

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES -January 16, 2018**

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, Norris, Thompson, Valle.

Absent: Noone

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.”

PROCLAMATIONS

Mayor Higgins issued the following proclamations with recognition:

**PROCLAMATION HONORING THE SERVICE OF FILE CLERK
DEBORAH M. SMOLAR**

WHEREAS, Deborah M. Smolar recently retired from the Borough of Washington after seventeen years of service as a File Clerk; and

WHEREAS, it is fitting and proper that the Council of the Borough of Washington and the community recognize and commemorate this honor; and

WHEREAS, Deborah M. Smolar has served with the utmost dedication, perseverance, and leadership as a staff member for the Borough of Washington; and

WHEREAS, Deborah M. Smolar will always be remembered by her colleagues for her willingness to help others, commitment to local government, and assistance to the residents of the Borough of Washington; and

WHEREAS, the Mayor and Council of the Borough of Washington desire to express the appreciation of the entire community to Deborah M. Smolar for her many years of outstanding service and commitment to the Borough of Washington.

NOW, THEREFORE, BE IT PROCLAIMED I, David Higgins, Mayor of the Borough of Washington, in the County of Warren, State of New Jersey, that the heartfelt appreciation from myself and that of Council of the Borough of Washington and all its residents are hereby expressed for the many years of public service and leadership performed by Deborah M. Smolar.

BE IT FURTHER PROCLAIMED that this Proclamation be duly embossed, signed by the Mayor, publicly presented to Deborah M. Smolar on January 16, 2018, and forever recorded in the official records of the Borough of Washington, as an everlasting tribute to Deborah M. Smolar by an appreciative and thankful community.

**PROCLAMATION HONORING THE SERVICE OF
ROAD DEPARTMENT SUPERVISOR JOHN E. BURD**

WHEREAS, John E. Burd recently retired from the Borough of Washington as Road Department Supervisor after twenty-six years of service; and

WHEREAS, it is fitting and proper that the Council of the Borough of Washington and the community recognize and commemorate this honor; and

WHEREAS, John E. Burd has served with the utmost dedication, perseverance, and leadership as a staff member for the Borough of Washington; and

WHEREAS, John E. Burd will always be remembered by his colleagues for his willingness to help others, commitment to local government, and assistance to the residents of the Borough of Washington; and

WHEREAS, the Mayor and Council of the Borough of Washington desire to express the appreciation of the entire community to John E. Burd for his many years of outstanding service and commitment to the Borough of Washington.

NOW, THEREFORE, BE IT PROCLAIMED I, David Higgins, Mayor of the Borough of Washington, in the County of Warren, State of New Jersey, that the heartfelt appreciation from myself and that of Council of the Borough of Washington and all its residents are hereby expressed for the many years of public service and leadership performed by John E. Burd.

BE IT FURTHER PROCLAIMED that this Proclamation be duly embossed, signed by the Mayor, publicly presented to John E. Burd on January 16, 2018, and forever recorded in the official records of the Borough of Washington, as an everlasting tribute to John E. Burd by an appreciative and thankful community.

PROCLAMATION

Borough of Washington School Choice Week

WHEREAS all children in Borough of Washington should have access to the highest-quality education possible; and,

WHEREAS Borough of Washington recognizes the important role that an effective education plays in preparing all students in Borough of Washington to be successful adults; and,

WHEREAS quality education is critically important to the economic vitality of Borough of Washington; and,

WHEREAS Borough of Washington is home to a multitude of high quality public and nonpublic schools from which parents can choose for their children, in addition to families who educate their children in the home; and

WHEREAS, educational variety not only helps to diversify our economy, but also enhances the vibrancy of our community; and,

WHEREAS Borough of Washington has many high-quality teaching professionals in all types of school settings who are committed to educating our children; and,

WHEREAS, School Choice Week is celebrated across the country by millions of students, parents, educators, schools and organizations to raise awareness of the need for effective educational options;

NOW, THEREFORE BE IT PROCLAIMED, that the Borough of Washington, does hereby recognize January 21-27, 2018 as Borough of Washington School Choice Week, and call this observance to the attention of all of our citizens.

Mayors Report-2017

Mayor Higgins gave a report highlighting achievements that were made in 2017 and what goals are to be met for 2018.

CORRESPONDENCE

Motion made by Valle to receive and file the following correspondences, motion seconded by Thompson all were in favor:

- NJDOT: Mid-Block Crossing Project-Approval-Regulations
- WC Board of Health-January
- Mid Block Crossing

Discussion

Councilwoman Klimko inquired about the health report; adding it appears to have repeated complaints. Manager Hall addressed the train idling complaint and added the train company has been notified multiple times for the idling complaint, but will make another call.

MINUTES

Motion made by Heinrich and seconded by Klimko to approve the meeting minutes of regular meetings; Regular Meetings of December 5, 2017, December 19, 2017 & December 28, 2017(bill pay)

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

Ayes: 6, Nays: 0

Motion carried.

COUNCIL APPEARANCE

John Monteverde, BID stated he dropped off flyers for their recognition event for February 8th. A budget that has been approved by the BID board has been submitted.

Mr. Monteverde stated that if anyone has questions regarding the budget to contact him.

Rev. Bauknight, Library, stated they have three openings on the board. Rev. Bauknight asked for the vacancies be posted on the boroughs website and Facebook page.

Dirk Higgins, Fire Chief, wished everyone a Happy New year and introduced his line officers for

2018: Ryan Devine and Ron Hartrum.

Hearing no other public comment, motion made by Heinrich and seconded by Klimko to close the audience portion.

Ayes: 6 Nays: 0

Motion Carried.

REPORTS:

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

DPW-December (2017)

Ayes: 6 Nays: 0
Motion Carried.

NEW BUSINESS

RESOLUTIONS

Motion made by Klimko and seconded by Heinrich to approve Resolution 2018-14 & 2018-15

ROLL CALL: Heinrich, Higgins, Klimko, Norris, Thompson and Valle
Ayes: 6, Nays: 0
Motion carried.

**RESOLUTION 2018-14
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 13, 2017 to US Bank Cust Pro Capital 7, 50 S 16th Street, Suite 2050, Philadelphia, PA 19102, in the amount of \$653.70 for taxes or other municipal liens assessed for the year 2016 in the name of O'Brien, Scott J. as supposed owner, and in said assessment and sale were described as 29 Presidential Drive, Block 72 Lot 6, which sale was evidenced by Certificate #17-00023; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 1-3-18 and before the right to redeem was cut off, as provided by law, Comerica Bank on behalf of Corelogic Tax Service claiming to have an interest in said lands, did redeem said lands claimed by US Bank Cust Pro Capital 7 by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,196.88 which is the amount necessary to redeem Tax Sale Certificate #17-00023.

NOW THEREFORE BE IT RESOLVED, on this 16th day of January 2018 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to US Bank Cust Pro Capital 7, 50 S 16th Street, Suite 2050, Philadelphia, PA 19102 in the amount of **\$2,196.88** (This amount consists of \$1,196.88 Certificate Amount redeemed + \$1,000.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 72 Lot 6 from the tax office records.

RESOLUTION 2018-15
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 13, 2017 to US Bank Cust Pro Capital 7, 50 S 16th Street, Suite 2050, Philadelphia, PA 19102, in the amount of \$279.47 for taxes or other municipal liens assessed for the year 2016 in the name of Polonko, Isle as supposed owner, and in said assessment and sale were described as 42 Cornish Street, Block 99 Lot 17, which sale was evidenced by Certificate #17-00035; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 1-3-18 and before the right to redeem was cut off, as provided by law, SN Servicing Corporation claiming to have an interest in said lands, did redeem said lands claimed by US Bank Cust Pro Capital 7 by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$828.07 which is the amount necessary to redeem Tax Sale Certificate #17-00035.

NOW THEREFORE BE IT RESOLVED, on this 16th day of January 2018 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to US Bank Cust Pro Capital 7, 50 S 16th Street, Suite 2050, Philadelphia, PA 19102 in the amount of **\$828.07** (This amount consists of Certificate Amount redeemed).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 99 Lot 17 from the tax office records.

Motion made by Valle and seconded by Heinrich to approve Resolution 2018-16

ROLL CALL: Heinrich, Higgins, Klimko, Norris, Thompson and Valle
Ayes: 6, Nays: 0
Motion carried.

RESOLUTION 2018-16
INTEREST RATES- TAXES
N.J.S.A. 54:4-67:39

WHEREAS, municipal charges; namely taxes are payable in quarterly installments on **February 1st, May 1st, August 1st and November 1st** in each year, and installments become delinquent if not paid on or before those dates.

BE IT THEREFORE RESOLVED, that Council does hereby authorize an interest charge not to exceed eight (8%) percent per annum on the first \$1,500.00 of the delinquency and eighteen (18%) percent per annum on any amount in excess of \$1,500.00 upon all delinquent installments; and

BE IT ALSO RESOLVED, that Council does hereby authorize a penalty to be charged to a taxpayer with a delinquency in excess of \$10,000.00 who fails to pay that delinquency prior to the end of the calendar year. The penalty so fixed shall not exceed six (6) percent of the amount of the delinquency.

BE IT FURTHER RESOLVED, that any installments received after the expiration of the grace period, and such grace period shall be the period starting with the second day and ending on the ten (10th) day of the month in which taxes are due, shall bear interest at the applicable interest rate from the original due date.

BE IT FURTHER RESOLVED, that the Tax Collector of the Borough of Washington is hereby authorized to conduct the annual sale of delinquent municipal charges; namely taxes for the Calendar Year of 2017.

Motion made by Heinrich and seconded by Klimko to approve Resolution 2018-17

ROLL CALL: Heinrich, Higgins, Klimko, Norris, Thompson and Valle
Ayes: 6, Nays: 0
Motion carried.

RESOLUTION 2018-17
SEWER INTEREST RATES

WHEREAS, municipal charges, namely sewer are payable in monthly installments due on the 10th of the following month after billing, and the monthly installments becoming delinquent if not paid on or before those dates.

BE IT THEREFORE RESOLVED, that Council does hereby authorize an interest charge not to exceed eight (8%) percent per annum on the first \$1,500.00 of the delinquency and eighteen (18%) per annum on any amount in excess of \$1,500.00 upon all delinquent installments; and

BE IT ALSO RESOLVED, that Council does hereby authorize a penalty to be charged to a taxpayer with a delinquency in excess of \$10,000.00 who fails to pay that delinquency prior to the end of the calendar year. The penalty so fixed shall not exceed six (6%) percent of the amount of the delinquency.

BE IT FURTHER RESOLVED, that any installments received after the expiration of the grace period, and such grace period shall be the period starting with the second day and ending on the forty-fifth (45th) day after billing, shall bear interest at the applicable interest rate from the original due date.

BE IT FURTHER RESOLVED, that the Tax Collector of the Borough of Washington is hereby authorized to conduct the annual sale of delinquent municipal charges, namely sewer for the Calendar Year of 2017.

Motion made by Klimko and seconded by Heinrich to approve Resolution 2018-18

ROLL CALL: Heinrich, Higgins, Klimko, Norris, Thompson and Valle
Ayes: 6, Nays: 0
Motion carried.

**RESOLUTION 2018-18
AUTHORIZING 2018 PROFESSIONAL SERVICE CONTRACT
WITH SUBURBAN CONSULTING ENGINEERS NOT TO EXCEED \$40,000**

WHEREAS, resolution 2018-10 awarded Suburban Consulting Engineers professional services contract as the Borough Municipal Engineering Services 2018 on January 2, 2018; and
WHEREAS, Local Finance Notice requires every resolution to have set amount not to exceed in the body of the resolution; and

WHEREAS, the CFO has certified the amount not to exceed \$40,000 is available from the account 01-2018-20-165-2-0;

NOW THEREFORE, BE RESOLVED the contract to Suburban Consulting Engineers for 2018 would be awards in the amount not exceed \$40,000 to function as the Borough Municipal Engineering Services

Motion made by Klimko and seconded by Thompson to approve Resolution 2018-19

ROLL CALL: Heinrich, Higgins, Klimko, Norris, Thompson and Valle
Ayes: 6, Nays: 0
Motion carried.

**RESOLUTION 2018-19
AUTHORIZING 2018 PROFESSIONAL SERVICE CONTRACT
WITH GEBHARDT & KIEFER NOT TO EXCEED \$60,000**

WHEREAS, resolution 2018-03 awarded Gebhardt & Kiefer professional services contract as the Borough Municipal Attorney for 2018 on January 2, 2018; and

WHEREAS, Local Finance Notice requires every resolution to have set amount not to exceed in the body of the resolution; and

WHEREAS, the CFO has certified the amount not to exceed \$60,000 is available from the account 01-2018-20-1555-2-0;

NOW THEREFORE, BE RESOLVED the contract to Gebhardt & Kiefer for 2018 would be awards in the amount not exceed \$60,000 to function as the Borough Municipal Attorney.

Motion made by Heinrich and seconded by Klimko to approve Resolution 2018-20

ROLL CALL: Heinrich, Higgins, Klimko, Norris, Thompson and Valle
Ayes: 6, Nays: 0
Motion carried.

RESOLUTION 2018-20
AUTHORIZING 2018 PROFESSIONAL SERVICE CONTRACT
WITH FERRAIOLI, WIELKOTZ, CERULLO & CUVA NOT TO EXCEED \$30,000

WHEREAS, resolution 2018-04 awarded Ferraiolo, Wielkocz, Cerullo & Cuva professional services contract as the Borough Municipal Auditor for 2018 on January 2, 2018; and
WHEREAS, Local Finance Notice requires every resolution to have set amount not to exceed in the body of the resolution; and
WHEREAS, the CFO has certified the amount not to exceed \$30,000 is available from the account 01-2018-20-135-2-0;
NOW THEREFORE, BE RESOLVED the contract to Ferraiolo, Wielkocz, Cerullo & Cuva for 2018 would be awards in the amount not exceed \$30,000 to function as the Borough Municipal Auditor.

Motion made by Heinrich and seconded by Thompson to approve Resolution 2018-21

ROLL CALL: Heinrich, Higgins, Klimko, Norris, Thompson and Valle
Ayes: 6, Nays: 0
Motion carried.

RESOLUTION 2018-21

A RESOLUTION PROVIDING FOR TEMPORARY CURRENT
FUND APPROPRIATIONS

WHEREAS, N.J.S.A. 40A: 4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the 2018 Budget, temporary appropriations should be made for the purpose and amount required in the manner and time therein provided; and

WHEREAS, the date of this resolution is within the first thirty days of January, 2018; and

WHEREAS, the total temporary appropriations in the 2018 budget, exclusive of any appropriations made for interest, and debt redemption charges, grants and capital improvements, is the sum of \$1,488,988.06; and

WHEREAS, 26.25% of the total appropriations in the 2017 Budget, exclusive of any appropriation made for interest and debt redemption charges, grants and capital improvements in said 2017 Budget is the sum of \$1,545,049.48

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey do hereby make the following temporary appropriations per the attached:

TOTAL APPROPRIATIONS WITHIN 26.25% LIMITATION	\$1,488,988.06
TOTAL CAPITAL AND DEBT SERVICE	\$997,257.00
TOTAL ALL TEMPORARY APPROPRIATIONS:	\$2,486,245.06

Motion made by Valle and seconded by Klimko to approve Resolution 2018-22

ROLL CALL: Heinrich, Higgins, Klimko, Norris, Thompson and Valle
Ayes: 6, Nays: 0
Motion carried.

RESOLUTION 2018-22

**A RESOLUTION PROVIDING FOR TEMPORARY SEWER UTILITY
APPROPRIATIONS**

WHEREAS, N.J.S.A. 40A: 4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the 2018 Budget, temporary appropriations should be made for the purpose and amount required in the manner and time therein provided; and

WHEREAS, the date of this resolution is within the first thirty days of January, 2018; and

WHEREAS, the total temporary appropriations in the 2018 sewer utility budget, exclusive of any appropriations made for interest, and debt redemption charges, grants and capital improvements, is the sum of \$329,650; and

WHEREAS, 26.25% of the total appropriations in the 2017 Budget, exclusive of any appropriation made for interest and debt redemption charges, grants and capital improvements in said 2017 Budget is the sum of \$422,503.99

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey do hereby make the following temporary appropriations per the attached:

TOTAL APPROPRIATIONS WITHIN 26.25% LIMITATION	\$329,650.00
--	---------------------

TOTAL ALL TEMPORARY APPROPRIATIONS:	\$329,650.00
--	---------------------

Motion made by Klimko and seconded by Valle to approve Resolution 2018-23

ROLL CALL: Heinrich, Higgins, Klimko, Norris, Thompson and Valle
Ayes: 6, Nays: 0
Motion carried.

RESOLUTION 2018-23

**AUTHORIZING 2018 PROFESSIONAL SERVICE CONTRACT
WITH HAWKINS, DELAFIELD & WOOD NOT TO EXCEED \$5,000**

WHEREAS, resolution 2018-11 awarded Hawkins, Delafield & Wood professional services contract as the Borough Bond Attorney for 2018 on January 2, 2018; and
WHEREAS, Local Finance Notice requires every resolution to have set amount not to exceed in the body of the resolution; and
WHEREAS, the CFO has certified the amount not to exceed \$5,000 is available from the account 01-2018-20-130-2-28;
NOW THEREFORE, BE RESOLVED the contract to Hawkins Delafield & Wood for 2018 would be awards in the amount not exceed \$5,000 to function as the Borough Bond Attorney.

Motion made by Heinrich and seconded by Klimko to approve Resolution 2018-24

ROLL CALL: Heinrich, Higgins, Klimko, Norris, Thompson and Valle
Ayes: 6, Nays: 0
Motion carried.

RESOLUTION 2018-24
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 13, 2017 to US Bank Cust Pro Capital 7, 50 S 16th Street, Suite 2050, Philadelphia, PA 19102, in the amount of \$612.11 for taxes or other municipal liens assessed for the year 2016 in the name of Walters, William R as supposed owner, and in said assessment and sale were described as 42 Cornish Street, Block 25 Lot 6, which sale was evidenced by Certificate #17-00009; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 1-9-18 and before the right to redeem was cut off, as provided by law, Fiedler Real Estate claiming to have an interest in said lands, did redeem said lands claimed by US Bank Cust Pro Capital 7 by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,154.36 which is the amount necessary to redeem Tax Sale Certificate #17-00009.

NOW THEREFORE BE IT RESOLVED, on this 16th day of January 2018 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to US Bank Cust Pro Capital 7, 50 S 16th Street, Suite 2050, Philadelphia, PA 19102 in the amount of **\$1,954.36** (This amount consists of \$1,154.36 Certificate Amount redeemed + \$800.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 25 Lot 6 from the tax office records.

VOUCHERS AND CLAIMS

Motion made by Heinrich seconded by Valle to pay the vouchers and claims in the amount of \$641,719.28 from the current fund and \$ 6,684.09 from sewer.

Discussion

Manger Hall pulled the GovPilot bill in the amount of \$ 6,250.00 from the bill list. Manager Hall cited the reason he pulled the bill is he is looking into canceling some of the subscription services the Borough due to costs and lack of use.

ROLL CALL: Heinrich, Higgins, Klimko, Norris Thompson and Valle
Ayes: 6, Nays: 0
Abstention: Thompson abstains from any
Fire and EMS bills.
Motion Carried.

RECAP

M. Hall recapped the following:

- Check on the GovPilot bill.
- Put notice on Facebook and Boroughs website announcing vacancies on library board.
- Reach out to the railroad company regarding idling issues.

OLD BUSINESS

Mayor Higgins appointed the following committee members:

Code Book: Noone, Valle and Klimko
Streets: Klimko and Thompson and Higgins
Sewer: Heinrich, Thompson and Valle
Senior Services: Heinrich, Klimko and Valle
Community Relations: Klimko, Valle and Thompson
Website: Hall and Heinrich

Mayor Higgins appointed the following liaison members:

Business Improvement: Noone
Planning Board: Valle
Library: Higgins and Heinrich as backup
Public Works: Higgins
Recreation: Klimko, Thompson as back up
Fire/EMS: Hall
Legal: Hall
Administration: Hall

COUNCIL REMARKS

Councilwoman Valle stated she is happy to see the parking signs on Route 57 near the daycare. Ms. Valle attended the Firemen's Ball and stated it was a good time. Councilman Heinrich thanked John Burd and Debbie Smolar for their years of service to the borough. Mr. Heinrich thanked the Mayor for his year-end report.

Councilman Thompson thanked John Burd and Debbie Smolar also for their service. Thompson inquired about potholes being patched especially on Broad Street.

Councilwoman Klimko discussed the parking ordinance and cars not being removed during a recent snow storm.

Councilman Norris stated his same concerns as Councilwoman Klimko regarding the parking ordinance concerning vehicles not being towed during a snow storm. Councilman Norris also thanked the Firemen for the invite to their banquet and added dinner was very good.

Mayor Higgins discussed getting the Engineer in for costs for the Grand Avenue paving project. Mayor Higgins reminded everyone of the COAH meeting scheduled for January 23rd in the fire hall.

Mayor Higgins stated they need to start looking at creating a single Land Use board.

Mayor Higgins reported he went through his notes regarding State Street and the recent complaint regarding no parking. His notes were very little from 2014. Everything that was discussed regarding the no parking ordinance was forwarded to an Engineer who longer is employed with Finelli.

Mayor Higgins thanked John Burd and Debbie Smolar for their years of service to the Borough. Mayor Higgins also thanked the volunteers and employees for their services. Mayor Higgins stated that the banquet was well attended and was a good night.

Mayor Higgins recognized three heroes in the chambers tonight: Councilman Norris, Captain Hartrum (fire department) and Rudy Bescherer for lifesaving efforts.

EXECUTIVE SESSION

A motion was made by Heinrich seconded by Klimko to approve a Resolution authorizing executive session for the purpose of discussing a potential litigation matter, contract negotiations, and a personnel matter.

Ayes: 6 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;

X Pending or anticipated litigation or contract negotiation in which the public body is or may become a party; (The general nature of the litigation or contract negotiations is: _____ 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: _____ 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 Klimko seconded by Norris to come out of Executive Session at 8:50 pm.

Ayes: 6; Nays: 0
Motion Carried.

ADJOURNMENT

Hearing no further business, a motion was made by Klimko seconded by Valle to adjourn the meeting at 8:50 pm.

Ayes: 6; Nays: 0
Motion Carried.

Mayor David Higgins

Laurie A. Barton, Borough Clerk