
BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY

WASHINGTON BOROUGH COUNCIL MINUTES

August 20, 2020 Special Meeting

The regular meeting of the Borough Council of Washington, Warren County, New Jersey was held via ZOOM live stream at 7:00 P.M.

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

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

Absent: Valle

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, borough website and Facebook stating the time, place and purpose of the meeting as required by law.”

PUBLIC COMMENT

Hearing no comments, motion to close public portion made by Conry and seconded by Duchemin, all were in favor.

EXECUTIVE SESSION

Motion made by Conry and seconded by Duchemin to enter into executive session for contract negotiations and potential shared service 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 Conry to come out of Executive Session, all were in favor.

RESOLUTION

Motion made by Conry and seconded by Noone to approve Resolution 2020-121

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

Ayes: 6 Nays: 0 Absent: 1 (Valle)

Motion passes.

RESOLUTION 2020-121

RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICE AGREEMENT WITH OXFORD TOWNSHIP FOR REGISTERED MUNICIPAL CLERK SERVICES THROUGH DECEMBER 31, 2024.

WHEREAS, the Common Sense Shared Services Pilot Program Act, N.J.S.A. 40A:65-4.1 et seq., allows municipalities within pilot counties to share services for a municipal clerk, a chief financial officer, an assessor, a tax collector, a municipal treasurer or a municipal superintendent of public works without regard to the strictures of tenure rights, as necessary, in order to promote and effectuate the sharing of a service; and

WHEREAS, under the pilot program, municipalities located in pilot counties may enter into shared services agreements, under current law provisions, for the services of certain local employees, and provide for the dismissal of any tenured local employees who are not selected to be service providers under the shared service agreement; and

WHEREAS, Warren County is a pilot county under the Act; and

WHEREAS, Oxford Township desires to contract with Washington Borough for the furnishing of the services of a Local Registrar Registered Municipal Clerk as required by N.J.S.A. 40A:9-133.1 et seq. and as hereafter set forth; and

WHEREAS, Washington Borough has agreed to furnish to Oxford the statutorily required Municipal Clerk and Registrar services in accordance with N.J.S.A. 40A:9-133(e) and N.J.S.A. 26:8-11; and

WHEREAS, in 2019, the position of Registered Municipal Clerk for the Township of Oxford cost the Township conservatively \$95,000.00 in salary and benefits. It is estimated that the total costs to share a Registered Municipal Clerk for 2021 (the first full year of the agreement) shall be \$34,000.00. This shared service is estimated to amount to a minimum of a savings over \$60,000 each year for Oxford Township; and

WHEREAS, the Agreement will provide additional benefit to the Borough of Washington as Oxford shall pay to Washington Borough an annual sum of \$34,000.00, payable in four (4) quarterly payments of \$8,500.00, as compensation for the Municipal Clerk's services; and

WHEREAS, a public hearing was held on August 19, 2020 and a copy of this Agreement was provided to the affected employee at least two weeks before the public hearing in accordance with N.J.S.A. 40A:65-5.

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

1. The Governing Body of the Borough of Washington is hereby authorized and directed to execute the attached Shared Services Agreement with the Township of Oxford for Registered Municipal Clerk in accordance with the terms and provisions set forth.
2. A copy of the Agreement shall be filed with the Borough Clerk and shall be open for public inspection at the Township Municipal Building upon adoption of this Resolution.
3. The Agreement shall take effect on September 1, 2020.
4. A copy of the Agreement shall be sent to the State of New Jersey, Division of Local Government Services in the Department of Community Affairs.
5. This Resolution shall take effect immediately upon adoption according to law.

ADJOURNMENT

Hearing no further business, a motion was made by Conry seconded by Duchemin to adjourn the meeting at 7:17 pm.

Ayes: 5: Nays: 0

Motion Carried.

Mayor David Higgins

Laurie A. Barton, Borough Clerk