

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – May 7, 2019**

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: Conry, Duchemin, Noone, Norris, Valle, Higgins.

Also, Present: Matthew Hall, Manager
Laurie A. Barton Borough Clerk
Leslie Parikh, 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.”

Mayor Higgins announced the resignation of Councilmember, Dale Parichuk Jr.

Mayor Higgins read the following Proclamation in recognition of Older Americans Month:

PROCLAMATION

Older Americans Month

May 2019

Whereas, the month of May is traditionally designated Older Americans Month by the U.S. Department of Health and Human Services; and

Whereas, the theme for Older Americans Month 2019 is **“Connect, Create, Contribute”** emphasizing the importance of contributing to your community. Everyone benefits when everyone can participate. We encourage you to connect, create, and contribute for stronger and more diverse communities.

Whereas, Borough of Washington includes countless older Americans who enrich and strengthen our community; and

Whereas, Borough of Washington is committed to engaging and supporting older adults, their families, and caregivers; and

Whereas, we acknowledge the importance of taking part in activities that promote physical, mental, and emotional well-being—no matter your age; and

Whereas, Borough of Washington can enrich the lives of individuals of *every age* by:

- promoting home- and community-based services that support independent living;
- involving older adults in community planning, events, and other activities; and
- providing opportunities for older adults to work, volunteer, learn, lead, and mentor.

Appointments

Mayor Higgins appointed the following to the Recreation Board:

- James Sawyer (Alternate) – 12/31/2020
- Christine Rodriguez 12/31/22
- Spencer Nicholson 12/31/2019
- Craig Coughlan, Alternate 12/31/2023

Motion made by Norris and seconded by Conry to approve the Mayors Recreation appointments.

ROLL CALL: Conry, Duchemin, Noone, Norris, Valle, Higgins.

Ayes: 6, Nays: 0
Motion carried.

COUNCIL APPEARANCE

Genevieve Buker(sp), Stewartsville, NJ spoke about the condition of the cemetery and the headstones that are being disturbed.

Lydia Schmidt, Washington Township resident, discussed her concerns with the cemetery and added that her husband who was buried in the cemetery was removed.

Jeanine Gleba, Library Trustee, gave an update on the library.

Mel Thiel, BID Director, reported on recent events held in the borough. Next year they will hold the Arts and Sweets festival in May due to unstable weather in the month of April which forced this year's festival to shut down due to high winds. A meet and greet will be held at Williams Irish Pub to meet the new BID director (Mel Thiel).

Ms. Thiel brought the attention to the governing body of recent graffiti around the borough that suggests possible gang activity.

William Shotwell, Grand Ave., asked for an update to the Grand Avenue paving project and the possibility of moving sewer lines before the paving starts.

Diane Melinga(sp) Rolling Thunder President, announced the organizations' 20th Anniversary this year and that they will be coming through the Borough for their annual ride on July 7th. The run is being named after Terry Lee.

Daniel Almind, Recreation Chair, stated he is here tonight and will be attending many more meetings to bridge the gap between the two boards.

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

Ayes: 6 Nays: 0
Motion Carried.

MINUTES

Motion made by Noone and seconded by Norris to approve the meeting minutes of regular meetings; April 16, 2019.

ROLL CALL: Conry, Duchemin, Noone, Norris, Valle, Higgins.

Ayes: 6, Nays: 0
Motion carried.

VOUCHERS AND CLAIMS

Motion made by Conry seconded by Duchemin to pay the vouchers and claims in the amount of \$2,136,223.57 from the current fund and \$ 11,352.12 from sewer.

ROLL CALL: Conry, Duchemin, Noone, Norris, Valle, Higgins

Motion Carried.

NEW BUSINESS

Tom Ferry, 2019 Budget

Mr. Ferry gave distributed handouts showing what is outlined in the 2019 budget that is being presented tonight.

Motion made by Noone and seconded by Conry to open the public hearing for Resolution 2019-57.

Ayes: 6, Nays: 0
Motion Carried

**RESOLUTION 2019-57
2019 BUDGET**

2019 Municipal Budget			
of the Borough of Washington, County of Warren for the fiscal year 2019			
Revenues and Appropriations Summaries			
Summary of Revenues		Anticipated	
		2019	2018
1. Surplus		\$ 595,343.00	\$ 675,000.00
2. Total Miscellaneous Revenues		\$ 1,916,480.76	\$ 1,523,693.02
3. Receipts from Delinquent Taxes		\$ 450,000.00	\$ 400,000.00
4. a) Local Tax for Municipal Purposes		\$ 5,413,680.86	\$ 5,410,409.05
b) Addition to Local District School Tax			
c) Minimum Library Tax		\$ 151,036.89	\$ 154,309.03
Total Amount to be Raised for Support of Municipal Budget		\$ 5,564,717.75	\$ 5,564,718.08
Total General Revenues		\$ 8,526,541.51	\$ 8,163,411.10
Summary of Appropriations		2019 Budget	Final 2018 Budget
1. Operating Expenses:	Salaries and Wages	\$ 1,151,755.86	\$ 1,067,925.00
	Other Expenses	\$ 5,043,110.65	\$ 4,860,350.02
2. Deferred Charges & Other Appropriations		\$ 248,239.00	\$ 231,500.00
3. Capital Improvements		\$ 337,000.00	\$ 325,000.00
4. Debt Service (Included for School)		\$ 1,045,062.00	\$ 997,257.00
5. Reserve for Uncollected Taxes		\$ 701,374.00	\$ 681,379.08
Total General Appropriations		\$ 8,526,541.51	\$ 8,163,411.10
Total Number of Employees		F/T 15 & P/T 25	F/T 11 & P/T 23
2019 Dedicated Sewer Utility Budget			
Summary of Revenues		2019	2018
1. Surplus		\$ 319,120.00	\$ -
2. Rents		\$ 2,250,000.00	\$ 2,250,000.00
3. Miscellaneous Rents			
4. Miscellaneous		\$ 25,000.00	\$ 29,365.74
Total Revenue		\$ 2,594,120.00	\$ 2,279,365.74
Summary of Appropriations		2019	2018
1. Operating Expenses:	Salaries and Wages	\$ 165,000.00	\$ 126,000.00
	Other Expenses	\$ 1,443,000.00	\$ 1,350,000.00
2. Capital Improvements		\$ 300,000.00	\$ -
3. Debt Service		\$ 103,570.00	\$ 293,365.74
4. Deferred Charges & Other Appropriations		\$ 11,550.00	\$ 10,000.00
5. Surplus (General Budget)		\$ 571,000.00	\$ 500,000.00
Total General Revenues		\$ 2,594,120.00	\$ 2,279,365.74
Balance of Outstanding Debt			
	General	Sewer Utility	Utility - Other
Interest	\$ 482,466.75	\$ 28,650.00	
Principal	\$ 5,583,408.18	\$ 363,698.08	
Outstanding	\$ 6,065,874.93	\$ 392,348.08	\$ -
Notice is hereby given that the budget and tax resolution was approved by the Mayor and Council of the Borough of Washington, County of Warren, on, March 19 2019.			
A hearing on the budget and tax resolution will be held at the Borough Hall on May 7th, 2019 at 7:00 o'clock p.m. at which time and place objections to the Budget and Tax Resolutions for the year 2019 may be presented by taxpayers or other interested persons.			
Copies of the budget are available in the Office of the Clerk at Borough Hall 100 Belvidere Avenue, Washington, New Jersey, (908) 689-3600 during the hours of 8:30 a.m. to 4:30 p.m.			

Jeanine Gleba, spoke of the budget and the library's requests for an increase in their budget.

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

Ayes: 6 Nays: 0
Motion Carried.

Motion made by Noone to increase the library budget by \$25,000, motion seconded by Conry.

ROLL CALL: Conry, Duchemin, Noone, Norris, Valle, Higgins.

Ayes: 2, Nays: 4
Motion Failed.

Motion made by Conry and seconded by Duchemin to introduce the Budget Amendment Resolution 2019-84. Public hearing will be May 21, 2019.

ROLL CALL: Conry, Duchemin, Noone, Norris, Parichuk, Valle, Higgins.

Ayes: 7, Nays: 0
Motion Carried

RESOLUTION 2019-84 BOROUGH OF WASHINGTON
RESOLUTION TO AMEND BUDGET

WHEREAS, the local municipal budget for the year 2019 was introduced and approved on the 19th of March, 2019 and
WHEREAS, the public hearing on said budget has been held as advertised, and
WHEREAS, it is desired to amend said approved budget, now
THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Washington, County of Warren, that the following amendments to the approved budget of 2019 be made:

RECORDED VOTE (INSERT LAST NAME)	Ayes	Nays	Abstained
			ABSENT
Anticipated Revenue:			FROM TO
1. Surplus Anticipated			898,343.00 892,862.00
Total Surplus Anticipated			898,343.00 892,862.00
Summary of Revenues:			
1. Surplus Anticipated			898,343.00 892,862.00
Subtotal General Revenues			2,981,823.78 3,069,062.78
6. Amount to Be Raised By Taxes for Support of Municipal Budget			8,412,880.98 8,413,880.92
Total Amount to be Raised by Alases for Support of Municipal Budget			8,664,717.78 8,664,717.81
7. Total General Revenues			8,826,841.81 8,823,780.87
			FROM TO
8. General Appropriations:			
a. Operations With "CAPS":			
Group Health Insurance			300,800.00 271,800.00
Engineering - Other Expenses			60,000.00 26,000.00
Salary Adjustments			0.00 18,000.00
Total Operations (Items 8(A) WITH "CAPS"			3,172,683.88 3,124,683.88
b. Contingent			

	<u>FROM</u>	<u>TO</u>
Total Operations Including Contingent Within "CAPS"	3,172,683.86	3,124,683.86
Salaries and Wages	1,101,756.86	1,116,756.86
Other Expenses	2,070,928.00	2,007,928.00
Total General Appropriations For Municipal Purposes Within "CAPS"	3,420,922.86	3,372,922.86
(A) Operations Excluded From "CAPS"		
	0.00	0.00
Shared Service Agreements:		
Shared Police Services-Washington Township	2,438,746.00	2,520,965.06
Shared Engineering Services-Washington Township	0.00	63,000.00
Total Shared Service Agreements	2,688,746.00	2,833,965.06
Total Operations - Excluded From "CAPS"	3,022,182.65	3,167,401.71
Detail:		0.00
Salaries and Wages	50,000.00	50,000.00
Other Expenses	2,972,182.65	3,117,401.71
(H-2) Total General Appropriations for Municipal Purposes Excluded From "CAPS"	4,404,244.65	4,549,463.71
(O) Total General Appropriations-Excluded From "CAPS"	4,404,244.65	4,549,463.71
(L) Subtotal General Appropriations (Items (h-1) and (o))	7,825,167.51	7,922,386.57
(M) Reserve for Uncollected Taxes		
9. TOTAL GENERAL APPROPRIATIONS	8,526,541.51	8,623,760.57
(H-1) total General Appropriations for Municipal Purposes within "CAPS"	3,420,922.86	3,372,922.86
(A) Operations-Excluded from "CAPS"		
Uniform Construction Code		
Shared Service Agreements	2,688,746.00	2,833,965.06
(M) Reserve for Uncollected taxes		
Total General Appropriations	8,526,541.51	8,623,760.57

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for her certification of the local municipal budget so amended.

RESOLUTIONS

Motion made by Conry and seconded by Duchemin to approve Resolution 2019-80

ROLL CALL: Conry, Duchemin, Noone, Norris, Valle, Higgins

Ayes: 6, Nays: 0
Motion carried.

RESOLUTION # 2019-80

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 19, 2018 to Light Properties, LLC, 17 W. Cliff St., Somerville, NJ 08876, in the amount of \$601.46 for taxes or other municipal liens assessed for the year 2017 in the name of Porto, Fernando & Cremilde as supposed owners, and in said assessment and sale were described as 51 Lambert St., Block 2.11 Lot 24, which sale was evidenced by certificate #18-00003 and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 4-10-19 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 Light Properties, LLC by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,368.08 which is the amount necessary to redeem Tax Sale Certificate #18-00003.

NOW THEREFORE BE IT RESOLVED, on this 7th day of May 2019 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Light Properties, LLC, 17 W. Cliff St., Somerville, NJ 08876 in the amount of **\$1,368.08** (This consists of \$1,368.08 Certificate Amount redeemed).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 2.11 Lot 24 from the tax office records.

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 May 7, 2019.

Motion made by Valle and seconded by Conry to approve Resolution 2019-81

ROLL CALL: Conry, Duchemin, Noone, Norris, Valle, Higgins

Ayes: 6, Nays: 0
Motion carried.

RESOLUTION # 2019-81
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 19, 2018 to Light Properties, LLC, 17 W. Cliff St., Somerville, NJ 08876, in the amount of \$655.38 for taxes or other municipal liens assessed for the year 2017 in the name of Torres, Sandra M. as supposed owner, and in said assessment and sale were described as 15 West Carlton Ave., Block 19 Lot 5, which sale was evidenced by certificate #18-00007 and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 4-24-19 and before the right to redeem was cut off, as provided by law, Wells Fargo claiming to have an interest in said lands, did redeem said lands claimed by Light Properties, LLC by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,428.42 which is the amount necessary to redeem Tax Sale Certificate #18-00007.

NOW THEREFORE BE IT RESOLVED, on this 7th day of May 2019 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Light Properties, LLC, 17 W. Cliff St., Somerville, NJ 08876 in the amount of **\$1,428.42** (This consists of \$1,428.42 Certificate Amount redeemed).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 19 Lot 5 from the tax office records.

Motion made by Conry and seconded by Valle to approve Resolution 2019-82

ROLL CALL: Conry, Duchemin, Noone, Norris, Valle, Higgins

Ayes: 6, Nays: 0
Motion carried.

Motion made by Valle and seconded by Duchemin to approve Resolution 2019-83

ROLL CALL: Conry, Duchemin, Noone, Norris, Valle, Higgins

Ayes: 6, Nays: 0
Motion carried.

RESOLUTION 2019-83
A RESOLUTION FOR A GRANT AGREEMENT BETWEEN BOROUGH OF WASHINGTON-
WARREN COUNTY AND THE
STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

GRANT IDENTIFIER: FS19-076

WHEREAS, the Governing Body of Borough of Washington, Warren County desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$3,000.00 to fund the Green Communities Grant.; and

THEREFORE, the Governing Body resolves that Matthew C. Hall or the successor to the office of Borough Manager is authorized (a) to make application for such a grant, (b) if awarded , to execute a grant agreement with the State for a grant in an amount not less than \$0.00 and not more than \$3,000.00, and (c) to execute any amendments thereto which do not increase the Grantee’s obligations.

NOW THEREFORE BE IT RESOLVED, on this 7th day of May, 2019 the Mayor and Council authorizes and hereby agrees to match 50% of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property, is hereby certified. Up to 100% of the match will be made up of in-kind services (if allowed by grant program requirements and the agreement). The Grantee agrees to comply with all applicable Federal, State, and municipal laws, rules, and regulations in its performance pursuant to the agreement.

Motion made by Conry and seconded by Noone to approve Resolution 2019-85

ROLL CALL: Conry, Duchemin, Noone, Norris, Valle, Higgins

Ayes: 6, Nays: 0
Motion carried.

RESOLUTION 2019-85

RESOLUTION TO SUPPORT EXTENDING THE WARREN HERITAGE SCENIC BYWAY TO UNION SQUARE IN PHILLIPSBURG AND TO WATERLOO VILLAGE IN BYRAM TOWNSHIP IN SUSSEX COUNTY

WHEREAS, in accordance with the New Jersey Scenic Byways Program, Route 57 from MP 2.07 in Greenwich Township to MP 20.54 in Hackettstown was designated as a State Scenic Byway in 2009 based on the intrinsic beauty of the byway and the important cultural, historic , recreational and natural resource values of the scenic byway; and

WHEREAS, the mission of the New Jersey Scenic Byways Program is to recognize and preserve New Jersey’s unique historic, cultural and natural heritage; improve roadway safety and appearance; create and nurture partnerships among citizens and all levels of government; provide opportunities for commerce through heritage, cultural and nature-based tourism; enhance quality of life and instill pride in local communities; and

WHEREAS, the scenic byway can further benefit the community by fostering economic development consistent with the regions rural character, providing access to local parks, waterbodies and unique natural vistas; and

WHEREAS, the six municipalities that are located within the designated Warren Heritage Scenic Byway filed resolutions of support for the scenic byway designation and include the Township of Franklin, the Township of Greenwich, the Town of Hackettstown, the Township of Mansfield, the Township of Washington, and the Borough of Washington; and

WHEREAS, these six municipalities worked together with Warren County as the Route 57 Scenic Byway Committee and assisted in designating the byway in 2009 and completing a corridor management plan (CMP) in 2011; and

WHEREAS, public meeting opportunities were provided to obtain public input from the general public throughout the application and CMP process; and

WHEREAS, the byway name was revised from the Route 57 Scenic Byway to the Warren Heritage Scenic Byway (WHSB); and

WHEREAS, a formal organization referred to as the Warren Heritage Scenic Byway Committee (WHSB) consisting of members of the six municipalities, Warren County government agencies and committees, business improvement districts, and other interested non-profit organizations now meet quarterly to monitor implementation of the Corridor Management Plan and to assist the stakeholders, individually and collectively, in dealing with matters concerning the Warren Heritage Scenic Byway and its communities; and

WHEREAS, the Warren Heritage Scenic Byway Committee realizes that this important resource would benefit the public by being extended to the Delaware River in the west and to Waterloo Village in the east; and

WHEREAS, the route of the Scenic Byway, is recommended to be amended and lengthened through the acceptance of all municipalities and counties along this extended WHSB Route; and

WHEREAS, the southern extension of the byway begins at its western terminus at MP 2.07 at the Greenwich/Lopatcong Twp. border, and travels south on NJ 57 to County Route 519 south. Continuing on CR 519 south through Lopatcong, Greenwich, and Pohatcong Townships, the route proceeds to the intersection with NJ 122 (South Main Street) and turns right. Staying on South Main Street, (NJ 122, CR 678) the byway ends at Union Square in Phillipsburg.

WHEREAS, the northern extension of the byway begins at the eastern terminus at the intersection of NJ 57 and State Route 182 (Mountain Avenue), and continues north on Route 182, turns left onto Route 46 (Mill Street) for 1 block before turning onto County

Route 604 (Willow Grove Street) Staying on CR 604 through Hackettstown and Allamuchy Township the byway route proceeds through Allamuchy Mountain State Park and then ends at Waterloo Village in Byram Township, Sussex County; and

WHEREAS, extension of the byway route involves a coordinated effort and support among the additional municipalities and counties through which it passes; and

WHEREAS, an application to extend the designated byway must be prepared and submitted to the New Jersey Department of Transportation for approval; and

WHEREAS, administration of the extended byway, once formally designated, further requires continuing commitment in the form of participation of the County of Warren as an active member of the Warren Heritage Scenic Byway Committee; and

NOW, THEREFORE, BE IT RESOLVED, the Governing Body of the Borough of Washington supports the concept of extending the Warren Heritage Scenic Byway and commits to participating in the process necessary for its implementation including the development of the Application for Scenic Byway Designation and if approved by the NJDOT, the Addendum to the Corridor Management Plan; and

BE IT FURTHER RESOLVED that the Borough of Washington will work with the Warren Heritage Scenic Byway Committee in the development of the Application for Scenic Byway Designation to the NJDOT and in the ongoing planning efforts that support the designation, recognition, and retention of the Byway.

BE IT FURTHER RESOLVED that copies of this resolution be sent to the Towns of Phillipsburg and Hackettstown, the Townships of Pohatcong, Greenwich, Lopatcong, Franklin, Washington, Mansfield, and Allamuchy, the County of Sussex, and Byram Township, Warren Heritage Scenic Byway Committee, and the NJDOT Scenic Byway Coordinator.

Motion made by Conry and seconded by Noone to approve Resolution 2019-86

ROLL CALL: Conry, Duchemin, Noone, Norris, Valle, Higgins

Ayes: 6, Nays: 0

Motion carried.

RESOLUTION 2019-86

AUTHORIZING AWARD OF PROFESSIONAL ENGINEERING SERVICE FOR SOUTH PROSPECT STREET PUMP STATION

WHEREAS, the Borough Council of the Borough of Washington requires Professional Engineering services for the purposes of redesigning/retrofitting the South Prospect Street Pump Station; and

WHEREAS, such award of contract shall be made as a non- fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, CP Engineering LLC has completed and submitted to Washington Borough the necessary documents in accordance with the New Jersey Local Units “Pay to Play Law” (N.J.S.A. 19:44A-40.4 et seq.); and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. requires that the resolution authorizing the award of contract for “Professional Services” without competitive bidding must be publicly advertised and;

WHEREAS, the availability of funds has been certified by the Chief Financial Officer who shall make an appropriate entry into the Borough’s encumbrance system pursuant to N.J.A.C. 5:30-5.1 and 5.2 prior to the issuance of the contract and;

WHEREAS, The Borough Manager has recommended the award of contract to CP Engineering LLC and;

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Washington to enter into a contract with CP Engineering LLC as described herein; and,

BE IT FURTHER RESOLVED the Borough Council of the Borough of Washington authorizes the Qualified Purchasing Agent to contract with CP Engineering LLC for Engineering Services for the South Prospect Street Pump Station

Motion made by Conry and seconded by Noone to approve Resolution 2019-87

ROLL CALL: Conry, Duchemin, Noone, Norris, Valle, Higgins

Ayes: 6, Nays: 0

Motion carried.

RESOLUTION 2019-87

RESOLUTION OF THE BOROUGH OF WASHINGTON, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING A THIRD OPEN PUBLIC SALE FOR PROPERTY LOCATED AT BLOCK 100, LOT 52 PURSUANT TO N.J.S.A. 40A:12-13

WHEREAS, Lot 52 of Block 100 (the Property); which consists of 12.16 acres, was acquired by the Borough of Washington through tax foreclosure and is not needed for public purposes; and

WHEREAS, it is in the best interest of the Borough to sell such land to generate revenue, reduce taxes and reduce liabilities; and

WHEREAS, the Borough proposed to sell such land by Open Public Sale to the highest bidder as authorized by N.J.S.A. 40A:12-13(a); and

WHEREAS, the Borough previously authorized the sale of such land by Open Public Sale pursuant to Ordinance No 2018-20, however, no bids were received; and

WHEREAS, the Mayor and Council have determined that it is in the best interests of the Borough to attempt to again sell such property by Open Public Sale; and

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

The Borough Clerk is authorized, subject to the conditions set forth herein, to offer for sale by public auction all of the Borough's right, title and interest in and to the following lot pursuant to the provisions of N.J.S.A. 40A:12-13:

1. The sale of said property shall be pursuant to the provisions of subsection (a) of Section 13 of P.L. 1971, c. 199 (N.J.S.A. 40A:12-13), by open public sale at auction to the highest bidder after advertisement thereof in a newspaper circulating in the Borough of Washington, by two insertions at least once a week during two consecutive weeks, the last publication to be not earlier than seven days prior to such sale. The Borough Council reserves the right to reject all bids where the highest bid is not accepted, and notice of such reservation shall be included in the advertisement of the sale, and public notice thereof shall given at the time of sale. No minimum bid or price shall be specified, and upon the completion of bidding, the highest bid may be accepted or all the bids may be rejected by the Borough of Washington
2. Pursuant to N.J.S.A. 40A:12-13(a), each bidder shall be required to submit one bid under each Option A and Option B below.
 - i) **Option A** - shall be for the real property subject to the following restrictions on the use to be made of such property, which shall be conditions or restrictions imposed, or interest or state retained, which the Borough proposes to retain or impose:
 - a. The deed of conveyance to the successful bidder for Block 100, Lot 52 shall contain an easement permitting and allowing the Borough of Washington and the Borough of Washington Municipal Sewer Utility (BOWMSU), and any authorized designees to locate, maintain, repair, and replace a sewer line that runs beneath a portion of the subject property. Such easement shall run parallel to the Shabbecong Creek and be approximately 50 feet in width.
 - b. The deed of conveyance to the successful bidder for Block 100, Lot 52 shall contain an access easement permitting and allowing the Borough of Washington, BOWMSU, and any authorized designees, to utilize an

existing roadway on the Property for access to the Borough's Sewer system as the system's main trunk runs beneath said Property, along its northern boundary and parallel to the Shabbecong Creek. The said roadway shall not be open to the general public.

- c. The Property shall not be utilized for any purpose which is tax exempt from municipal property taxes unless the owner thereof shall pay an equivalent amount to the Borough which it would otherwise pay as municipal property taxes if the said use of the property was not tax exempt (municipal, school, county, fire district, etc. taxes). This payment in lieu of taxes shall be paid wholly to the Borough and shall be a condition upon the sale and a restriction as to the use of the property which shall run with the land.
 - d. The subject property shall not be subject to further subdivision, unless the purpose of such subdivision is to donate a portion of the subject property to the Borough as open space.
 - e. Such other restrictions, easements, rules and regulations as are contained in the above, referred to in deeds, the information to bidders and related documentation in connection with this sale.
 - f. All restrictions, requirements and easements imposed as conditions of the sale of the above property shall run with the land, and any subsequent sale or conveyance of the property by the buyers' successors in right, title, or interest, shall be subject to said restrictions, requirements and easements.
 - g. The Clerk shall make known the specific restrictions set forth in this section in the advertisement and invitation to bid and shall comply with the statute's direction to receive bids under "Option A and Option B" as provided in N.J.S.A. 40A:12- 13.
- ii) **Option B** – shall be for the real property to be sold free of all such restrictions, conditions, interests or estates on the part of the Borough. (Note: Option B is listed solely in compliance with N.J.S.A. 40A: 12-13(a)(2). The Borough does not intend to accept any bids under Option B).
3. The Borough may accept or reject either or both options and the highest bid for each. Such acceptance or rejection shall be made not later than at the second regular meeting of the Borough following the opening of bids, and, if the Borough

of Washington shall not so accept such highest bid, or reject all bids, said bids shall be deemed to have been rejected. Any such sale may be adjourned at the time advertised for not more than one week without re-advertising.

4. The Borough makes no warranty concerning the marketability or the insurability of title to the said parcel. In the event title of the said parcel, or portion thereof, is not marketable or insurable at regular rates by a reputable title insurance company licensed to do business in the State of New Jersey, a successful bidder's sole remedy shall be the right to demand the return of any deposit paid to the Borough of Washington.
5. At least fifteen (15) days prior to the date of settlement, the successful bidder will provide the Borough Attorney with the following: a) Preliminary report of title with legal description; and b) Current survey, including descriptions of the easements set forth in Section (2)(i) above.
6. At least ten (10 %) percent of the minimum sales price shall accompany the bid which may be by personal check. The balance of the bid price or purchase price shall be cash, certified or official bank check, payable at the time of transfer of title, but in no event later than thirty (30) days after the date of the land sale, except, in the event that the Borough Attorney certifies that questions of title exist, in which event payment shall be made within ninety (90) days after the date of land sale, unless further extended by resolution of the Borough Council.
7. In the event the successful bidder shall fail to pay the balance as herein provided, the payment made at the time of sale shall be retained by the Borough as liquidated damages for the non-performance of said bidder. The Borough shall be entitled to rescind the prior bid approval and terminate any and all rights of the designated bidder in said property.
8. All sales and conveyances shall be subject to all covenants, conditions, encumbrances, easements, and restrictions, whether of record or not, as well as subject to all presently existing municipal rules, regulations and ordinances and amendments thereto of the Borough of Washington. The sale of any parcel shall in no way bind the Borough to provide access or to improve presently existing accesses.

NOW, BE IT FURTHER RESOLVED that the Mayor, Clerk and Borough Attorney are authorized to sign all documents and do all things necessary to effectuate the sale and

conveyance of the above described property in accordance with the terms of this resolution and other applicable requirements of law.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

Motion made by Noone and seconded by Duchemin to approve Resolution 2019-88

ROLL CALL: Conry, Duchemin, Noone, Norris, Valle, Higgins

Ayes: 6, Nays: 0

Motion carried.

RESOLUTION 2019-88

**A RESOLUTION TO REFUND OVERPAYMENT
ON 2019 REAL ESTATE TAXES**

WHEREAS, according to the Tax Collector's records, there is an overpayment of \$1,251.12 on 2019 2nd Quarter Regular Taxes paid on property located at 7 Hann Terrace, also known as Block 98 Lot 17, and in the name of Trevorrow, Scott & Deborah; and

WHEREAS, PLS Title and Corelogic Tax Service had both paid the 2nd Quarter 2019 property taxes, resulting in the overpayment; and

WHEREAS, the property has changed ownership and the Tax Collector has been resolving the matter of tax overpayments and has notified Corelogic Tax Service that their 2nd quarter payment caused an overage on Block 98 Lot 17.

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 \$1,251.12 payable to:

Corelogic
Centralized Refunds
P.O. Box 9202
Coppell, TX 75019-9760

Motion made by Conry and seconded by Duchemin to approve Resolution 2019-89

ROLL CALL: Conry, Duchemin, Noone, Norris, Valle, Higgins

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

RESOLUTION 2019-89
RESOLUTION GRANTING PERMISSION TO LOCATE CERTAIN
STRUCTURES AND OPERATE IN THE RIGHT-OF-WAY

WHEREAS, Washington Borough Business Park (“Property Owner”) owns certain property located on the corner of Prosper Way and Jefferson Street (176 Jefferson Street, Washington, New Jersey), which is designated on the tax maps of the Borough of Washington as Block 66, Lot 5 (the “Property”); and

WHEREAS, Property Owner operates a business selling and repairing cars on the Property known as “Washington Auto Repair;” and

WHEREAS, the Borough-owned right-of-way for Prosper Way is approximately sixty-six (66) feet wide; and

WHEREAS, Property owner has been operating its business within a portion of the right-of-way for Prosper Way by parking and storing vehicles and storing dumpsters; and

WHEREAS, the Property Owner has requested permission from the Borough to continue to park and store vehicles within the Borough-owned right-of-way in accordance with the sketch attached hereto as **Exhibit A**; and

WHEREAS, the Property is located in the R-2 Residence district and the operation of a vehicle repair or sales business is not permitted; and

WHEREAS, Property Owner’s use of the Property is a pre-existing non-conforming use and is adjacent to residential uses; and

WHEREAS, in exchange for allowing Property Owner to use and occupy a portion of the Borough-owned right-of-way, the Borough shall require Property Owner to adequately screen its business operations from the adjacent residences by constructing a fence and maintaining landscaping; and

WHEREAS, the Borough Council has the authority to grant permission to occupy and place structures in the right-of-way;

WHEREAS, the approval to occupy and place structures in the right-of-way shall be subject to the following conditions:

1. This permission to locate structures and operate in the right-of-way is limited to the area adjacent to the Property and between the Property line and the curb of Prosper Way. This grant of permission shall not be construed as granting permission to operate in the entirety of the Prosper Way right-of-way.
2. The only business operations that Property Owner can conduct in the right-of-way is the storage and parking of non-commercial motor vehicles. Property Owner shall not be permitted to park or store commercial motor vehicles (including, but not limited to, tractor trailers, buses, etc.) or recreational vehicles (including but not limited to personal watercraft, boats, ATV's, etc.). Further, Property Owner shall not store dumpsters, debris, inoperable vehicles, or other unsightly materials within the right-of-way.
3. Any portion of the right-of-way visible to any and all adjacent properties shall be kept free of excessive weed and vegetative growth in a neat and workmanlike manner in compliance with applicable Borough ordinances, including Section 75-70 of the Borough Code. Nothing herein shall limit the Borough's right to remove excessive weed or vegetative growth, recover costs for such, or issue notices of violation for such in compliance with applicable Borough ordinances, including Sections 75-71 through 75-73 of the Borough Code. Any landscaping installed by Property Owner within the right-of-way and visible to adjacent residences shall be maintained in a neat and workman-like manner and any plant material which does not live shall be removed and /or replaced within six months or one growing season.
4. Property Owner, at its sole cost and expense, shall construct an opaque or closed fence (which may be located within the right-of-way) along Prosper Way in order to screen its operations from the adjacent residences. Property Owner shall make application to the Borough for the appropriate permit to construct a fence and such fence shall be not be chain-link. All vehicles, dumpsters, and other materials or items used by Property Owner in the course of its business shall be kept behind such fence and screened from view of the adjacent residences.
5. Property Owner recognizes that utility companies also operate in the right-of-way and that utility improvements may require demolition or removal of any structures or obstructions (including vehicles) or disruption of operations in the right-of-way. Therefore, Property Owner shall agree to fully cooperate with utility companies and shall not seek damages from such utility companies related to the structures or activities in the right-of-way.
6. Property Owner shall execute an agreement in a form approved by the Borough Attorney holding the Borough harmless for any damage caused to structures, vehicles, or any other items of personal property placed within the right-of-way by Borough snow removal or road repair vehicles and personal vehicles traveling on Prosper Way.

7. This approval shall only grant Property Owner permission to place certain structures and operate certain aspects of its business within the right-of-way and shall not grant Property Owner an easement. Therefore, if the Borough requires use of the right-of-way for public roadway purposes, Property Owner shall cease all operations in the right-of-way and remove any obstructions and structures upon request of the Borough.

8. Approval and issuance of the appropriate permit by the Borough's Zoning Officer that the fence meets all requirements of applicable zoning regulations.

9. Nothing herein shall release Property Owner of the responsibility to apply for any required variances from the Borough Land Use Board and nothing herein constitutes an approval or opinion of any required variances.

10. Approval shall be subject to review and approval by the Borough Road Supervisor and Borough Engineer that the parking and storing of vehicles or placement of a fence in the right-of-way does not impeded traffic or present a dangerous condition.

11. This resolution shall be recorded in the Warren County Clerk's Office.

12. If Property Owner ceases its operations for a period of six months or more, the permission granted by this Resolution shall be automatically revoked.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, County of Warren, New Jersey, that Property Owner, is granted approval to park and store non-commercial motor vehicles and construct a fence in the right-of-way, subject to the above conditions and the issuance of any required permits or approvals.

Motion made by Noone and seconded by Conry to approve Resolution 2019-90

ROLL CALL: Conry, Duchemin, Noone, Norris, Valle, Higgins

Ayes: 6, Nays: 0
Motion carried.

**BOROUGH OF WASHINGTON
WARREN COUNTY, NEW JERSEY
RESOLUTION 2019-90
RESOLUTION DESIGNATING WASHINGTON 31, LLC AS THE
REDEVELOPER OF CERTAIN PROPERTY (BLOCK 26, LOTS 7 AND 8) AND
AUTHORIZING EXECUTION OF A REDEVELOPER'S AGREEMENT AND**

ESCROW AGREEMENT WITH WASHINGTON 31, LLC

WHEREAS, the Mayor and Borough Council of the Borough of Washington in its capacity as the municipal governing body and as a redevelopment entity (the “Borough Council”) is responsible for implementing redevelopment plans and carrying out redevelopment projects pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Law”); and

WHEREAS, in accordance with the provision of the Redevelopment Law, the Borough Council designated certain properties within the Borough as an area in need of redevelopment (collectively, the “Redevelopment Area”) and divided such area into six (6) sub-areas; and

WHEREAS, the Town Council adopted the Downtown Redevelopment Plan prepared by Heyer, Gruel, & Associates on April 7, 2009, for the Redevelopment Area in accordance with the provisions of the Redevelopment Law (the “Redevelopment Plan”); and

WHEREAS, properties located at the intersection of Washington Avenue and Route 31 and designated as Block 26, Lots 7 and 8 on the Borough of Washington’s Tax Maps (the “Property”) are included in Sub-Area 3 of the Redevelopment Area;

WHEREAS, pursuant to the Redevelopment Plan, “[t]he concept plan for Sub-Area 3 envisions the eventual long-term transformation into mixed and / or commercial land uses;” and

WHEREAS, the Redevelopment Plan provides:

Any development or construction within the Redevelopment Area must be undertaken in accordance with a fully executed valid and binding redevelopment agreement with the designated redevelopment entity. The redevelopment entity shall be the entity authorized by the Borough’s governing body to implement this Plan and carry out the various redevelopment projects within the Redevelopment Area. The redevelopment agreement must be in full force prior to granting final site plan approval.

WHEREAS, Washington 31, LLC (the “Redeveloper”) is the contract purchaser of the Property; and

WHEREAS, the Redeveloper has agreed to develop the Property and use it for the purposes implementing the Redevelopment Plan; and

WHEREAS, the Redeveloper submitted to the Borough a conceptual site plan for a CVS Pharmacy (the “Concept Plan”); and

WHEREAS, the Redevelopment Law authorizes the Borough to arrange or contract with a redeveloper for the planning, construction, or undertaking or any project or redevelopment work in a redevelopment area; and

WHEREAS, the Borough has determined that the Concept Plan is consistent with and meets the goals of the Redevelopment Plan and that it is in the best interest of the community to designate Redeveloper as the redeveloper of the Property;

WHEREAS, the Borough believes that the redevelopment of the Property in the manner proposed by the Redeveloper is in the vital and best interests of the community and promotes the health, safety, morals and welfare of the Borough's residents and is in accord with the public purpose and provisions of the Redevelopment Law; and

WHEREAS, the Borough has engaged in negotiations with the Redeveloper and has determined that it is in the best interest of the community for the Borough to enter into a certain Redeveloper's Agreement and Escrow Agreement with the Redeveloper, copies of which are attached hereto as Exhibit A and Exhibit B, for the purposes of specifying each parties' respective rights and obligations for the effectuation of the goals and objectives of redevelopment of the Property.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council, as a redevelopment entity, hereby authorizes the execution of a Redevelopment Agreement and Escrow Agreement by and between the Borough of Washington, as a redevelopment entity, and Washington 31, LLC, concerning the Property identified as Block 26, Lots 7 and 8 on the Tax Map of the Borough of Washington in such a form deemed advisable by the Borough Attorney, subject to any and all conditions contained herein and such revisions as deemed advisable by the Borough Attorney; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Council, upon the full execution of a Redevelopment Agreement by the Borough of Washington and Washington 31, LLC, the Borough will recognize Washington 31, LLC as Redeveloper of the Property identified as Block 26, Lots 7 and 8 on the Tax Map of the Borough of Washington as provided for and in accordance with the provisions of the Redevelopment Law; and

BE IT FURTHER RESOLVED, that said recognition of Washington 31, LLC as Redeveloper of the Property identified as Block 26, Lots 7 and 8 on the Tax Map of the Borough of Washington is subject to and contingent upon Washington 31, LLC (1) working collaboratively with the Borough's Land Use Board and its professionals regarding the Redeveloper's proposed development on the Property; (2) meeting with the Borough's Department of Public Works to coordinate the timing and design of public and private infrastructure improvements, including road resurfacing projects, if any; (3) paying any and all costs incurred by the Borough related to the implementation of this project as set forth in the Redevelopment Agreement and entering into an escrow agreement with the Borough, or replenishing any such escrow account already created as requested by the Borough, within ten (10) days of the adoption of this resolution; and (4)

satisfying any other terms and conditions contained within the Redevelopment Agreement and required as part of any approval of the Borough Land Use Board; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to execute the Redevelopment Agreement, with such revisions as deemed advisable by the Borough Attorney, on behalf of the Borough Council, acting as the redevelopment entity for the redevelopment of the Property by Washington 31, LLC.

ORDINANCES

Motion made by Conry to approve on first reading Ordinance 2019-13 motion seconded by Valle. Public Hearing scheduled for June 18th.

ROLL CALL: Conry, Duchemin, Noone, Norris, Valle, Higgins

Ayes: 6, Nays: 0
Motion carried.

**BOROUGH OF WASHINGTON
COUNTY OF WARREN
ORDINANCE 2019-13
ORDINANCE GRANTING A SIGN EASEMENT OVER A PORTION OF
PROPERTY OWNED BY THE BOROUGH OF WASHINGTON IDENTIFIED AS
BLOCK 26, LOT 10**

WHEREAS, the Borough of Washington (the “Borough”) is the owner of certain property identified as Block 26, Lot 10 on the Borough of Washington Tax Maps; and

WHEREAS, Block 26, Lot 10 is a vacant strip of land along Route 31 that is not needed for any public purposes; and

WHEREAS, Washington 31, LLC is under contract to purchase adjacent properties identified as Block 26, Lots 5, 6, 7, and 8 on the Borough of Washington Tax Maps; and

WHEREAS, Washington 31, LLC intends to merge and redevelop the aforementioned lots as a CVS Pharmacy; and

WHEREAS, the afore-mentioned lots do not have frontage on Route 31, which Washington 31, LLC has advised is essential for the success of the proposed redevelopment; and

WHEREAS, the Borough previously granted Washington 31, LLC an access easement over Block 26, Lot 10 permitting the construction of a driveway to access the proposed CVS Pharmacy; and

WHEREAS, Washington 31, LLC has requested that it be permitted to place directional signage on Block 26, Lot 10; and

WHEREAS, N.J.S.A. 40A:12-1 permits the conveyance of an interest in land note needed for a public purpose; and

WHEREAS, the public's interest in Block 26, Lot 10 is not affected by the granting of a sign easement; and

WHEREAS, the Borough believes it is in the best interest of its residents to grant such sign easement because it furthers the purposes of the Downtown Redevelopment Plan and increases the value of Block 26, Lots 5, 6, 7, and 8, resulting in an increased tax assessment and tax revenue; and

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

SECTION 1. The Borough of Washington is hereby authorized to enter into sign easement over a portion of Block 26, Lot 10, owned by the Borough, in a form substantially similar to that attached hereto as **Exhibit A**.

SECTION 2. The Mayor and Borough Clerk are hereby authorized to execute all documents necessary for the conveyance of such easement.

SECTION 3. The land subject to the proposed easement is not needed for public purpose and it is determined to be in the best interests of the Borough of Washington to permit such easement.

SECTION 4: All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 5: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

SECTION 6: This ordinance shall take effect after second reading and publication as required by Law.

RECAP

M. Hall recapped the following:

- Manager will follow up with the State Cemetery Board
- Look at Chapter 85 Parking ordinance to add an amendment
- Executive Session for personnel

COUNCIL REMARKS

Councilman Norris stated that the Ex-Washington Township Fire Chief (Carl Shotwell) passed away and requested a proclamation.

Councilwoman Noone stated they are expecting a great event with the farmers market and the Green Team. New garbage and recycling containers were purchased and bike racks and benches being purchased from donors and the BID.

Councilwoman Valle stated she is happy to hear about the new garbage containers and expressed how good everything looked cleaned up.

Councilwoman Duchemin briefed everyone on the upcoming Paint in the Park for the seniors.

Councilwoman Conry wished all mothers a Happy Mother's Day.

Mayor Higgins reviewed correspondences received. Mayor Higgins stated that members are needed for the library board to make a full board. Mayor Higgins asked the manager for the following updates: parking official, housing inspector and bulk clean up.

Mayor Higgins happily reported his reading event held at the school where he read Johnny Appleseed to the students.

Mayor Higgins expressed his interest in the borough passing a resolution to oppose the State from using money earmarked for first responders, elsewhere.

Mayor Higgins called for a motion to accept Dale Parichuks Jr's resignation from Council.

Motion made by Norris and seconded by Conry to accept the resignation of Dale Parichuk Jr's resignation.

ROLL CALL: Conry, Duchemin, Noone, Norris, Valle, Higgins

Ayes: 6, Nays: 0

Motion carried.

EXECUTIVE SESSION

A motion was made by Norris seconded by Duchemin to approve a Resolution Authorizing Executive Session for the purpose of discussing a potential litigation matter, contract negotiations, and a personnel matter at 8:58 pm 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 ensure 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 Duchemin seconded by Conry to come out of Executive Session at 9:27 pm.

Ayes: 6; Nays: 0
Motion Carried.

ADJOURNMENT

Hearing no further business, a motion was made by Noone seconded by Duchemin to adjourn the meeting at 9:27 pm.

Ayes: 6; Nays: 0
Motion Carried.

Mayor David Higgins

Laurie A. Barton, Borough Clerk