

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES -November 8, 2017**

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.

Roll Call: Heinrich, Higgins, Klimko, Noone, Norris, Thompson and Valle.

Also, Present: Matthew Hall, Manager
Laurie A. Barton Borough Clerk
Tara St. Angelo, Attorney

Mayor Higgins led everyone in the flag salute.

Mayor Higgins 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.”

Councilman Elect, Keith Norris was sworn in by Senator Michael Doherty.

Correspondence

Motion made by Heinrich and seconded by Valle to receive and file the following correspondences:

Senator Michael Doherty-support of Resolution 2017-199-opposing Senate Bills 1045 and 1046
Senator Loretta Weinberg, Senate Bills 1045 & 1046
New Jersey General Assembly-Assembly Resolution No. 216
Hunterdon Health Care Forum-Hunterdon Medical Center
Hackettstown Medical Center-Tour of newly renovated Rehabilitation Center

Ayes: 7, Nays: 0
Motion carried.

Minutes

Motion made by Heinrich and seconded by Thompson to approve the following minutes:

Regular Meetings of October 3, 2017 & October 17, 2017
Executive Session 10/03/17 & 10/17/17 (**Proof for content only**)

Ayes: 7, Nays: 0
Motion carried.

Council Appearance

John Monteverde, BID Executive Director, welcomed newly elect Councilman Norris. Flyers were handed out for the third annual Operation Jersey Care Support the Troops campaign.

Reverend Bauknight, thanked those who sent flowers, cards and support to her family.

Debbie Spinks, State Street, discussed the recently passed parking ordinance and the impact it has on her street for her and the elderly residents that live along State Street, which parking is now allowed only on one side.

Michelle Norris, State Street, expressed her concerns for the parking on State Street. Mrs. Norris expressed concerns her and the residents have with excessive speeding that occurs now that its only one-sided parking.

Tom Vasko, Broadway residents, stated his mother lives on State Street, in which he and his mother have concerns with State Street now restricted to one side parking.

Hearing no further comments, motion made by Valle and seconded by Klimko to close the public portion of agenda, all were in favor.

Reports

Motion made by Noone and seconded by Valle to receive and file the following reports:

- Warren County Board Health
- Court-September
- DPW-October Monthly Report
- Recreation-September-October (Revenue and Director's Reports)

Ayes: 7 Nays: 0
Motion Carried.

Committee Reports

Green Team-Councilwoman Noone reported on the clean-up of Shabbecong Creek near the Washington Garden Apartments. Eleven students from the high school who runs the SAVE program volunteered.

Councilwoman Noone reported that there was a lot of garbage and tires cleaned up adding that it was the best turnout for the cleanup in quite a while.

BID-Mayor Higgins reported on the meeting that was held last Monday with the task force. Mayor Higgins reported that Dennis Shoeman (*owner of the theater*) came in from Florida to attend the meeting.

Mayor Higgins stated that the BID is supported not by tax dollars, but by a tax on the businesses in Washington. John Monteverde added that it is also supplemented by donations and sponsorships.

Streets-Mayor Higgins appointed newly elect Keith Norris to the Streets Committee.

New Business

Resolutions

Motion made by Heinrich and seconded by Klimko to approve Resolution 2017-211.

ROLL CALL: Heinrich, Higgins, Klimko, Noone, Norris, Thompson and Valle.
Ayes: 7, Nays: 0
Motion carried.

RESOLUTION 2017-211
A RESOLUTION TO REFUND OVERPAYMENT
ON 2017 REAL ESTATE TAXES

WHEREAS, according to the Tax Collector's records, there is an overpayment of \$3,036.65 on 2017 Regular Taxes paid on property located at 115 South Lincoln Avenue, also known as Block 100 Lot 64, and in the name of JCP&L; and

WHEREAS, the assessment was reduced to land only, and the 1st and 2nd Quarters of 2017 were paid for property and land prior to the adjustment in the 2017 tax bill, resulting in the overpayment; and

WHEREAS, the Tax Collector has been resolving the matter of tax overpayments and has received a written request from JCP&L Tax Department 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 \$3,036.65 payable to:

JCP&L
800 Cabin Hill Drive
Greensburg, PA 15601
Attn: Tax Department

Motion made by Noone and seconded by Klimko to approve Resolution 2017-212.

ROLL CALL: Heinrich, Higgins, Klimko, Noone, Norris, Thompson and Valle.
Ayes: 7, Nays: 0
Motion carried.

**RESOLUTION 2017-212
RESOLUTION APPROVING PAYMENT IN
SETTLEMENT OF OPRA LITIGATION**

WHEREAS, Jesse Wolosky filed an action against the Borough of Washington (the "Borough") before the Government Records Council ("GRC") alleging certain violations of the Open Public Records Act ("OPRA") relating to a certain OPRA request he filed on November 10, 2015 with the Borough's former Clerk / Manager; and

WHEREAS, pursuant to his November 10, 2015 OPRA request, Mr. Wolosky requested the following documents:

- Actual existing official year-end payroll records for 2012, 2013 and 2014 or the last pay stub for the custodian for the same years.
- Detailed vendor history activity report by vendor name for the custodian from January 1, 2008 through the present showing her personal reimbursements.
- Records of the custodian's continuing education and courses for her certification renewal for 2012, 2013, 2014 and 2015; and

WHEREAS, Mr. Wolosky alleged that the Borough violated OPRA by (1) failing to respond within the required seven day time limit; (2) the Borough improperly redacted certain documents; (3) the Borough failed to provide the vendor reports; and (4) the Borough failed to provide the continuing education records; and

WHEREAS, after consideration of submissions by Mr. Wolosky's counsel and the Borough's counsel, the GRC held that the Borough had violated OPRA; and

WHEREAS, the GRC determined that Mr. Wolosky was only entitled to attorney's fees with regard to the provision of the vendor history reports; and

WHEREAS, Mr. Wolosky's counsel has stated that she intends to file a motion for reconsideration of the GRC's decision if the parties cannot amicably resolve the issue of attorney's fees; and

WHEREAS, the Borough desires to resolve this matter; and

WHEREAS, counsel for Mr. Wolosky has agreed to accept the amount of \$5,500 in full settlement of this matter.

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

1. The Borough Attorney is hereby authorized to settle the above-referenced matter for the amount of \$5,500, subject to the Borough Attorney's review of a Settlement Agreement.
2. The Borough Attorney, Mayor, Clerk, and Chief Financial Officer are authorized to take any steps necessary to implement this Resolution.

Motion made by Noone and Heinrich to approve Resolution 2017-213.

Discussion

Heinrich summarized the need for the resolution citing the opportunity for the Borough to clean up the contaminated site which will receive grant funds for the purpose.

Motion was made to withdraw the motion to approve by Heinrich and Klimko.

Motion made by Noone and seconded by Klimko to approve Resolutions 2017-213 and 214 adding a \$500 fee for each resolution for an application fee.

ROLL CALL: Heinrich, Higgins, Klimko, Noone, Norris, Thompson and Valle.
Ayes: 7, Nays: 0
Motion carried.

RESOLUTION 2017-213
(VIKON)
RESOLUTION AUTHORIZING APPLICATION FOR GRANT FUNDS
FROM THE HAZARDOUS DISCHARGE SITE REMEDIATION FUND

WHEREAS, the State of New Jersey Department of Environmental Protection ("NJDEP"), through the Hazardous Discharge Site Remediation Fund ("HDSRF"), has grant funds available for the purpose of funding environmental investigations including preliminary assessments, site investigations, remedial investigations and/or remedial actions to determine the existence or extent of contamination on properties; and

WHEREAS, the property designated as Block 35, Lot 15 (the "Property") as shown on the Borough of Washington ("Borough") tax maps is subject to Certificate of Sale for Unpaid Municipal Liens for which the Borough holds the tax certificate; and

WHEREAS, the Borough may foreclose on the Property to satisfy the municipal liens and for the purpose of redevelopment; and

WHEREAS, the Borough had previously contracted with TRC Environmental Corporation ("TRC") in order to perform site investigation, remedial investigation and/or remedial action with respect to the Property; and

WHEREAS, work on this project was halted due to a shortfall in the HDSRF in 2004; and

WHEREAS, the HDSRF has subsequently been replenished by the State of New Jersey; and

WHEREAS, the Borough wishes to conduct a revised site investigation, remedial investigation and/or remedial action with respect to the Property and apply to HDSRF to fund the site investigation, remedial investigation and/or remedial action of the Property to determine the extent of the hazardous substance or hazardous waste and conduct remedial action as necessary; and

WHEREAS, TRC is qualified to prepare and submit applications on behalf of the Borough for Grant Funds.

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

I. GENERAL

The aforementioned recitals are incorporated herein as though fully set forth at length.

II. AUTHORIZATION TO PREPARE AND SUBMIT GRANT APPLICATION

TRC is hereby authorized and directed to apply for Grant Funds from HDSRF on behalf of the Borough in order to conduct site investigations, remedial investigations and/or remedial actions for the Property.

III. AUTHORIZATION FOR THE BOROUGH TO APPLY FOR GRANT FUNDS

The Borough Manager is hereby authorized and directed to execute any and all documents necessary in order to apply for Grant Funds.

IV. AUTHORIZATION TO ACCEPT GRANT FUNDS

In the event that Grant Funds are approved pursuant to a grant issued in favor of the Borough, the Borough is hereby authorized and directed to implement site investigations, remedial investigations and/or remedial actions for the Property with payment for the aforesaid services to be made from the HDSRF grant funds awarded.

V. SEVERABILITY

If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

VI. AVAILABILITY OF THE RESOLUTION

A copy of this resolution shall be available for public inspection at the offices of the Borough.

VII. EFFECTIVE DATE

This Resolution shall take effect upon final passage.

**RESOLUTION 2017-214
(TURBINE ALLOY)
RESOLUTION AUTHORIZING APPLICATION FOR GRANT FUNDS
FROM THE HAZARDOUS DISCHARGE SITE REMEDIATION FUND**

WHEREAS, the State of New Jersey Department of Environmental Protection ("NJDEP"), through the Hazardous Discharge Site Remediation Fund ("HDSRF"), has grant funds available for the purpose of funding environmental investigations including preliminary assessments, site investigations, remedial investigations and/or remedial actions to determine the existence or extent of contamination on properties; and

WHEREAS, the property designated as Block 35, Lot 45 (the "Property") as shown on the Borough of Washington ("Borough") tax maps is subject to Certificate of Sale for Unpaid Municipal Liens for which the Borough holds the tax certificate; and

WHEREAS, the Borough may foreclose on the Property to satisfy the municipal liens and for the purpose of redevelopment; and

WHEREAS, the Borough had previously contracted with TRC Environmental Corporation (“TRC”) in order to perform site investigation, remedial investigation and/or remedial action with respect to the Property; and

WHEREAS, work on this project was halted due to a shortfall in the HDSRF in 2004; and

WHEREAS, the HDSRF has subsequently been replenished by the State of New Jersey; and

WHEREAS, the Borough wishes to conduct a revised site investigation, remedial investigation and/or remedial action with respect to the Property and apply to HDSRF to fund the site investigation, remedial investigation and/or remedial action of the Property to determine the extent of the hazardous substance or hazardous waste and conduct remedial action as necessary; and

WHEREAS, TRC is qualified to prepare and submit applications on behalf of the Borough for Grant Funds.

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

I. GENERAL

The aforementioned recitals are incorporated herein as though fully set forth at length.

II. AUTHORIZATION TO PREPARE AND SUBMIT GRANT APPLICATION

TRC is hereby authorized and directed to apply for Grant Funds from HDSRF on behalf of the Borough in order to conduct site investigations, remedial investigations and/or remedial actions for the Property.

III. AUTHORIZATION FOR THE BOROUGH TO APPLY FOR GRANT FUNDS

The Borough Manager is hereby authorized and directed to execute any and all documents necessary in order to apply for Grant Funds.

IV. AUTHORIZATION TO ACCEPT GRANT FUNDS

In the event that Grant Funds are approved pursuant to a grant issued in favor of the Borough, the Borough is hereby authorized and directed to implement site investigations, remedial investigations and/or remedial actions for the Property with payment for the aforesaid services to be made from the HDSRF grant funds awarded.

V. SEVERABILITY

If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

VI. AVAILABILITY OF THE RESOLUTION

A copy of this resolution shall be available for public inspection at the offices of the Borough.

VII. EFFECTIVE DATE

This Resolution shall take effect upon final passage.

Motion made by Klimko and seconded by Valle to approve Resolution 2017-215.

ROLL CALL: Heinrich, Higgins, Klimko, Noone, Norris, Thompson and Valle.
Ayes: 7, Nays: 0
Motion carried.

**RESOLUTION 2017-215
A RESOLUTION TO VOID AND REPLACE A CHECK**

WHEREAS, check # 7130 was written 9/6/17 on Washington Borough's Recreation Account #8103008888 in the amount of \$150.00 and made payable to Tom Powers, 125 Broad Street, Washington, NJ 07882; and

WHEREAS, the Treasurer's office was made aware that the vendor did not receive the check;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey hereby authorizes the Treasurer to void and replace aforementioned check. A replacement check in the amount of \$150.00 should be made payable to Tom Powers, 125 Broad Street, Washington, NJ 07882 in the amount of \$150.00.

Motion made by Thompson and seconded by Klimko to approve Resolution 2017-216.

ROLL CALL: Heinrich, Higgins, Klimko, Noone, Norris, Thompson and Valle.
Ayes: 7, Nays: 0
Motion carried.

**RESOLUTION 2017-216
A RESOLUTION AUTHORIZING THE REFUNDING OF
A PAYMENT OF THE BOROUGH'S
SEWER SERVICE CHARGE**

WHEREAS, according to the Treasurer's records, there is an advanced payment showing on the following property; and

<u>BLOCK/LOT</u>	<u>PROPERTY OWNER/ PROPERTY LOCATION</u>	<u>AMOUNT TO BE REFUNDED</u>
5/4.01	Steele, Nancy A. 125 North Prospect St.	\$ 201.79

WHEREAS, the owner made an advance payment for the sewer utility invoice due to a posting error. The \$201.79 credit on sewer account #198-1 was applied to 2018 sewer charges. However, the owner did not intend to pay the sewer charges ahead of schedule. A refund of \$201.79 should be mailed to:

Nancy A. Steele
125 North Prospect Street
Washington, NJ 07882

WHEREAS, the Borough Treasurer's office has received a written request that the above amount be refunded.

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 refund the above overpayment amount.

Motion made by Noone and seconded by Thompson to approve Resolution 2017-217,

ROLL CALL: Heinrich, Higgins, Klimko, Noone, Norris, Thompson and Valle.
Ayes: 7, Nays: 0
Motion carried.

RESOLUTION 2017-217

AUTHORIZING BUDGET TRANSFERS
FOR FISCAL YEAR 2017 APPROPRIATIONS IN THE AMOUNT OF \$32,600.00 IN THE CURRENT FUND

WHEREAS, N.J.S.A. 40A: 4-58 provides for appropriations transfers during the last two (2) months of the fiscal year, when it has been determined that it is necessary to expend for any of the purposes specified in the budget an amount in the excess of the sum appropriated therefore and where it has been further determined that there is an excess in any appropriation over and above the amount deemed to be necessary to fulfill the purpose of such appropriation.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Borough of Washington, County of Warren, State of New Jersey, the Chief Financial Officer Natasha S. Turchan, be and the same is hereby authorized to make transfers among the Fiscal Year 2017 Budget in the amount of \$32,600.00 in the Current Fund as follows:

	TO:	FROM:
General Administration		
Other Expenses	10,000.00	
Municipal Clerk		
Salaries and Wages	4,800.00	
Other Expenses	500.00	
Financial Administration		
Salaries and Wages	1,700.00	
Zoning Board		
Other Expenses	400.00	
Tax Assessments		
Other Expenses	10,000.00	
Liability Insurance		
Other Expenses	4,800.00	
Utilities		
Telephone	5,000.00	

Local Code Enforcement		
Salaries and Wages		1,500.00
Plannin Board		
Other Expenses		2,000.00
PEOSHA		
Other Expenses		1,000.00
Fire Hydrants		
Other Expenses		1,500.00
Building and Grounds		
Other Expenses		5,000.00
Emergency Management		
Other Expenses		1,000.00
Utilities		
Traffic Lights		10,100.00
Condo Reimbursements Fee		
Other Expenses		20,000.00
	<u>\$</u>	<u>40,600.00</u> <u>\$ 40,600.00</u>

Certification:

I, Laurie A. Barton, Clerk of the Borough of Washington, County of Warren, State of New Jersey, do hereby certify that the foregoing Resolution is a true and exact copy of a Resolution adopted by the Borough Council of The Borough of Washington on November 8, 2017.

Laurie A. Barton, RMC

Borough Clerk

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Borough

this

8th day of

November

, 2017.

[SEAL]

Motion made by Klimko and seconded by Thompson to approve Resolution 2017-218.

ROLL CALL: Heinrich, Higgins, Klimko, Noone, Norris, Thompson and Valle.

Ayes: 7, Nays: 0

Motion carried.

RESOLUTION 2017-218
AUTHORIZING CANCELLATION OF THE INTEREST DUE FOR THE SEWER
ACCOUNT 1981-0,
BLOCK 95.01 LOT 8

WHEREAS, sewer payment was applied to the account 1981-0, that was intended for another account; and

WHEREAS, the error was discovered and corrections were made; and

WHEREAS, those corrections created an open balance on the account 1981-0; and

WHEREAS, the owner of the account is responsible for the principal payment of this account; and

WHEREAS, the interest on the account occurred due to no fault of the owner,

NOW THEREFORE BE IT RESOLVED, the Tax Collector for the Borough of Washington is authorized to cancel sewer interest due on the account 1981-0 as of 11/8/2017.

Motion made by Valle and seconded by Noone to approve Resolution 2017-219.

ROLL CALL: Heinrich, Higgins, Klimko, Noone, Norris, Thompson and Valle.
Ayes: 7, Nays: 0
Motion carried.

RESOLUTION 2017-219
RESOLUTION AUTHORIZING CHANGE ORDER NO. 2 INCREASING THE PRICE
FROM \$74,095 TO \$80,876.55, WHICH IS AN INCREASE OF 9% OR \$6,781.55 FROM
THE CONTRACT AMOUNT FOR THE ACQUISITION AND INSTALLATION OF A
NEW EMERGENCY STAND-BY GENERATOR

WHEREAS, the Borough of Washington, County of Warren, State of New Jersey and Innovative Electrical Contracting, Inc. entered into a contract for the acquisition and installation of a new emergency stand-by generator; and

WHEREAS, there was an increase in the contract price from \$74,095.00 to \$80,876.55, an increase of (\$6,781.55) or 9% increase to the contract amount based on an adjustment of rated generator output from 100kW to 150kW; and

WHEREAS, the aforesaid modification necessitates a change order to reflect the actual contract amount, which change order is permissible under the Local Public Contracts Law and the Local Government Services regulations with respect to the same; and

WHEREAS, the generator project will be reimbursed through a grant from the State of New Jersey Office of Emergency Management, the Borough Manager recommends authorizing the Change Order, Accepting the Project, and;

WHEREAS, the CFO certifies that additional funds are available for the project from the following account 04-2017-1714-0-4-0,

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

1. It authorizes and accepts Change Order No 2 to the contract with Innovative Electrical Contracting, Inc. for the emergency Standby generator project to increase the total contract price to the amount of \$80,876.55
2. It authorizes the appropriate municipal officials to increase the amount of the contract by \$6,781.55 and authorizes those same municipal officials to pay said change order amount when the appropriate request for payment is submitted and approved by the purchasing agent.
3. It hereby directs the Borough Clerk to transmit certified copies of this resolution to the Borough Purchasing Agent, and the Finance Department.

Motion made by Klimko and seconded by Noone to approve Resolution 2017-220.

ROLL CALL: Heinrich, Higgins, Klimko, Noone, Norris, Thompson and Valle.
Ayes: 7, Nays: 0
Motion carried.

RESOLUTION 2017-220

RESOLUTION AUTHORIZING 2017 PROFESSIONAL SERVICES CONTRACT WITH HAWKINS, DELAFIELD & WOOD, LLP FOR CERTAIN WASTEWATER CONTRACT DRAFTING AND NEGOTIATION SERVICES

WHEREAS, the Borough Council of the Borough of Washington has a need to contract the services of an Attorney with extensive and specialized experienced in the construction, negotiation, and modification of wastewater treatment plant operations contracts as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and

WHEREAS, the Purchasing Agent has certified that the costs of this contract may or will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one (1) year or at the discretion of the Borough Council; and

WHEREAS, for budgetary purposes, the Borough Council of the Borough of Washington would like to have this contract reflect a not to exceed amount of \$100,000, excluding escrow-related services; and

WHEREAS, Hawkins, Delafield & Wood, LLP has completed and submitted a Business Entity Disclosure Certification which certifies that Hawkins, Delafield & Wood, LLP has not made any reportable contributions to a political or candidate committee in the Borough of Washington in the previous one year, and that the contract will prohibit Hawkins, Delafield & Wood, LLP from making any reportable contributions through the term of the contract, and

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

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Washington to enter into a contract with Hawkins, Delafield & Wood, LLP as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification, Affirmative Action Statement, and Business Registration Certificate be placed on file with this resolution; and

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

Vouchers and Claims

Motion made by Heinrich and seconded by Noone to pay the vouchers and claims in the amount of \$1,984,717.04 from the current fund and \$10,791.25 from the sewer utility.

ROLL CALL: Heinrich, Higgins, Klimko, Noone, Norris, Thompson (*abstains from any Fire and EMS bills*) and Valle.

Ayes: 7, Nays: 0

Motion carried.

Recap

Manager Hall recapped the following:

-Follow up with Mrs. Spinks and Street Committee to reevaluate State Street one side parking and possibly make changes.

-Send letter to SAVE students.

-Sending information on the new Animal Control Officer.

Council Remarks

Councilwoman Valle welcomed newly elect Keith Norris.

Councilman Thompson welcomed newly elect Keith Norris and reminded everyone of Veterans Day being this coming Saturday.

Councilwoman Klimko asked Manager Hall about his recent meeting with the County regarding the shuttle buses and wished everyone a Happy Veterans Day.

Councilman Norris thanked everyone for the welcome wishes and stated he looks forward to working with everyone.

Mayor Higgins welcomed Councilman Norris and advised him to reach out for any assistance or questions he may have.

Mayor Higgins reminded every one of the big project on Grand Street for next year in which the borough will need to borrow for the completion of the project.

Mayor Higgins expressed his sympathy and prayers to those affected by the recent Texas church shooting.

Mayor Higgins took time to reflect the Marine Corp's 242nd birthday (November 10th) to all the past, present and future Marines.

EXECUTIVE SESSION

A motion was made by Klimko and seconded by Valle to approve a resolution authorizing executive session for the purpose of discussing a potential litigation matter, contract negotiations, and a personnel matter at 9:05 p.m. and a ten-minute break

Ayes: 7 Nays: 0
Motion Carried.

RESOLUTION **AUTHORIZING EXECUTIVE SESSION**

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

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

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

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

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

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

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

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

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

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

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

_____Investigations of violations or possible violations of the law;

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

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

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

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 Noone seconded by Klimko to come out of Executive Session at 9:55 pm.

Ayes: 7; Nays: 0
Motion Carried.

ADJOURNMENT

Hearing no further business, a motion was made by Klimko seconded by Valle to adjourn the meeting at 9:55 pm.

Ayes: 7; Nays: 0
Motion Carried.

Mayor David Higgins

Laurie A. Barton, Borough Clerk