

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – February 5, 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, Parichuk, Valle, Higgins.

Also, Present: Matthew Hall, Manager
Ann Kilduff (Covering for Borough Clerk, Laurie Barton)
Leslie Parikh, Attorney

Absent: Barton and Duchemin.

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.”

COUNCIL APPEARANCE

John Monteverde, BID Executive Director, brought in the “Hometown Friendly” banner to show Mayor and Council, from what was used 13 years ago.

Seeing no further public comment from the audience, motion made by Noone and seconded by Valle to close the audience portion.

Ayes: 6 Nays: 0
Motion Carried.

VOUCHERS AND CLAIMS

Motion made by Valle seconded by Conry to pay the vouchers and claims in the amount of \$1,342,144.85 from the current fund and \$ 29,253.46 from sewer.

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

Motion Carried.

REPORTS:

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

1. Managers' Report
2. Police
3. Court

Ayes: 6, Nays: 0
Motion Carried

ORDINANCES

Motion made by Conry to open the public hearing for Ordinance 2019-01, motion seconded by Noone, all were in favor.

Motion to close the public hearing for Ordinance 2019-01 made by Norris and seconded by Noone, all were in favor.

Motion to approve Ordinance 2019-01 made by Norris and seconded by Noone.

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

Ayes: 6, Nays: 0
Motion carried.

ORDINANCE 2019-01

AN ORDINANCE OF THE BOROUGH OF WASHINGTON, COUNTY OF WARREN, STATE OF NEW JERSEY, CHANGING THE NAME OF VARIOUS STREETS AND ASSIGNING STREET NAMES IN ACCORDANCE WITH RECOMMENDATIONS OF THE 911 COORDINATOR AND OTHER VARIOUS REASONS

WHEREAS, pursuant to the provisions of **N.J.S.A. 40:67-1(k)**, **et seq.**, the governing body of a municipality may make ordinances to provide for the changing of names of streets within the municipality and/or assign names to previously unnamed streets therein; and

WHEREAS, the Borough of Washington 911 Coordinator, Office of Emergency Management Coordinator, and Borough Manager have completed the 911 database

update project in conjunction with the Warren County 911 Coordinator and 911 Center;
and

WHEREAS, in the course of updating the database certain streets were identified as requiring name changes for the purposes of clarity and elimination of duplication of addresses for reasons of public safety; particularly response times; and

WHEREAS, the 911 Coordinator has made formal recommendation to the Borough of Washington that certain streets enumerated herein be renamed in a manner consistent with various public safety databases; and

WHEREAS, the Borough of Washington is desirous of honoring the life of the Honorable Richard W. Thompson, Jr.; who passed away on October 30, 2018 while serving as an active member of the Borough Council as well as an exempt member of the Washington Fire Department, concluding decades of service to the Borough of Washington; and

WHEREAS, the Borough of Washington is desirous of correcting a longstanding error with regard to the spelling of a street named for a local family which has played an integral role in the community of Washington since its very founding;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington to rename and/or assign street names as follows:

That easternmost portion of Pershing Avenue having an intersection with Fisher Avenue, extending westerly and further having two (2) lots (Block 84 Lots 27 and 28) fronting upon it shall heretofore be known as “East Pershing Avenue.”

That portion of roadway having an intersection with the southerly curblineline of NJ Route 57/West Washington Avenue, crossing the Shabbecong Creek, extending southerly across Block 101 Lot 13.01 and thence providing access to Block 101 Lot 12 a/k/a Washington Gardens Apartments shall be heretofore known as “Washington Gardens Way.”

That roadway having an intersection with the westerly curblineline of the roadway to be known as “Washington Gardens Way” and thence providing access across Block 101 Lot 13.01 in a westerly direction to Block 101 Lot 1 shall heretofore be known as “Richard W. Thompson Jr. Way.”

That roadway having an intersection with the easterly curblineline of Broad Street, extending easterly and thence providing access to Block 94 Lot 57 a/k/a known as “Alleger Street” shall heretofore be known as “Alleger Street,” in accordance with the proper spelling of the surname “Alleger” which has been substantiated by the Alleger family, who provided

early maps of the Borough of Washington as evidence of the historical and correct spelling.

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Washington to direct the Borough Manager to make all necessary notifications of applicable property owners of the foregoing, as well as notifications to various agencies, including but not limited to the Warren County Department of Public Safety, and the United States Post Office.

Motion made by Conry to open the public hearing for Ordinance 2019-02, motion seconded by Valle, all were in favor.

Motion to close the public hearing for Ordinance 2019-02 made by Norris and seconded by Noone, all were in favor.

Motion to approve Ordinance 2019-02 made by Conry and seconded by Norris.

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

Ayes: 6, Nays: 0

Motion carried.

ORDINANCE 2019-02
AN ORDINANCE AMENDING CHAPTER 85 VEHICLES AND TRAFFIC OF
THE CODE OF THE BOROUGH OF WASHINGTON

WHEREAS, the Mayor and Council believe it necessary to amend certain portions of Chapter 85 of the Code of the Borough of Washington; and,

WHEREAS, there is a need to accommodate changes to various street parking designations;

BE IT RESOLVED, by the Council of the Borough of Washington that Chapter 85 Vehicles and Traffic be amended as follows,

Article VIII: Schedules

85-23 Schedule 1: No parking: Amend as follows:

Add:

West Church Street – No parking both sides beginning at the westerly curblineline of North Lincoln Avenue and extending to a point 100’ westerly therefrom.

Motion made by Noone to open the public hearing for Ordinance 2019-03, motion seconded by Valle, all were in favor.

Motion to close the public hearing for Ordinance 2019-03 made by Conry and seconded by Parichuk, all were in favor.

Motion to approve Ordinance 2019-03 made by Conry and seconded by Noone.

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

Ayes: 6, Nays: 0
Motion carried.

ORDINANCE 2019-03
AN ORDINANCE FIXING THE SALARY AND WAGES OF CERTAIN MUNICIPAL OFFICIALS, APPOINTEES, EMPLOYEES, AND STIPENDS APPLICABLE THERETO AND REPEALING PORTIONS OF PRIOR INCONSISTENT SALARY AND WAGE ORDINANCES FOR THE YEARS BEGINNING JANUARY 1, 2019

Motion made by Norris to open the public hearing for Ordinance 2019-04, motion seconded by Valle, all were in favor.

Motion to close the public hearing for Ordinance 2019-04 made by Valle and seconded by Norris, all were in favor.

Motion to approve Ordinance 2019-04 made by Norris and seconded by Parichuk.

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

Ayes: 6, Nays: 0
Motion carried.

ORDINANCE 2019-04
AN ORDINANCE OF THE BOROUGH OF WASHINGTON, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF VARIOUS BOROUGH OWNED REAL ESTATE LOCATED IN WASHINGTON BOROUGH AND WASHINGTON TOWNSHIP PURSUANT TO N.J.S.A. 40A:12-

13

WHEREAS, Lot 6 Block 36, more commonly known as “149 North Lincoln Avenue,” located in the Borough of Washington, was acquired through a tax foreclosure and is not needed for public purposes; and

WHEREAS, Lots 4 and 5 Block 50, more commonly known as “0 Prosper Way,” and “29 McKinley Avenue,” respectively, were acquired through a tax foreclosure and are not needed for public purposes; and

WHEREAS, Lot 51 Block 100, more commonly known as “0 Marble Street” was acquired through a 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, these lots shall be referred to herein collectively as “the properties”; and

WHEREAS, the Borough proposes to sell the properties by Open Public Sale to the highest bidder as authorized by **N.J.S.A. 40A:12-13(a)**.

NOW, THEREFORE, BE IT ORDAINED 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 properties 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 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.

- b. 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.
 - c. 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.
 - d. 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 sale, 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.
 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 ordinance shall take effect immediately.

RESOLUTIONS

Motion made by Conry and seconded by Valle to approve Resolution 2019-41

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

Ayes: 6, Nays: 0
Motion carried.

Resolution 2019-41

**SHARED SERVICES AGREEMENT FOR
FIRE PREVENTION SERVICES BETWEEN
THE TOWNSHIP OF WASHINGTON, MORRIS COUNTY
AND THE
BOROUGH OF WASHINGTON, WARREN COUNTY**

THIS AGREEMENT, made this ____ day of January 2019 by and between:

THE TOWNSHIP OF WASHINGTON, MORRIS COUNTY,
a municipal corporation of the State of New Jersey, with
offices at the Municipal Building, 43 Schooley's Mountain
Road, Long Valley, New Jersey 07853

(Hereinafter, "Washington Township")

and:

**THE BOROUGH OF WASHINGTON, WARREN
COUNTY**, a municipal corporation of the State of New
Jersey, with offices at the Municipal Building, 100
Belvidere Ave, Washington, New Jersey 07840,

(Hereinafter, "Washington Borough")

WITNESSETH:

WHEREAS, Washington Borough desires to contract with Washington Township for the
furnishing of fire prevention services as required by the Uniform Fire Code, N.J.A.C. 5:70-1.1et
seq., and as hereafter set forth.

NOW, THEREFORE, IN CONSIDERATION OF the mutual promises, covenants and
representations herein contained, the parties hereto, for themselves, their heirs, successors and
assigns, hereby agree as follows:

Motion made by Valle and seconded by Conry to approve Resolution 2019-42

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

Ayes: 6, Nays: 0
Motion carried.

RESOLUTION 2019-42
RESOLUTION TO AUTHORIZE THE TRANSFER OF A SURPLUS VEHICLE
TO WASHINGTON TOWNSHIP, MORRIS COUNTY

WHEREAS, N.J.S.A. 40A:11-36(2) permits a municipality by resolution to sell property no longer needed for public use to another contracting unit without advertisement or auction; and

WHEREAS, the Borough of Washington has determined the fair market value for its 2007 Ford Escape to be \$12,000; and

WHEREAS, the Borough of Washington has entered into a shared service agreement for the provision of Fire Prevention Bureau services with the Township of Washington, Morris County, determined the 2007 Ford Escape is no longer needed for its fire prevention bureau; and

WHEREAS, the Township of Washington, Morris County, has expressed a desire to acquire the 2007 Ford Escape and included compensation for the vehicle is included in the shared service agreement for the provision of its Fire Prevention Bureau services.

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

1. The 2007 Ford Escape used by the Washington Borough Fire Prevention Bureau, is hereby declared to be surplus, no longer needed for public purposes, upon commencement of the shared service agreement for the provision of Fire Prevention Bureau services; and

2. The Borough Manager is hereby authorized to transfer the 2007 Ford Escape to Washington Township, Morris County, contingent upon execution of the shared service agreement for the provision of Fire Prevention Bureau services.

Motion made by Valle and seconded by Conry to approve Resolution 2019-43

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

Ayes: 6, Nays: 0
Motion carried.

**RESOLUTION 2018-43
APPOINTMENT OF QUALIFIED PURCHASING AGENT ROSE WITT AS
PUBLIC AGENCY COMPLIANCE OFFICER**

WHEREAS, N.J.A.C. 17:27-1.1 provides that no public works contracts can be awarded nor any monies paid until the prospective contractor has agreed to contract performance which complies with an approved affirmative action program; and

WHEREAS, N.J.A.C 17:27-3.5 provides that each public agency shall designate an officer or employee to serve as its public agency compliance officer.

WHEREAS, The Borough of Washington has appointed a Qualified Purchasing Agent and has the desire to change the Public Agency Compliance Officers to Rose Witt

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Washington, County of Warren State of New Jersey that the Qualified Purchasing Agent Rose Witt be appointed as the Public Agency Compliance Officer.

Motion made by Noone and seconded by Valle to approve Resolution 2019-44

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

Ayes: 6, Nays: 0
Motion carried.

**RESOLUTION 2019-44
BOROUGH OF WASHINGTON
COUNTY OF WARREN
RESOLUTION OF INTENT TO REVISE MASTER PLAN AND
DEVELOPMENT REGULATIONS FOR HIGHLANDS PLAN
CONFORMANCE
FOR LAND IN THE PLANNING AREA**

WHEREAS, the Highlands Water Protection and Planning Act (“Highlands Act”), N.J.S.A. 13:20-1 *et seq.*, finds and declares that protection of the New Jersey Highlands is an issue of

State level importance because of its vital link to the future of the State's drinking water supplies and other significant natural resources; and

WHEREAS, the Highlands Act creates a coordinated land use planning system requiring the Highlands Water Protection and Planning Council ("Highlands Council") to prepare and adopt a Regional Master Plan for the Highlands Region; and

WHEREAS, Section 13:20-15.a, of the Highlands Act states that for any municipality located wholly in the Planning Area or for the portion of a municipality lying within the Planning Area, the municipality may, by ordinance, petition the Highlands Council of its intention to revise its master plan, development regulations and other regulations, as applicable to the development and use of land in the Planning Area, to conform them with the goals, requirements and provisions of the Regional Master Plan ("Plan Conformance"), and

WHEREAS, Washington Borough (the "Borough") is located in the Highlands Region with lands lying within the Planning Area, as defined by Section 7 of the Highlands Act; and

WHEREAS, the Highlands Council prepared and distributed to the Borough and other municipalities within the Highlands Region guidelines outlining the process and procedures for petitioning the Highlands Council for Plan Conformance which includes a comprehensive package of planning and implementation documents that meet the requirements of the Highlands Act, the Regional Master Plan, and the Highlands Plan Conformance Guidelines; and

WHEREAS, Plan Conformance by municipalities is strictly voluntary for lands in the Planning Area, and the Borough may at any time voluntarily revise its master plan, development regulations, and other regulations, as applicable to the development and use of land in the Planning Area, to conform them to the Regional Master Plan; and

WHEREAS, at any time during the Plan Conformance process, the Borough may withdraw from the Plan Conformance process and any approvals, rejections, or conditions of revised municipal master planning documents or development regulations recommended by the Highlands Council during the Plan Conformance process, will not be binding on the Borough; and the Borough may choose not to obtain conformance with the Regional Master Plan for the lands lying within the Planning Area; and

WHEREAS, should the Borough make the determination that the Borough shall petition the Highlands Council of its intention to revise its master plan, development regulations, and other regulations, as applicable to the development and use of land in the Planning Area, to conform them with the goals, requirements and provisions of the Regional Master Plan and Plan Conformance Guidelines, the Borough shall enact an ordinance setting forth such intention, as required by the Highlands Act; and

WHEREAS, upon application of the Borough, the Highlands Council has made, or will

make, grant funding and other financial and technical assistance available to the Borough for the reasonable costs associated with the revision of the master plan, development regulations or other regulations, as applicable to the development and use of land in the Planning Area, which are designed to bring those plans and regulations into conformance with the Regional Master Plan and the Highlands Council shall provide grant funds for all mandatory aspects of Plan Conformance in accordance with the Plan Conformance Grant Program, and may also provide grant funds for the discretionary aspects of Plan Conformance as determined by the Highlands Council; and

WHEREAS, should the Borough formally withdraw from the Plan Conformance process, grant funding awarded to the Borough up to the date of withdrawal that has been appropriately utilized in accordance with the Plan Conformance Grant Program and applicable grant agreement shall not be reimbursable to the Highlands Council;

NOW, THEREFORE BE IT RESOLVED, that the Washington Borough Council hereby submits this resolution of intention to revise its master plan and development regulations for Plan Conformance to the Highlands Council for that portion of our jurisdiction lying within the Planning Area in accordance with the Highlands Act, the Regional Master Plan, and the Highlands Plan Conformance Guidelines.

Motion made by Conry and seconded by Valle to approve Resolution 2019-45

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

Ayes: 6, Nays: 0
Motion carried.

RESOLUTION 2019-45

RESOLUTION AUTHORIZING THE TAX ASSESSOR AND LEGAL COUNSEL OF THE BOROUGH OF WASHINGTON TO FILE AND PROSECUTE ANY AND ALL TAX APPEALS BEFORE THE WARREN COUNTY BOARD OF TAXATION AND THE TAX COURT OF NEW JERSEY

WHEREAS, the County Tax Board has issued a ruling requiring a Resolution by the Mayor and Council of each and every municipality in Warren County through their Administrator, Melissa Pritchett, CTA; and

WHEREAS, said Administrator requires that the Mayor and Council of each municipality in the County of Warren adopt a Resolution to authorize the Assessor of the municipality and their legal counsel to file and prosecute any and all tax appeals before the Warren County Board of Taxation.

NOW, THEREFORE, BE IT RESOLVED, that Craig Brotons, CTA, Assessor of the Borough of Washington, County of Warren and State of New Jersey, and Richard M. Conley, Esq., Special Counsel for the Borough of Washington, County of Warren and State of New Jersey are hereby authorized to file, prosecute, stipulate, modify, agree upon and otherwise perform the duties which are required of said Assessor and Attorney, in the process of prosecution and/or filing of said Tax Appeals, within the jurisdiction of the Warren County Board of Taxation of the Tax Court of New Jersey.

RAFFLE LICENSES

Motion made by Norris and seconded by Noone to approve Raffle Licenses RA 2019-02 & RA 2019-03.

Ayes: 6 Nays: 0
Motion Carried.

RECAP

M. Hall recapped the following:

- Will have line item budgets that were requested from the CFO for the next budget meeting.

COUNCIL REMARKS

Councilman Norris congratulated Matt Lopez on a good job and the DPW with the recent snow storm and the fire department with their responses. Councilman Norris also apologize for being out last week. Councilman Norris discussed sidewalks near businesses and who is responsible for maintains them.

Councilwoman Valle reiterated from what Councilman Norris stated and thanked Mr. Lopez and also Mr. Monteverde on the banners. Councilwoman Valle inquired about the pothole filler from last year and asked is that will be used this year.

Councilwoman Noone congratulated Mr. Lopez on his new position. Councilwoman Noone stated she is looking forward to the BID evening dinner this Thursday.

Councilman Parichuk, congratulated Mr. Lopez on his new position.

Deputy Mayor Conry had their first senior advisory meeting and thanked the Recreation director for coming to meeting. Ms. Conry thanked Matt Lopez and the fire department and the police. Deputy Mayor Conry is asking the seniors to come to the meetings which are held the last Friday of the month.

Mayor Higgins wished Mr. Lopez well. Mayor Higgins reminded everyone of the BID dinner.

Mayor Higgins thanked the DPW for a good job from the last storm. The DPW Supervisor went out to look at how his guys were plowing close to the curbs.

Mayor Higgins stated that March 5th 6:00 PM is the date for the next budget meeting.

Manager Hall inquired about the proposed Mayor and Council retreat for February 23rd at Gebhardt and Keifer offices.

Baked goods were brought in from the Methodist Church for everyone to enjoy.

Mayor Higgins thanked Ann Kilduff for filling in for the Clerk.

Manager Hall asked if everyone is receiving his emails. The email server will be migrating this year to a new one due to the webmail being terrible.

EXECUTIVE SESSION

A motion was made by Valle seconded by Parichuk to approve a Resolution Authorizing Executive Session for the purpose of discussing a potential litigation matter, contract negotiations, and a personnel matter at 7:52 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 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 7:53 pm.

Ayes: 6; Nays: 0
Motion Carried.

ADJOURNMENT

Hearing no further business, a motion was made by Parichuk seconded by Valle to adjourn the meeting at 7:53 pm.

Ayes: 6; Nays: 0
Motion Carried.

Mayor David Higgins

Laurie A. Barton, Borough Clerk