of September 6, 2016. (Proofed for Content Only)

Motion was made by Heinrich, seconded by Conry, to approve the Executive Session Minutes of the Regular Meeting held September 6, 2016.

Ayes: 7 Nays: 0
Motion Carried

AUDIENCE

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

John Montaverde – Business Improvement District

J. Montaverde updated Council on the twenty-five flower pots installed in the downtown area and thanked the Fire Department for their assistance. The Festival in the Borough will be held Saturday.

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

Ayes: 7 Nays: 0
Motion Carried

REPORTS

A motion was made by Higgins, seconded by Conry, to receive and file the following report:

1. Recreation Commission

Ayes: 7 Nays: 0
Motion Carried

COMMITTEE REPORTS

Councilman Higgins scheduled a Streets and Sewer Committee Meeting for Monday, September 26, 2016 at 5:30 pm at the municipal building.

OLD BUSINESS

There was no Old Business at this meeting.

ORDINANCES

Ordinance 5-2016 – An Ordinance Providing Funding for Road Paving and Crosswalk Reconstruction for the Borough of Washington and Appropriating \$400,000 for Such Purpose (Second Reading, Public Hearing and Adoption)

ORDINANCE #5-2016
BOROUGH OF WASHINGTON

AN ORDINANCE PROVIDING FUNDING FOR ROAD PAVING AND CROSSWALK RECONSTRUCTION FOR THE BOROUGH OF WASHINGTON AND APPROPRIATING \$400,000 FOR SUCH PURPOSE.

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 for a road paving project, including but not limited to the following roads: O’Shea Street, Fisher Avenue, James Street, Oakwood Terrace, McDonald Street and Flower Avenue, and crosswalk reconstruction, including all work and materials necessary therefor and incidental

thereto for the Borough of Washington, to be funded from the sources specified in Section 2 of the Ordinance.

Section 2. The amount of \$400,000 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 \$400,000.

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.

A motion was made by Heinrich, seconded by Conry to introduce Ordinance 5-2016 on final passage.

ROLL CALL: Heinrich, Conry, Higgins, Klimko, Noone, Thompson, McDonald
Ayes: 7; Nays: 0
Motion Carried

The Clerk read Ordinance 5-2016 by title only. Mayor McDonald opened the public hearing of Ordinance 5-2016. Seeing no one, a motion was made by Higgins, seconded by Klimko, to close the public portion of Ordinance 5-2016.

ROLL CALL: Higgins, Klimko, Conry, Heinrich, Noone, Thompson, McDonald
Ayes: 7; Nays: 0
Motion Carried

A motion was made by Higgins, seconded by Thompson, to adopt Ordinance 5-2016 on second reading.

ROLL CALL: Higgins, Thompson, Conry, Heinrich, Klimko, Noone, McDonald
Ayes: 7; Nays: 0
Motion Carried

Ordinance 6-2016 – An Ordinance Providing Funding for Fire Equipment for the Borough of Washington and Appropriating \$10,000 for Such Purpose (Introduction)

**ORDINANCE NO. 6-2016
BOROUGH OF WASHINGTON**

**AN ORDINANCE PROVIDING FUNDING FOR FIRE EQUIPMENT FOR
THE BOROUGH OF WASHINGTON AND APPROPRIATING \$10,000
FOR SUCH PURPOSE.**

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 for acquisition of fire equipment, including but not limited to, self-contained breathing apparatus equipment for the Borough of Washington to be funded from the sources specified in Section 2 of the Ordinance.

Section 2. The amount of \$10,000 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 \$10,000.

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.

A motion was made by Heinrich, seconded by Conry to introduce Ordinance 6-2016.

ROLL CALL: Heinrich, Conry, Klimko, Noone, McDonald
Ayes: 5; Nays: 0; Abstentions: 2 (Higgins, Thompson)
Motion Carried

The Clerk read Ordinance 6-2016 by title only. A motion was made by Heinrich, seconded by Conry, to approve Ordinance 6-2016 on first reading.

ROLL CALL: Heinrich, Conry, Klimko, Noone, McDonald
Ayes: 5; Nays: 0; Abstentions: 2 (Higgins, Thompson)
Motion Carried

Mayor McDonald advised the public this is to provide self-contained breathing equipment for the Fire Department to replace their current worn out equipment.

The Clerk stated the public hearing of Ordinance 6-2016 will be October 4, 2016 and Advertisement of the public hearing will be in the Star Gazette on September 23, 2016.

A motion was made by Heinrich, seconded by Conry, to approve the advertisement of the public hearing of Ordinance 6-2016.

ROLL CALL: Heinrich, Conry, Klimko, Noone, McDonald
Ayes: 5; Nays: 0; Abstentions: 2 (Higgins, Thompson)
Motion Carried

NEW BUSINESS

J. Lim stated per the Animal Control Officer, there are approximately two hundred feral cats in the areas of School Street, Beethoven Avenue and Railroad Avenue. There is a fee of \$100.00 for the Catch, Neuter and Release program. Council discussed alternative solutions.

Resolution #139-2016 – Authorizing the Adjustment of a Borough’s Sewer Service Charge due to the Disconnection from the Sewer System

RESOLUTION #139-2016

A RESOLUTION AUTHORIZING THE ADJUSTMENT OF A BOROUGH'S SEWER SERVICE CHARGE DUE TO DISCONNECTION FROM THE SEWER SYSTEM

WHEREAS, according to the Treasurer's records, a borough property located at 40 Route 31 was disconnected from the Washington Borough Sewer system on August 26, 2016 and;

WHEREAS, the quarterly sewer invoice was being billed without interruption for the 2016 billing cycle and;

WHEREAS, the Borough Treasurer's office has received a written notification from Sewer Plant Manager, Kevin Shoudt that the sewer line was capped off. It was confirmed that the property at 40 Route 31 was disconnected from the Washington Borough Sewer system. The building was demolished with no current plans for reconstruction.

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 Borough Treasurer is authorized to adjust the sewer account #1348-0 with a zero balance which reflects the amount

due at the time the sewer connection was capped.

<u>BLOCK/LOT</u>	<u>PROPERTY OWNER/ PROPERTY LOCATION</u>	<u>FINAL BAL. AFTER CAP</u>
65/1	Viscuso Realty Company, Inc. 156 State Highway Route 31 Washington, NJ 07882	\$ 0.00

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 Borough Treasurer is authorized to discontinue sewer billing at the above property location.

Resolution 139-2016 was moved on a motion by Higgins, seconded by Heinrich, and approved.

ROLL CALL: Higgins, Heinrich, Conry, Klimko, Noone, Thompson, McDonald
Ayes: 7; Nays: 0
Motion Carried

Resolution #140-2016 – Refund Overpayment of 1st and 2nd Quarters 2016 Real Estate Taxes Due to Exempt Status

RESOLUTION #140-2016

A RESOLUTION TO REFUND OVERPAYMENT OF 1st AND 2nd QUARTERS 2016 REAL ESTATE TAXES DUE TO EXEMPT STATUS

WHEREAS, according to the Tax Collector's records, there is an overpayment of \$3,088.34 on 1st Quarter 2016 Taxes and \$3,077.11 on 2nd Quarter 2016 Taxes due to the Tax Exempt Status on the property located at 30 Alvin Sloan Avenue, also known as Block 2.07 Lot 4 and assessed in the name of Divine Mercy Healing Center, Inc.; and

WHEREAS, the property owner has qualified for Exempt Status in the year 2016 as of January 1, 2016, which has created the overpayment; and

WHEREAS, the Tax Collector has received a written notification from the Washington Borough Tax Assessor, Ryan Riccio that Block 2.07 Lot 4 has documentation that the facility is a Parsonage; 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, to hereby authorize the Tax Collector to refund the amount of \$6,165.45 payable to: Divine Mercy Healing Center, Inc. 30 Alvin Sloan Avenue, Washington, NJ 07882.

Resolution 140-2016 was moved on a motion by Conry, seconded by Klimko, and approved.

ROLL CALL: Conry, Klimko, Heinrich, Higgins, Noone, Thompson, McDonald
Ayes: 7; Nays: 0
Motion Carried

Resolution 143-2016 – Resolution to Void a Developer’s Check Issued in Error Creating a Duplicate Payment

RESOLUTION #143-2016

**A RESOLUTION TO VOID A DEVELOPERS CHECK ISSUED IN ERROR
CREATING A DUPLICATE PAYMENT**

WHEREAS, the Mayor and Council approved the following payments on the claims list of June 8, 2016, and subsequently checks were written on June 9, 2016:

Finelli Consulting Engineers \$55.00 Ck. #2434 Error: Duplicate Payment

WHEREAS, it was brought to the attention of the finance office by Finelli Consulting Engineers that the aforementioned check had been paid by Kristine Blanchard on 02/04/2016 as part of check #1388;

WHEREAS, Finelli Consulting Engineers cannot locate the check to return it to the Borough of Washington, but assure that they will not deposit same if it is located.

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 authorized the Treasurer to void the above-captioned check #2434 issued June 9, 2016 in the amount of \$55.00 as it was a duplicate payment.

Resolution 143-2016 was moved on a motion by Noone, seconded by Klimko, and approved.

ROLL CALL: Noone, Klimko, Conry, Heinrich, Higgins, Thompson, McDonald
Ayes: 7; Nays: 0
Motion Carried

Resolution 144-2016 – Retail Consumption License – Washington Inn, Inc. t/a Felix’s Tavern

RESOLUTION #144-2016
RETAIL CONSUMPTION LICENSE

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

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

WHEREAS, the Licensee has received a Special Ruling from the Director of Alcoholic Beverage Control pursuant to NJSA 33:1-12.18 to issue a new license for the license term 2016 – 2017.

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

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

From July 1, 2016 – June 30, 2017, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

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

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

Resolution 144-2016 was moved on a motion by Conry, seconded by Klimko, and approved.

Ayes: 7; Nays: 0
Motion Carried

Resolution 146-2016 – Resolution Establishing a Complete Streets Policy

After a brief discussion, a motion made by Noone and seconded by Conry to approve Resolution 146-2016 was withdrawn. A motion was made by Higgins, seconded by Thompson, to table Resolution 146-2016 until the October 4, 2016 meeting.

Ayes: 7; Nays: 0
Motion Carried

Resolution 147-2016 – Resolution Authorizing the Execution of an Agreement with the Morris County Cooperative Pricing Council to Renew Membership Therein for the Period of October 1, 2016 through September 30, 2021

**Borough of Washington
Resolution #147-2016**

**AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE MORRIS COUNTY
COOPERATIVE PRICING COUNCIL TO RENEW MEMBERSHIP THEREIN FOR
THE PERIOD OF OCTOBER 1, 2016 THROUGH SEPTEMBER 30, 2021**

WHEREAS, the Morris County Cooperative Pricing Council (“MCCPC”) was created in 1974 to conduct a voluntary cooperative pricing system with municipalities, boards of education, and other public bodies located in the County of Morris and adjoining counties; and

WHEREAS, the purpose of the MCCPC is to provide substantial savings on various goods and services to its members through the cooperative public bidding process; and

WHEREAS, The Borough of Washington, County of Warren desires to enter into an Agreement with the MCCPC, which is administered by Randolph Township as Lead Agency, to **renew** its membership in the MCCPC for the period of October 1, 2016 through September 30, 2021.

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

1. The Mayor and Council of the Borough of Washington, County of Warren hereby authorize the execution of an Agreement with the Morris County Cooperative Pricing Council by the Township of Randolph as Lead Agency dated October 1, 2016, pursuant to N.J.S.A. 40A:11-11(5). Said Agreement is for **renewal** of membership in the MCCPC for a five (5) year period from October 1, 2016, through September 30, 2021.
2. The Borough of Washington Clerk is hereby directed to submit a copy of this adopted Resolution, along with an executed Agreement, to Randolph Township as Lead Agency of the MCCPC.

3. This Resolution shall take effect immediately upon final passage according to law.
4. All appropriate Borough of Washington officials are authorized and directed to perform all required acts to affect the purpose of this Resolution.

Resolution 147-2016 was moved on a motion by Noone, seconded by Conry, and approved.

Ayes: 7; Nays: 0
Motion Carried

VOUCHERS

A motion was made by Higgins, seconded by Conry, to approve the vouchers and claims in the amount of \$908,630.60.

Council Discussion:

Councilman Heinrich questioned the amount of publishing one of the legal advertisements. The Clerk stated Ordinance 3-2016 was rather large which explained the higher cost.

ROLL CALL: Higgins, Conry, Heinrich, Klimko, Noone, Thompson, McDonald
Ayes: 7; Nays 0; Abstentions: 1 (Thompson–Fire/EMS only)
Motion Carried

RECAP

J. Lim will contact Phillipsburg regarding their feral cat procedure.

COUNCIL REMARKS

Councilman Higgins, Councilman Thompson, and Mayor McDonald encouraged everyone to attend the Festival in the Borough on Saturday.

Council took a short recess before entering into Executive Session.

EXECUTIVE SESSION

A motion was made by Thompson, seconded by Noone, to approve Resolution 145-2016 Authorizing Executive Session for the purpose of discussing personnel matters and contract negotiations and potential litigation matters at 8:00 pm.

Ayes: 7 Nays: 0
Motion Carried

RESOLUTION # 145-2016
AUTHORIZING EXECUTIVE SESSION

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

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

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

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

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

_____A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public

(Provision relied upon: _____);

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

_____A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

_____A collective bargaining agreement, or the terms and conditions thereof (Specify contract: _____);

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

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

_____Investigations of violations or possible violations of the law;

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

_____Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general

nature of the matter is: _____
_____ OR _____ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.);
X Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is: Borough Manager 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 Conry, to come out of Executive Session at 8:51 pm.

Ayes: 7 Nays: 0
Motion Carried

ADJOURNMENT

Hearing no further business, a motion was made by Conry, seconded by Klimko, to adjourn the meeting at 8:52 pm.

Ayes: 7 Nays: 0
Motion Carried

Mayor Scott McDonald

Ann Kilduff, RMC Borough Clerk