
BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY WASHINGTON

BOROUGH COUNCIL MINUTES-March 3, 2020

The regular meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers at Borough Hall at 7:00 P.M.

Roll Call: Conry, Cox, Noone, Norris, Valle and Higgins.

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

Absent: Duchemin

Mayor Higgins led everyone in the flag salute.

Mayor Higgins read the following statement into 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.”

PROCLAMATION

Mayor Higgins read the following proclamation:

PROCLAMATION

NATIONAL NUTRITION MONTH

WHEREAS food is the substance by which life is sustained; and

WHEREAS the type, quality, and amount of food that individuals consume each day plays a vital role in their overall health and physical fitness; and

WHEREAS there is a need for continuing nutrition education and a wide-scale effort to enhance healthy eating practices;

NOW, THEREFORE I, David Higgins, Mayor of Washington Borough, Warren County, State of New Jersey,

DO HEREBY PROCLAIM the month of March NATIONAL NUTRITION MONTH® in Washington Borough and I encourage all citizens to join the campaign and become concerned about their nutrition and the nutrition of others in the hope of achieving optimum health for both today and tomorrow.

COUNCIL APPEARANCE

Melanie Thiel, BID Executive Director, named the national group The Smithereens to perform at this year’s festival.

Hearing no further public comment, motion to close made by Norris and second by Valle, all were in favor.

MINUTES

Motion made by Noone and seconded by Conry to approve the regular meeting minutes of February 4, 2020.

Roll Call: Conry, Cox, Noone, Norris, Valle and Higgins.
Motion passes.

ORDINANCE 1st Reading

Motion made by Conry and seconded by Cox to approve on first reading Ordinance 2020-03. A public hearing is scheduled for April 7, 2020.

Roll Call: Conry, Cox, Noone, Norris, Valle and Higgins.
Ayes: 6, Nays: 0
Motion passes.

ORDINANCE 2020-03

AN ORDINANCE OF THE BOROUGH OF WASHINGTON AMENDING THE SALARY ORDINANCE FOR CERTAIN POSITIONS AND ADDING CERTAIN TITLES AS FOLLOWS

WHEREAS, pursuant to changes to state minimum wage requirements, various collective bargaining agreements, and the reorganization of certain positions, it has become necessary to adjust certain salary ranges and add various titles;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey, that the following salary ranges be added to the salary ordinance under “Schedule C – Unclassified Service”:

<u>SCHEDULE C – UNCLASSIFIED SERVICE</u>						
Chief Financial Officer Shared Service (Stipend)					\$25,000	AN

Motion made by Conry and seconded by Noone to approve on first reading Ordinance 2020-04. A public hearing is scheduled for April 7, 2020.

Roll Call: Conry, Cox, Noone, Norris, Valle and Higgins.
Ayes: 5, Nays: 1(Valle)
Motion passes.

ORDINANCE 2020-04

AN ORDINANCE OF THE BOROUGH OF WASHINGTON AMENDING AND ESTABLISHING CERTAIN RECREATION DEPARTMENT PROGRAM FEES FOR 2020

WHEREAS, pursuant to changes recommended by the Recreation Commission attached hereto and made a part hereof, it has become necessary to adjust certain Recreation fee ranges and add or remove certain fees;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey, that the following changes be made to the Recreation Fee Ordinance:

Swim Lessons

Group Lessons	New Rate for All	\$75
Semi-Private	New Rate for All	\$90
Private	New Rate for All	\$100

Pool Fees

Seasonal Membership Change – Senior Citizens – Maximum \$75 – New Rate for All \$60

Change wording “**Pool Membership Discounts**” to “Pool Seasonal Membership Discounts”

Add – Monthly Memberships (July or August only)

Monthly Individual (Resident)	Minimum \$50	Maximum \$150	New Rate \$55
Monthly Individual (Non-resident)	Minimum \$50	Maximum \$200	New Rate \$63
Monthly Family (Resident)	Minimum \$100	Maximum \$200	New Rate \$100
Monthly Family (Non-resident)	Minimum \$100	Maximum \$250	New Rate \$150

Daily - Change –

Adult	New Rate	\$9
Child (4 to 17 years old)	New Rate	\$5
Change wording “Child (up to 3 years old)” to “Infant/Toddler (0 to 3 years old)”		
Senior	New Rate	\$2
Twilight (after 6 pm) Adult and Child	New Rate	\$4

Add - Twilight (after 6 pm) Senior Minimum \$0 Maximum \$6 New Rate \$2

Motion made by Noone and seconded by Conry to approve on first reading Ordinance 2020-05. A public hearing is scheduled for April 7, 2020.

Roll Call: Conry, Cox, Noone, Norris, Valle and Higgins.
Ayes: 6, Nays: 0
Motion passes

ORDINANCE 2020-05

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF LANDS IN AND BY THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY, APPROPRIATING \$838,200 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$648,200 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION AND REPEALING AN ORDINANCE OF THE BOROUGH HERETOFORE ADOPTED ON DECEMBER 30, 2019 (#2019-30).

BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

The improvement described in Section 3 of this bond ordinance is hereby authorized as a general improvement to be made or acquired by the Borough of Washington, in the County of Warren, New Jersey. For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of \$838,200, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$190,000 as the down payment for said improvement or purpose required by law and now available therefor in the Open Space Trust Fund of the Borough and including also the sum of \$135,800 received or expected to be received by the Borough from the County of Warren, New Jersey, as a grant-in-aid of financing said improvement or purpose.

For the financing of said improvement or purpose and to meet the part of said \$838,200 appropriation not provided for by application hereunder of said down payment and grant, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$648,200 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Borough in a principal amount not exceeding \$648,200 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

a) The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is the acquisition, by purchase, of lands in and by the Borough located at 55 Nunn Avenue and commonly known as the Washington Station Ventures Property, consisting of approximately 80 acres and shown as Lot 1.03 in Block 97 on the Official Tax Map of the Borough, for open space and passive recreation purposes, all in accordance with the proposed contract therefor on file or to be filed in the office of the Borough Clerk and hereby approved.

The estimated maximum amount of bonds or notes to be issued for said purpose is \$648,200.

The estimated cost of said purpose is \$838,200, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the amount of the said \$190,000 down payment for said purpose and the said \$135,000 grant-in-aid from Warren County.

The following additional matters are hereby determined, declared, recited and stated:

The said purpose described in Section 3 of this bond ordinance is not a current expense and is a property or improvement which the Borough may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

The period of usefulness of said purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is forty (40) years.

The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$648,200, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

An aggregate amount not exceeding \$50,000 for interest on said obligations, costs of issuing said obligations and other items of expense listed in and permitted under section 40A:2-20 of said Local Bond Law may be included as part of the cost of said improvement and is included in the foregoing estimate thereof.

The funds from time to time received by the Borough on account of the grant referred to in Section 1 of this bond ordinance shall be used for financing the improvement or purpose described in Section 3 of this bond ordinance by application thereof either to direct payment of the costs of said improvement or purpose, or to payment or reduction of the authorization of the obligations of the Borough authorized by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of such costs shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this bond ordinance.

All bond anticipation notes issued hereunder shall mature at such times as may be determined by

the chief financial officer, acting chief financial officer or treasurer of the Borough (the “Chief Financial Officer”), provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer’s signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale at not less than par and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Borough at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

The capital budget or temporary 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.

All ordinances or other proceedings of the Borough making appropriations or authorizing the issuance of bonds or notes for the improvement or purpose described in Section 3(a) of this bond ordinance, including particularly the ordinance of the Borough adopted on December 30, 2019 entitled: “Bond ordinance providing for the acquisition of lands in and by the Borough of Washington, in the County of Warren, New Jersey, appropriating \$838,200 therefor and authorizing the issuance of \$648,200 bonds or notes of the Borough for financing such appropriation” (#2019-30), are hereby repealed to the extent of any inconsistency herewith and to the extent, if any, that they authorize the issuance hereafter of bonds or notes for the purpose of financing said improvement or purpose

or make appropriations for said improvement or purpose in excess of the amount hereinabove stated as the appropriation therefor. Any moneys expended and obligations incurred for or with respect to any such improvement or purpose pursuant to the appropriation made by said ordinance or other proceedings in an aggregate amount not exceeding the amount hereinabove stated as the appropriation therefor shall be accounted and deemed to have been expended or incurred pursuant to this bond ordinance.

This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

RESOLUTIONS

Motion made by Noone and seconded by Conry to approve the following resolutions.

Roll Call: Conry, Cox, Noone, Norris, Valle and Higgins.

Ayes: 6, Nays: 0

Motion passes.

RESOLUTION # 2020-43

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 December 6, 2019 to Bala Partners LLC, 17 W. Cliff St., Somerville, NJ 08876, in the amount of \$338.70 for taxes or other municipal liens assessed for the year 2018 in the name of Stec, Eric as supposed owner, and in said assessment and sale were described as 3 Washington Square Circle, Block 73.01 Lot 2, which sale was evidenced by certificate #19-00022 and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 2-11-20 and before the right to redeem was cut off, as provided by law, EastWest Bank claiming to have an interest in said lands, did redeem said lands claimed by Bala Partners LLC by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,046.52 which is the amount necessary to redeem Tax Sale Certificate #19-00022.

NOW THEREFORE BE IT RESOLVED, on this 3rd day of March 2020 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Bala Partners, LLC, 17 W. Cliff St., Somerville, NJ 08876 in the amount of **\$1,046.52** (This consists of \$1,046.52 Certificate Amount redeemed).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 73.01 Lot 2 from the tax office records.

RESOLUTION #2020-44

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 December 6, 2019 to US Bank Cust Pro Cap 8, 50 S 16th Street, Suite 2050, Philadelphia, PA 19102, in the amount of \$171.53 for taxes or other municipal liens assessed for the year 2018 in the name of Vazquez, Michelle as supposed owner, and in said assessment and sale were described as 33 Belvidere Ave. Block 23 Lot 11, which sale was evidenced by Certificate #19-00013; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 2-11-20 and before the right to redeem was cut off, as provided by law, Shellpoint Mortgage Servicing, claiming to have an interest in said lands, did redeem said lands claimed by US Bank Cust Pro Cap 8 by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$865.30 which is the amount necessary to redeem Tax Sale Certificate #19-00013.

NOW THEREFORE BE IT RESOLVED, on this 3rd day of March 2020 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 Cap 8, 50 S 16th Street, Suite 2050, Philadelphia, PA 19102 in the amount of **\$865.30** (This amount consists of \$865.30 Certificate Amount redeemed).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 23 Lot 11 from the tax office records.

RESOLUTION #2020-46

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 December 6, 2019 to US Bank Cust Pro Cap 8, 50 S 16th Street, Suite 2050, Philadelphia, PA 19102, in the amount of \$658.00 for taxes or other municipal liens assessed for the year 2018 in the name of Metcalf, Agnes as supposed owner, and in said assessment and sale were described as 112 Lenape Trail Block 101 Lot 15.34, which sale was evidenced by Certificate #19-00038; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 2-24-20 and before the right to redeem was cut off, as provided by law, EastWest Bank on behalf of Lereta Tax Service, claiming to have an interest in said lands, did redeem said lands claimed by US Bank Cust Pro Cap 8 by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,357.47 which is the amount necessary to redeem Tax Sale Certificate #19-00038.

NOW THEREFORE BE IT RESOLVED, on this 3rd day of March 2020 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 Cap 8, 50 S 16th Street, Suite 2050, Philadelphia, PA 19102 in the amount of **\$2,157.47** (This amount consists of \$1,357.47 Certificate Amount redeemed + \$800.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 101 Lot 15.34 from the tax office records.

Motion made by Conry and seconded by Noone to approve the Resolution 2020-45.

Roll Call: Conry, Cox, Noone, Norris, Valle and Higgins.

Ayes: 6, Nays: 0

Motion passes.

RESOLUTION 2020-45

A RESOLUTION PROVIDING FOR EMERGENCY TEMPORARY APPROPRIATIONS FOR CURRENT FUND

WHEREAS, there will be a delay in the adoption of the 2020 Borough of Washington, County of Warren, New Jersey, Local Municipal Budget; and

WHEREAS, a temporary budget in the amount of 26.25% of the total appropriations in the 2019 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance was adopted in January 2020; and

WHEREAS, if additional funds are not budgeted the public welfare will be adversely affected; and

WHEREAS, it is the recommendation of the Chief Financial Officer this emergency temporary appropriation be authorized.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Washington, County of Warren, New Jersey, that in accordance with N.J.S.A. 40A:4-20, an emergency temporary appropriation be and same is hereby made for in the amount of \$1,668,899.97 and that said emergency temporary appropriation shall be provided in full in the 2020 budget.

Motion made by Noone and seconded by Conry to approve the Resolution 2020-47.

Roll Call: Conry, Cox, Noone, Norris, Valle and Higgins.

Ayes: 6, Nays: 0

Motion passes.

RESOLUTION 2020-47

RESOLUTION PROVIDING FOR THE PAYMENT OF CERTAIN STIPENDS APPLICABLE TO SHARED SERVICE AGREEMENTS

WHEREAS, N.J.S.A 40A:65-1 *et seq.* commonly known as “The Uniform Shared Services and Consolidation Act”, has been provided so as to enable municipalities and other governmental entities to enter into contracts with each other for the sharing of services; and

WHEREAS, the Borough of Washington is a party to eight Shared Services Agreement (hereinafter “Agreement”) with various municipalities so as to provide and receive municipal services at the highest rate of efficiency and lowest cost possible; and

WHEREAS, compensation is provided to various employees in conjunction with shared service agreements in the form of stipends;

NOW THEREFORE BE IT RESOLVED, that any stipends paid in conjunction with a shared service agreement and indicated as such in the salary ordinance of the Borough of Washington shall be made retroactive to the date of the enactment of the shared service agreement unless an alternate start date for the stipend is affirmatively stated in the shared service agreement or in the salary ordinance.

Motion made by Noone and seconded by Conry to approve the Resolution 2020-48.

Roll Call: Conry, Cox, Noone, Norris, Valle and Higgins.

Ayes: 6, Nays: 0

Motion passes.

RESOLUTION 2020-48
RESOLUTION BY THE MAYOR AND COUNCIL OF THE BOROUGH OF WASHINGTON TO
APPOINT LISA M. GERICKONT AS TAX COLLECTOR

WHEREAS, the Borough of Washington has a need for a Certified Tax Collector to fill the vacancy left by the resignation of the Tax Collector; and

WHEREAS, State Law requires every municipality in the State of New Jersey to have a Certified Municipal Tax Collector, and

WHEREAS, the Municipal Manager has recommended to the Mayor and Council the appointment of Lisa M. Gerickont as Certified Tax Collector at an annual salary of \$25,000;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey, appoint Lisa M. Gerickont to the position of Certified Municipal Tax Collector effective March 15, 2020.

REPORTS

Motion made by Conry and seconded by Norris to receive and file the monthly Court report.

Ayes: 6, Nays: 0

Motion passes.

VOUCHERS AND CLAIMS

Motion made by Conry seconded by Cox to pay the vouchers and claims in the amount of \$1,446,781.22 from the current fund and \$ 81,638.80 from sewer.

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

Ayes: 6, Nays: 0

Motion Carried.

RECAP

Manager Hall started the discussions concerning his handouts involving a lease option for DPW vehicles.

Motion made by Noone and seconded Conry to approve the lease contract.

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

Ayes: 6, Nays: 0
Motion Carried.

- Manager Hall will have representatives from the Recreation Commission the March 17th meeting to discuss the rate increase to pool memberships.
- Reach out to Frank Hadley for the ISO ratings of the boroughs fire hydrants.

COUNCIL REMARKS

Councilwoman Valle gave the following remarks:

- Asked for an update on Taco Bell
- Inquired about any zoning permits being applied from Creek Oil.

Councilwoman Noone gave the following remarks:

- Washington Borough Complete Count committee will meet on Tuesday March 10th, all residents are invited to attend.

Councilman Norris gave the following remarks:

- Inquired about sewer fees and discussions that are appearing on Facebook, asked how much does the borough collect in a year. Asked if the bills could be cut in half for the residents.

Mayor Higgins gave the following remarks:

- Announced an invitation received from the Borough Emergency Squad, having a dinner at the Almond Tree Manor in Alpha on March 14th.

EXECUTIVE SESSION

Motion made by Valle and seconded by Cox to enter into executive session for potential litigation and personnel for 30 minutes, all were in favor.

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.);

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 Cox seconded by Noone to come out of Executive Session at 9:30 pm.

Ayes: 6; Nays: 0
Motion Carried.

ADJOURNMENT

Hearing no further business, a motion was made by Valle seconded by Cox to adjourn the meeting at 9:30 pm.

Ayes: 6; Nays: 0
Motion Carried.

Mayor David Higgins

Laurie A. Barton, Borough Clerk