

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY  
WASHINGTON BOROUGH COUNCIL MINUTES -July 10, 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, Noone, Norris, Valle.

Absent: Thompson.

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.”

**EXECUTIVE SESSION**

A motion was made by Norris 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 at 7:01 P.M.

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;

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.

### Return to Regular Session

Motion made by Klimko and seconded by Noone to return to regular session at 7:13 P.M. All were in favor.

### CORRESPONDENCE

#### Welcome Home Block Party (Date Change)

Motion made by Klimko and seconded by Noone to approve the Block Party date change under the same conditions originally granted.

Ayes: 6 Nays: 0  
Motion Carried.

### MINUTES

Motion made by Valle and seconded by Noone to approve the meeting minutes of regular meetings; June 7, 2018.

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

Ayes: 5, Nays: 0 Abstain: 1 (Heinrich)  
Motion carried.

### COUNCIL APPEARANCE

Neil Santorello, Washington Square Circle HOA, described his past appearances for the consistent same reasons of Mr. Rice not following through on promises and agreements to finish and complete repairs that are needed at Washington Square. Discussions of the performance bond and responsibility of that bond ensued. Mr. Santorello stated that June 30<sup>th</sup> was the deadline and hasn't heard anything.

Mayor Higgins asked Attorney St. Angelo to have an answer by the July 24<sup>th</sup> meeting with following up with Mr. Santorello's concerns and in checking with the Engineer.

Tom Ferry, Auditor spoke on the boroughs finances and the audit report which has been distributed to Council for review. It was recommended that internal controls be looked into for the one recommendation as reported in the audit.

John Monteverde, BID, gave an update on upcoming festivals and events in the borough.

Ethel Conry, Youmans Ave., thanked the Mayor and Council and everyone else in cleaning up the railroad property.

Ms. Conry spoke of an issue she encountered on social media and took offense and expressed how she is upset about what was said about her. Mayor Higgins expressed as a prior victim to being a victim of social media he is in complete support that it should not happen to anyone.

Julia Stalker, East Washington Ave., stated that her business regarding the arcade is moving forward.

Motion made by Heinrich and seconded by Valle 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:

1. Police-May
2. Warren County Health-June
3. Managers Hiring Report
4. Code Enforcement and Fire

### **Discussion**

Manger Hall touched on the rail road property being diligently cleaned up by the DPW. Mayor Higgins discussed items with regard to the fire officials report.

Ayes: 6 Nays: 0  
Motion Carried.

**NEW BUSINESS**

**RESOLUTIONS**

Motion made by Noone and seconded by Valle to approve Resolution 2018-88

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

**RESOLUTION 2018-88  
BOROUGH OF WASHINGTON  
WARREN COUNTY, NEW JERSEY  
RESOLUTION APPROVING PAYMENT IN SETTLEMENT OF OPRA LITIGATION**

**WHEREAS**, Jesse Wolosky filed actions 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 two OPRA requests he filed with the Borough’s former Clerk / Manager; and

**WHEREAS**, these matters were assigned GRC Complaint numbers 2016-29 and 2016-30; and

**WHEREAS**, after consideration of submissions by Mr. Wolosky’s counsel and the Borough’s counsel, the GRC held that the Borough had, in part, violated OPRA as to each matter; and

**WHEREAS**, the GRC determined that Mr. Wolosky was only entitled to attorney’s fees with regard to a small portion of the requests made in connection with both matters; and

**WHEREAS**, the Borough desires to resolve this matter without resorting to further litigation on the issue of attorney fees owed to Mr. Wolosky’s attorney; and

**WHEREAS**, counsel for Mr. Wolosky has agreed to accept the amount of \$8,000.00 in full settlement of both aforementioned matters.

**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 governing body of the Borough of Washington authorizes the execution of the Release attached hereto as **Exhibit A**, which is necessary to settle the above-referenced matter for the amount of \$8,000.
2. The Borough Attorney, Mayor, Clerk, and Chief Financial Officer are authorized to take any steps necessary to implement this Resolution.

Motion made by Heinrich and seconded by Klimko to approve Resolution 2018-89

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

**RESOLUTION 2018-89  
RESOLUTION TO APPOINT  
WILLIAM MENNEN AS MUNICIPAL COURT JUDGE  
FOR THE BOROUGH OF WASHINGTON**

**WHEREAS**, the position of Municipal Court Judge is filled by a person providing a service; and

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

That William Mennen be appointed Municipal Court Judge to fulfill the unexpired term of J. Edward Palmer for the beginning August 1, 2018 thru December 31, 2020.

Motion made by Noone and seconded by Valle to approve Resolution 2018-90

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

**RESOLUTION 2018-90  
AUTHORIZING EXECUTION OF A GREEN ACRES PROJECT AGREEMENT**

**WHEREAS**, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition, development, and stewardship of lands for outdoor recreation and conservation purposes; and

**WHEREAS**, the Borough of Washington (the “Borough”) desires to further the public interest by obtaining funding in the amount of \$1,288,000 from the State to fund the acquisition of property to be known as the Shabbecong Mountain Preserve (an approximately 83-acre portion of property designated as Block 97, Lots 2, 3 and 4 and Block 97.01, Lot 1 on the Tax Maps of the Borough of Washington) at a total cost of \$1,000,000;

**WHEREAS**, pursuant to the Project Agreement attached hereto as Exhibit A, the State shall contribute \$500,000 to the acquisition of the above-referenced property and the Borough shall contribute \$500,000; and

**WHEREAS**, the Borough is willing to use the State's funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into the Project Agreement with the State for the above-named project;

**NOW, THEREFORE, BE IT RESOLVED BY** the Council of the Borough of Washington as follows:

1. The Borough Manager of the Borough of Washington is hereby authorized to execute a Project Agreement and any amendment thereto with the State in substantially the same form as attached hereto as Exhibit A.
2. The Borough will make a good faith effort to obtain its matching share of the project, if a match is required, in the amount of \$500,000;
3. In the event the State's funds are less than the total project cost specified above, the Borough will in good faith seek the balance of funding necessary to complete the project;
4. The Borough agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
5. This resolution shall take effect immediately.

Motion made by Noone and seconded by Klimko to approve Resolution 2018-91

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

**RESOLUTION 2018-91  
A RESOLUTION TO VOID AND REPLACE A CHECK**

**WHEREAS**, check # 7219 was written 3/21/18 on Washington Borough's Recreation Account #8103008888 in the amount of \$105.00 and made payable to Jim Rosa, 5 Plaza Place, Phillipsburg, New Jersey 08865 and

**WHEREAS**, the Treasurer's office was made aware that this check was not received.

**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. Replacement check in the amount of \$105.00 should be made payable to Jim Rosa 5 Plaza Place, Phillipsburg, New Jersey 08865

Motion made by Heinrich and seconded by Valle to approve Resolution 2018-92 and 2018-97

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

**RESOLUTION 2018-92**

**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 21, 2016 to FWDSL & Associates LP, 17 W. Cliff St., Somerville, NJ 08876, in the amount of \$ 668.82 or taxes or other municipal liens assessed for the year 2015 in the name of Bridygham, Jamie & Frye, Angela as supposed owners, and in said assessment and sale were described as 239 Belvidere Avenue, Block 18.01 Lot 5, which sale was evidenced by certificate #16-00026 and

**WHEREAS**, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 6-7-18 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 FWDSL & Associates LP by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$2,090.81 which is the amount necessary to redeem Tax Sale Certificate #16-00026.

**NOW THEREFORE BE IT RESOLVED**, on this 10th day of July 2018 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, 17 W. Cliff St., Somerville, NJ 08876 in the amount of **\$3,390.81** (This consists of \$2,090.81 Certificate Amount redeemed + \$1,300.00 Premium).

**BE IT FURTHER RESOLVED**, that the Tax Collector is authorized to cancel this lien on Block 18.01 Lot 5 from the tax office records.

**RESOLUTION 2018-97**

**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 16<sup>th</sup> Street, Suite 2050, Philadelphia, PA 19102, in the amount of \$2,769.31 for taxes or other municipal liens assessed for the year 2016 in the name of BGP RRE Holdings, LLC as supposed owners, and in said assessment and sale were described as 100 Belvidere Ave. Block 33 Lot 5, which sale was evidenced by Certificate #17-00011; and

**WHEREAS**, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 7-2-18 and before the right to redeem was cut off, as provided by law, Peapack Gladstone Bank 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 \$19,992.33 which is the amount necessary to redeem Tax Sale Certificate #17-00011.



**NOW THEREFORE BE IT RESOLVED**, on this 10th day of July 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 16<sup>th</sup> Street, Suite 2050, Philadelphia, PA 19102 in the amount of **\$19,992.33** (This amount consists of \$19,992.33 Certificate Amount redeemed).

**BE IT FURTHER RESOLVED**, that the Tax Collector is authorized to cancel this lien on Block 33 Lot 5 from the tax office records.

Motion made by Klimko and seconded by Valle to approve Resolution 2018-93

ROLL CALL: Heinrich, Higgins, Klimko, Noone, Norris and Valle  
Ayes: 5, Nays: 0 Abstain: Heinrich  
Motion carried.

**RESOLUTION 2018-93**  
**A RESOLUTION TO REFUND OVERPAYMENT**  
**ON 2018 REAL ESTATE TAXES**

**WHEREAS**, according to the Tax Collector's records, there is an overpayment of \$1,870.22 on 2018 2nd Quarter Regular Taxes paid on property located at 72 Flower Avenue, also known as Block 70 Lot 18.02, and in the name of Carrajat, Brian; and

**WHEREAS**, Sunrise Title and Wells Fargo Tax Service had both paid the 2nd Quarter 2018 property taxes, resulting in the overpayment; and

**WHEREAS**, the Tax Collector has been resolving the matter of tax overpayments and has received a written request from Wells Fargo Real Estate Tax Service that the overpayment be refunded to them in order to forward the funds to Brian Carrajat.

**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 \$1,870.22 payable to:

Wells Fargo Real Estate Tax Services, LLC  
800 Jordan Creek Parkway  
1 Home Campus, MAC T7416-026  
Des Moines, IA 50266

Motion made by Noone and seconded by Valle to approve Resolution 2018-94

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

**RESOLUTION 2018-94**

**RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND  
APPROPRIATIONS NJSA 40A: 4-87**

**WHEREAS**, NJSA 40A: 4-87 provides that the Director of Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

**WHEREAS**, the Director may also approve the insertion of an item of appropriation for equal amount,

**NOW, THEREFORE, BE IT RESOLVED**, that the Governing Body of the Borough of Washington in the County of Warren State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2018 in the sum of \$4,125.96 which is now available from the State of New Jersey

**BE IT FURTHER RESOLVED**, that the like sum of \$4,125.96 is hereby appropriated under the caption of Other Expenses – Recycling Tonnage Grant

Motion made by Noone and seconded by Valle to approve Resolution 2018-95

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

**RESOLUTION 2018-95**

**RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND  
APPROPRIATIONS NJSA 40A: 4-87**

**WHEREAS**, NJSA 40A: 4-87 provides that the Director of Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

**WHEREAS**, the Director may also approve the insertion of an item of appropriation for equal amount,

**NOW, THEREFORE, BE IT RESOLVED**, that the Governing Body of the Borough of Washington in the County of Warren State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2018 in the sum of \$14,124.93 which is now available from the State of New Jersey

**BE IT FURTHER RESOLVED**, that the like sum of \$14,124.93 is hereby appropriated under the caption of Other Expenses – Clean Communities Grant

Motion made by Klimko and seconded by Valle to approve Resolution 2018-96

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

**RESOLUTION 2018-96**  
**RESOLUTION TO REFUND OVERPAYMENT**  
**ON 2017 REAL ESTATE TAXES**

**WHEREAS**, according to the Tax Collector's records, there is an overpayment of \$2,178.02 on 2017 4th Quarter Regular Taxes paid on property located at 62 Washington Square Circle, also known as Block 73.02 Lot 31, and in the name of Kudrak, Michael & Allison; and

**WHEREAS**, Guardian Title and Wells Fargo Tax Service had both paid the 4th Quarter 2017 property taxes, resulting in the overpayment; and

**WHEREAS**, the Tax Collector has been resolving the matter of tax overpayments and has received a written request from Wells Fargo Real Estate Tax Service that the overpayment be refunded to them in order to forward the funds to Michael & Allison Kudrak.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey, to hereby authorize the Tax Collector and Treasurer to refund the amount of \$2,178.02 payable to:

Wells Fargo Real Estate Tax Services, LLC  
800 Jordan Creek Parkway  
1 Home Campus, MAC T7416-026  
Des Moines, IA 50266

Motion made by Noone and seconded by Heinrich to approve Resolution 2018-98

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

**BOROUGH OF WASHINGTON, WARREN COUNTY**

**RESOLUTION 2018-98**

**AUTHORIZING EXECUTION OF A SETTLEMENT AGREEMENT  
WITH WASHINGTON STATION VENTURE, LP AND  
WASHINGTON VENTURE INVESTMENT, LTD.**

**(WASHINGTON VENTURE ENTITIES”)**

**WHEREAS**, the Borough of Washington has filed a Declaratory Judgment Action in the Superior Court of New Jersey, Warren County, captioned IMO Borough of Washington, Docket No. WRN-L-230-15 (the “Declaratory Judgment Action”), in furtherance of the Supreme Court’s March 10, 2015, decision In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the “Supreme Court Decision”), which was assigned to the Honorable Thomas C. Miller P.J. Cv.; and

**WHEREAS**, pursuant to a Consent Order filed on or about November 6, 2015, the Washington Venture Entities are defendant-intervenors in the above-referenced Declaratory Judgment Action; and

**WHEREAS**, the Washington Venture Entities are the owners of certain property designated as Block 97, Lots 2, 3 and 4 and Block 97.01, Lot 1 on the Tax Maps of the Borough of Washington and consisting of approximately 126 acres (the “Property”); and

**WHEREAS**, the Property is currently zoned for M-3 (Mountain District) with a minimum lot size of 3 acres; and

**WHEREAS**, Washington and the Washington Venture Entities have engaged in extensive settlement discussions; and

**WHEREAS**, through such settlement discussions, the Washington Venture Entities have stated that it desires to develop a portion of the Property as a for-sale residential development, and through such development, assist Washington in its efforts to meet its affordable housing obligations in connection with the Declaratory Judgment Action; and

**WHEREAS**, the Washington Venture Entities have also stated that it desires to develop a small section of the property with a cell tower, sell a portion of the Property to the adjacent cemetery, and sell the remaining portion of the Property to Washington as preserved open space; and

**WHEREAS**, the Parties understand that the Borough will be able to maintain its Judgment of Compliance and Repose (if issued by the Court) and the open space acquisition described herein, even if the remainder of the Property is ultimately not developable due to circumstances outside the Borough’s control (i.e. engineering or environmental);

**WHEREAS**, by motion on June 19, 2018, the Borough Council approved a settlement agreement with the Washington Venture Entities; and

**WHEREAS**, since such approval, the Washington Venture Entities requested that the acres of land allotted for each use (open space, residential, cemetery, and cell tower) be revised in order to accommodate residential site improvements such as retaining walls; and

**WHEREAS**, the settlement agreement was additionally revised to clarify provisions pertaining to mediation and RSIS standards; and

**WHEREAS**, attached hereto is the final draft of such settlement agreement.

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

1. The Mayor and Clerk are authorized and directed to execute the Settlement Agreement in substantially the same form as attached hereto.
2. This Resolution shall take effect immediately.

## **ORDINANCES**

Motion made by Heinrich to open the public hearing for Ordinance 2018-13 motion seconded by Norris.

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

Hearing no public comment, motion made by Heinrich and seconded by Klimko to close the public hearing, all were in favor.

Motion made by Heinrich and seconded by Klimko to adopt Ordinance 2018-13.

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

## **ORDINANCE 2018-13**

### **AN ORDINANCE AMENDING CHAPTER 47 OF THE CODE OF THE BOROUGH OF WASHINGTON – GARBAGE, RUBBISH, AND REFUSE AND AMENDING § 47-10 “COLLECTION OF BULK HOUSEHOLD OR TYPE 13 WASTE”**

§ 47-10 Placement of containers for collection.

Add:

Bulk household or Type 13 waste shall be placed no earlier than 6:00 a.m. the morning before the day(s) designated as bulk household or Type 13 waste pickup days and posted in the Borough of Washington garbage and recycling calendar. The owner or occupier of the premises is responsible to make sure that any required stickers are affixed to the materials and that the materials are fit for collection and do not include hazardous and/or other prohibited items pursuant to this ordinance and/or the regulations of the Pollution Control Financing Authority of Warren County or the State of New Jersey.

Motion made by Heinrich to open the public hearing for Ordinance 2018-14 motion seconded by Noone.

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

Hearing no public comment, motion made by Noone and seconded by Heinrich to close the public hearing, all were in favor.

Motion made by Noone and seconded by Heinrich to adopt Ordinance 2018-14.

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

**ORDINANCE 2018-14  
BOROUGH OF WASHINGTON**

**AN ORDINANCE PROVIDING FUNDING FOR PURCHASE OF FURNITURE AND COMPUTER EQUIPMENT FOR THE BOROUGH OF WASHINGTON LIBRARY AND APPROPRIATING \$11,459.98 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 purchase of furniture and computer equipment for the library capital improvement to be undertaken, to be funded from the sources specified in Section 2 of the Ordinance.

Section 2. The amount of \$11,459.98 is hereby appropriated for the purposes stated in Section 1 of the Ordinance and which amount was funded from the General Capital Improvement Fund in the amount of \$11,459.98.

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. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

Section 6. This Ordinance shall take effect immediately upon due passage and publication according to law.

**ORDINANCE-1<sup>st</sup> READING**

Motion made by Heinrich and seconded by Noone to approve on first reading Ordinance 2018-15.

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

**ORDINANCE 2018-15  
AN ORDINANCE OF THE BOROUGH OF WASHINGTON, COUNTY OF WARREN,  
STATE OF NEW JERSEY, TO AMEND ARTICLE IV, CHAPTER 94 ENTITLED  
“ZONING  
AND LAND DEVELOPMENT” KNOWN AS THE “BOROUGH OF WASHINGTON  
DEVELOPMENT REGULATIONS ORDINANCE” TO PROVIDE FOR THE  
PLANNING BOARD  
TO ASSUME ALL OF THE POWERS, DUTIES AND FUNCTIONS OF THE ZONING  
BOARD  
OF ADJUSTMENT IN ORDER TO ACT AS A JOINT LAND USE BOARD**

**STATEMENT OF PURPOSE**

The purpose of this Ordinance is to (a) provide that the Washington Borough Planning Board shall now assume all of the powers previously exercised by the Washington Borough Zoning Board of Adjustment in order to act as a Joint Land Use Board; and (b) abolish the previously existing separate Borough Zoning Board of Adjustment;

**WHEREAS**, the Borough Planning Board and the Borough Zoning Board of Adjustment by ordinance have each been endowed with all of the statutory functions pertinent to each Board; and

**WHEREAS**, the provisions of N.J.S.A. 40:55D-25c(1) provide that in a municipality, having a population of 15,000 or less, a nine member Planning Board, if so provided by Ordinance, shall exercise to the same extent and subject to the same restrictions, all of the powers of a Board of Adjustment; but the Class I and Class III members shall not participate in the consideration of

applications for development which involve relief pursuant to subsection d of N.J.S.A. 40A:55D-70; and

**WHEREAS**, the Borough of Washington has a population of less than 15,000 as established by the 2010 United States national census; and

**WHEREAS**, the governing body of the Borough of Washington has determined that it is in the best interests of the Borough of Washington to have the Borough Planning Board and the Borough Zoning Board of Adjustment be a unified board where the Planning Board hereafter acts as a joint land use board, exercising all of the powers of the Board of Adjustment,

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

**Section 1.** As of the Effective Date of this Ordinance, the Borough of Washington Planning Board Shall, in accord with N.J.S.A. 40:55D-25c(1), include those of a Zoning Board of Adjustment.

**Section 2.** The Washington Borough Planning Board shall exercise, to the same extent and with the same restrictions, all of the powers of the Washington Borough Zoning Board of Adjustment, provided, however, that the Class I and Class III members of the Washington Borough Planning Board shall not participate in the consideration of applications for development which involve relief pursuant to subsection d of N.J.S.A. 40A:55D-70.

**Section 4.** In furtherance of the Statement of Purpose of this Ordinance, Section 94-9 (Board of Adjustment) of Article IV (General Provisions), Chapter 94 is amended and revised by retitling the section "Planning Board"; and replacing paragraphs (1) through (3) of subsection A (Establishment and Composition) with the following :

(1) The Planning Board is hereby established consisting of nine members who shall serve for a term pursuant to N.J.S.A. 40:55D-23, except, upon the adoption of this chapter, the present members of the Planning Board now holding office shall continue therein until present terms expire. Each Class I and Class II member shall be appointed by the Mayor. The Class III member shall be appointed by the Borough Council. Class IV members, of which there shall be six (6) shall be appointed by the Mayor. The terms of all Class IV members first appointed under this section shall be determined so that to the greatest practical extent the expiration of such terms shall be distributed evenly over the first four years after their appointment. The term of each Class IV member shall not exceed four years. The MLUB shall have all the powers delegated to it under the provisions of the Municipal Land Use Law.

(2) Alternate members of the Planning Board may be appointed as follows: one alternate member in Class II; one alternate member in Class III; two alternate members in Class IV. Alternate members of Classes II and III shall be appointed for terms to expire at the same time as the terms of regular members of their respective classes. Alternate members of Class IV shall serve for terms of two years; provided, however, that in the event that two alternate



members of Class IV are appointed the initial terms of such members shall be one and two years, respectively. Such alternate members shall be designated by the Chairman as "Alternate No. 1", "Alternate No. 2", "Alternate No. 3" and "Alternate No. 4" and shall serve in rotation during the absence or disqualification of any regular member or members of Class IV. Alternate members of each class shall be appointed by the same appointing authority as regular members of that class.

(3) No Class I and Class III Planning Board member shall participate in the consideration of applications for development which involve relief pursuant to subsection d of N.J.S.A. 40A:55D-70.

**Section 4.** Section 94-19 (Planning Board) of Article IV (General Provisions), Chapter 94 is hereby deleted.

**Section 5.** Section 94-20 (Provisions applicable to both Board of Adjustment and Planning Board) of Article IV (General Provisions), Chapter 94 is amended and revised to be retitled "Additional Provisions Applicable to the Planning Board", and to read as follows:

- A. Organization of Board. The Planning Board shall elect a Chairman and Vice Chairman from the members of Class IV. The Board shall select a Secretary and Assistant Secretary who may or may not be members of the Board or municipal employees.
- B. Attorney. There is hereby created the office of Planning Board Attorney. The Board may annually appoint, fix the compensation of or agree upon the rate of compensation of the Board Attorney, who shall be an attorney other than the Municipal Attorney.
- C. Experts and staff. The Board may employ or contract for the services of experts and other staff and services as it may deem necessary. The Board shall authorize expenditures which exceed, exclusive of gifts or grants, an amount appropriated by the governing body for its use.
- D. Rules and regulations. The Board shall adopt such rules and regulations necessary to carry out its duties.
- E. Conflicts of interest. No member shall act on any matter in which he has, either directly or indirectly, any personal or financial interest. Whenever any member shall disqualify himself, he shall not continue to sit with the Board on the hearing of such matter nor participate in any discussion or decision relating thereto.
- F. Meetings.

- (1) Meetings shall be scheduled no less than once a month, and any meeting shall be held as scheduled unless canceled for lack of applications for development to process.
  - (2) Special meetings may be called by the Chairman or on request of any two Board members, provided that there is notice to the members and public in accordance with all applicable legal requirements.
  - (3) No action shall be taken at any meeting without a quorum being present. All actions shall be by majority vote of a quorum, except where a specified portion of the full authorized membership is required pursuant to N.J.S.A. 40:55D-9, 40:55D-26, 40:55D-34 and 40:55D-70d.
  - (4) All meeting shall be open to the public. Notice of meetings shall be given in accordance with the Open Public Meetings Law, Chapter 231 of the Laws of New Jersey 1975.
- G. Minutes. Minutes of regular and special meetings shall be kept and shall include the names of persons appearing and addressing the Board and of persons appearing by attorney, the action taken, the findings, if any, and reasons therefor. The minutes shall be made available for public inspection during normal business hours at the office of the Borough Clerk. Any interested party shall have the right to compel production of the minutes and be charged a fee for their reproduction.
- H. Hearings.
- (1) Rules. The Board may make rules governing the conduct of hearings. The rules shall be consistent with N.J.S.A. 40:55D-1 et seq., and this chapter. The approving authority may waive the required notices and hearing for minor and exempt subdivisions and site plans except where a variance or conditional use is part of the application.
  - (2) Oaths. The presiding officer or such person as he may designate shall have power to administer oaths or issue subpoenas to compel the attendance of witnesses and the production of relevant evidence, including witnesses and documents presented by the parties, and the provisions of the County and Municipal Investigations Law of 1953 (N.J.S.A. 2A:67A-1 et seq.) shall apply.
  - (3) Testimony. The testimony of all witnesses shall be taken under oath or affirmation by the presiding officer, and the right of cross-examination shall be permitted to all interested parties through their attorneys, if represented, or indirectly, if not represented, subject to the discretion of the presiding officer and to reasonable limitations as to time and number of witnesses.
  - (4) Evidence. Technical rules of evidence shall not be applicable, but irrelevant, immaterial or unduly repetitious evidence may be excluded.

- (5) Records. The Board shall provide for the verbatim recording of the proceedings by either stenographic, mechanical or electronic means. The Board shall furnish a transcript or duplicate recording in lieu thereof on request to any interested party at his expense.
- (6) Certified court reporter. If an applicant desires a certified court reporter, the cost of taking testimony and transcribing it and providing a copy of the transcript to the approving authority shall be at the expense of the applicant, who shall also arrange for the reporter's attendance.
- (7) When any hearing before the Board shall carry to two or more meetings, a member of the board who was absent for one or more of the meetings shall be eligible to vote on the matter upon which the hearing was conducted, notwithstanding his absence from one or more of the meetings, provided that such board member has available to him a transcript or recording of the meeting from which he was absent and certifies in writing to the board that he has read such transcript or listened to such recording.

**Section 6.** Upon the dissolution of the Zoning Board of Adjustment, any and all references in the Washington Borough Code to the “Zoning Board,” “Zoning Board of Adjustment” or the like shall be deemed to refer to the Planning Board. Any and all references to the Planning Board and Zoning Board of Adjustment, in the conjunctive or disjunctive, shall be deemed to refer solely to the Planning Board.

**Section 7.** All prior Ordinances inconsistent with this Ordinance, including but not limited to any prior ordinance creating a Washington Borough Zoning Board of Adjustment, are hereby repealed to the extent of such inconsistency, and the Washington Borough Zoning Board of Adjustment is hereby abolished.

**Section 8.** Severability. In the event that any provision of this Ordinance, or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this Ordinance which may be given effect, and, to realize this intent, the provisions and applications of this Ordinance are declared to be severable.

Motion made by Noone and seconded by Heinrich to approve on first reading Ordinance 2018-16.

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

Motion made by Heinrich and seconded by Noone to approve Ordinance 2018-16 with exception to fast foods and drive throughs

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

**ORDINANCE 2018-16  
STATE OF NEW JERSEY  
COUNTY OF WARREN  
BOROUGH OF WASHINGTON**

**AN ORDINANCE TO AMEND THE DOWNTOWN REDEVELOPMENT  
PLAN OF THE BOROUGH OF WASHINGTON**

**WHEREAS**, the Borough Council of the Borough of Washington, County of Warren and State of New Jersey (the “Council”) has designated certain areas within its borders as in need of redevelopment and/or rehabilitation pursuant to the Local Redevelopment and Housing Law (“LRHL”) (N.J.S.A. 40A:12A-1 to -73); and

**WHEREAS**, pursuant to the LRHL, the Council adopted the Downtown Redevelopment Plan on April 7, 2009, by Ordinance No. \_\_\_\_\_; and

**WHEREAS**, the Council is vested with the authority to amend the Downtown Redevelopment Plan pursuant to N.J.S.A. 40A:12A-7, and N.J.S.A. 40A:12A-8, and

**WHEREAS**, several businesses, including a micro-brewery and virtual reality gaming business, have approached the Borough regarding locating within the Downtown Redevelopment Area;

**WHEREAS**, micro-breweries and retail services are not permitted uses set forth in the Downtown Redevelopment Plan; and

**WHEREAS**, the Borough believes that the narrow categories of permitted uses in the Redevelopment Area may be limiting or prohibiting revitalization of the Borough’s downtown area; and

**WHEREAS**, the Borough believes that the location of a micro-brewery in the Washington Avenue Core District and Route 31 Gateway District will attract other retail outlets and services to the downtown area; and

**WHEREAS**, the Borough believes that permissible retail uses should be expanded in the Washington Avenue Core District and Route 31 Gateway District to include theaters, amusement and recreation services and facilities, studios for the instruction of the arts, including dance studios, music, gymnastics or martial arts, museums and galleries; and

**NOW THEREFORE BE IT ORDAINED**, by the Borough Council of the Borough of Washington, County of Warren, and State of New Jersey, that the Borough's Downtown Redevelopment Plan be amended to now read as follows:

**SECTION 1.** The following revisions are made to the Borough's Downtown Redevelopment Plan:

Page 32, "Allowable Uses" in the Washington Avenue Core District shall be amended to include: Micro-Brewery (as defined in N.J.S.A. 33:1-10.1b and herein) and Retail Services (as defined herein).

Page 32, a definition of "Retail Services" shall be included as follows: "the rendering of services or entertainment, as opposed to products, to the general public. Retail services include theaters, amusement and recreation services and facilities, studios for the instruction of the arts, including dance studios, music, gymnastics or martial arts, museums and galleries. This definition does not include outdoor services or amusement parks, except those specifically allowed as "Secondary Permitted Uses hereunder."

Page 32, a definition of "Micro-Brewery" shall be included as follows: "Limited brewery license. 1b. The holder of this license shall be entitled, subject to rules and regulations, to brew any malt alcoholic beverages in a quantity to be expressed in said license, dependent upon the following fees and not in excess of 300,000 barrels of 31 fluid gallons capacity per year and to sell and distribute this product to wholesalers and retailers licensed in accordance with this chapter, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse; provided, however, that the delivery of this product by the holder of this license to retailers licensed under this title shall be from inventory in a warehouse located in this State which is operated under a limited brewery license. The holder of this license shall be entitled to sell this product at retail to consumers on the licensed premises of the brewery for consumption on the premises, but only in connection with a tour of the brewery, or for consumption off the premises in a quantity of not more than 15.5 fluid gallons per person, and to offer samples for sampling purposes only pursuant to an annual permit issued by the director. The holder of this license shall not sell food or operate a restaurant on the licensed premises. The fee for this license shall be graduated as follows:

to so brew not more than 50,000 barrels of 31 liquid gallons capacity per annum, \$1,250;

to so brew not more than 100,000 barrels of 31 fluid gallons capacity per annum, \$2,500;

to so brew not more than 200,000 barrels of 31 fluid gallons capacity per annum, \$5,000;

to so brew not more than 300,000 barrels of 31 fluid gallons capacity per annum, \$7,500.

For the purposes of this subsection, "sampling" means the selling at a nominal charge or the gratuitous offering of an open container not exceeding four ounces of any malt alcoholic beverage. For the purposes of this subsection, "product" means any malt alcoholic beverage that is produced on the premises licensed under this subsection."

Page 32, “Permitted Secondary Uses” shall be amended to read as “Open-air/covered outdoor dining areas for permitted uses.”

Page 34, “Allowable Uses in the Route 31 Gateway District shall be amended to include: Micro-Brewery (as defined in N.J.S.A. 33:1-10.1b and herein) and Retail Services (as defined herein).

Page 34, “Permitted Secondary Uses” shall be amended to read as “Open-air/covered outdoor dining areas for permitted uses.”

**SECTION 2.** The Mayor, Clerk, Planner, Engineer, and such other Township Officials are hereby authorized to take such ministerial actions as are necessary to effectuate the purposes of this Ordinance. The Township Planner and Engineer are hereby authorized to amend the Borough’s Downtown Redevelopment Plan in accordance with the provisions of this Ordinance.

**SECTION 3.** All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 4.** If any section, subsection, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance.

**SECTION 5.** Pursuant to the Municipal Land Use Law, the Clerk is directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the County Planning Board pursuant to the provisions of N.J.S.A. 40:55D-15. Upon adoption of this Ordinance after public hearing thereon, the Municipal Clerk is further directed to publish notice of the passage thereof and to file a copy of this Ordinance with the County Planning Board as required by N.J.S.A. 40:55D-16.

**SECTION 6.** This Ordinance shall take effect upon final passage and publication as provided by law; however, subsequent to the first reading, this Ordinance must be referred to the Borough Planning Board for review, which shall be based on whether the proposal is substantially consistent with the Master Plan. The Planning Board has a period of forty-five (45) days after referral to report on the proposed Ordinance.

## **VOUCHERS AND CLAIMS**

Motion made by Heinrich seconded by Valle to pay the vouchers and claims in the amount of \$1,166,253.40 from the current fund and \$ 110,046.33 from sewer.

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

## **RECAP**

M. Hall recapped the following:

- Approve the audit at next meeting
- Let residents know block party was approved
- Have attorney follow up regarding Washington Square

## **COUNCIL REMARKS**

Councilman Heinrich stated he hoped everyone had a great 4<sup>th</sup> of July.

Councilman Norris commented on the 4<sup>th</sup> of July festivities, it was a good parade and fireworks show. Councilman Norris thanked the Fire, Police and DPW for their involvement and assistance.

Councilwoman Noone encouraged anyone who is interested to attend the Green Team meeting tomorrow at Williams Irish Tavern at 5:30 p.m.

Councilwoman Klimko stated that the parade and fireworks were wonderful.

Councilwoman Valle reiterated that the parade was wonderful but wasn't happy with the fireworks, but enjoyed the comrade with the kids and community.

Mayor Higgins highlighted the events of the 4<sup>th</sup> of July holiday festivities and added that there were more people attending the soap box races then they had in years past.

Mayor Higgins stated that the volunteers with Washington Celebrates America who put the event on are owed a debt of gratitude for their work and volunteerism.

Mayor Higgins announced that Ray Rice officially closed on the parking lot.

Mayor Higgins also congratulated Attorney Tara St. Angelo back after the birth of her daughter.

## **EXECUTIVE SESSION**

A motion was made by Noone seconded by Heinrich to approve a Resolution Authorizing Executive Session for the purpose of discussing a potential litigation matter, contract negotiations, and a personnel matter at 9:09 p.m. with a five-minute break.

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;

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 Noone seconded by Valle to come out of Executive Session at 9:40 pm.

Ayes: 6; Nays: 0  
Motion Carried.

#### Motion

Motion made by Heinrich and seconded by Noone to approve the employment agreement of Matthew Hall.

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

Motion made by Norris and seconded by Heinrich to have the Mayor sign tonight and make it effective immediately.

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

**ADJOURNMENT**

Hearing no further business, a motion was made by Heinrich seconded by Noone to adjourn the meeting at 9:43 pm.

Ayes: 6; Nays: 0  
Motion Carried.

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Mayor David Higgins

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Laurie A. Barton, Borough Clerk