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*BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY*

*WASHINGTON BOROUGH COUNCIL MINUTES*

*December 1, 2020*

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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, Valle and 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 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**

Spencer Nicholson, Youmans Ave. inquired about the new garbage regulations and bulk pick up for large items.

Mel Thiel, BID Executive Director, stated she wanted to come before Council to clarify what the BID is and what services it provides for businesses in the Borough. Ms. Thiel took this time to read a letter to the Council and the public. Lengthy discussions ensued regarding businesses that need help due to the pandemic and what the BID can do and what it has already done to help.

Hearing no further public comment, motion made by Valle and seconded by Cox to close the public portion, all were in favor.

**MINUTES**

Motion made by Norris and seconded by Valle to approve the following minutes.

**November 10, 2020 (Regular)**

Roll Call: Conry, Cox, Duchemin, Noone, Norris, Valle and Higgins.  
Ayes: 6 Nays: 0 Abstain 1 (Duchemin)  
Motion passes.

**NEW BUSINESS**

**ACO Agreement**

Manager Hall briefly discussed some changes to the ACO shared service agreements adding that Washington Township, Morris County will now take the lead for the services. This will appear with updated changes as discussed on the Re-Organization agenda for approval to take effect January, 2021.

**Solid Waste Memo-Manager Hall**

Manager Hall addressed his memo he sent out regarding new Solid Waste procedures now that the Borough itself is going to be doing the garbage pick-up. Garbage canisters and bulk stickers was discussed in length.

**ORDINANCES 2<sup>nd</sup> reading**

Motion made by Noone and seconded by Conry to open the public hearing for Ordinance 2020-14 all were in favor.

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

Motion made by Conry and seconded by Noone to adopt Ordinance 2020-14.

Roll Call: Conry, Cox, Duchemin, Noone, Norris, Valle and Higgins.  
Ayes: 7 Nays: 0  
Motion passes.

**ORDINANCE 2020-14**

**AN ORDINANCE OF THE BOROUGH OF WASHINGTON,  
IN THE COUNTY OF WARREN, STATE OF NEW JERSEY,  
PROVIDING FOR A SPECIAL EMERGENCY  
APPROPRIATION OF \$155,000.00 PROVIDING FOR THE  
FUNDING OF A DEFICIT IN OPERATIONS OF THE  
BOROUGH DIRECTLY ATTRIBUTABLE TO COVID-19  
WHICH IS ANTICIPATED TO BE EXPERIENCED BY THE  
BOROUGH IN THE CURRENT FISCAL YEAR**

WHEREAS, the Governor of the State of New Jersey (the “State”) has heretofore declared a public health emergency and a state of emergency in response to the outbreak of the coronavirus disease 2019 as announced by the World Health Organization on February 11, 2020, and first identified in Wuhan, China (“COVID-19”); and

WHEREAS, N.J.S.A. 40A:4-53(m) provides that a municipality may, subject to the approval of the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs (the “Director”), adopt an ordinance providing for a special emergency appropriation for the funding of a deficit in operations of the Borough directly attributable to COVID-19; and

WHEREAS, the Chief Financial Officer of the Borough of Washington, in the County of Warren, State of New Jersey (the “Borough”) has executed a certification in the form prescribed by the Director, certifying that the deficit balance anticipated to be reported on the Borough’s “Results of Operations” schedule of the annual financial statement for the current fiscal year is \$155,000; and

WHEREAS, by resolution adopted on November 10, 2020, the Municipal Council of the Borough approved such certification, together with the Borough’s application to the Director seeking approval of the adoption of this ordinance; and

WHEREAS, the Borough has applied for financial assistance that may be available to the Borough from the federal government, the State and other sources to offset such anticipated operating deficit balance, and has obtained \$0.00 for such purpose (which amount will be utilized to offset such anticipated operating deficit balance);

WHEREAS, the Municipal Council of the Borough has determined to provide for the funding of such anticipated operating deficit balance, as offset by the amount of financial assistance received, in the net amount of \$155,000; and

**WHEREAS**, the Borough seeks to make a special emergency appropriation in accordance with N.J.S.A. 40A:4-53(m).

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE MUNICIPAL COUNCIL OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY, AS FOLLOWS:

Section 1. Pursuant to N.J.S.A. 40A:4-53(m), the sum of \$155,000 is hereby appropriated for the funding of a deficit in operations of the Borough directly attributable to COVID-19 which is anticipated to be experienced by the Borough in the current (2020) fiscal year, and the same shall be deemed a special emergency appropriation as defined and provided for in N.J.S.A. 40A:4-53.

Section 2. The portion of the authorization financed shall be provided for in succeeding annual budgets by the inclusion of at least one fifth of the amount authorized by this ordinance beginning in the year after the year in which the resulting deferred charge appears in the Borough's unaudited financial statements, as provided in N.J.S.A. 40A:4-55.

Section 3. The Mayor and Chief Financial Officer are each hereby authorized and directed to determine all matters in connection with the special emergency appropriation not determined by this or a subsequent ordinance, all in consultation with the Borough Attorney or Bond Counsel, and the manual or facsimile signature of the Borough's Mayor or Chief Financial Officer upon any documents shall be conclusive as to all such determinations. The Mayor, Chief Financial Officer, Clerk and any other Borough Representative, including but not limited to, Bond

Counsel, the Borough Attorney, Municipal Advisor and the Auditor (collectively, the “Borough Representatives”), are each hereby authorized and directed to take such actions or refrain from such actions as are necessary to undertake the special emergency appropriation, including but not limited to, the negotiation of any and all contracts, agreements and documents for the special emergency appropriation, and any all such actions or inactions taken by the aforesaid Borough Representatives heretofore are hereby ratified and confirmed, *nunc pro tunc*.

Section 4. A copy of this ordinance shall be filed with the Director of the Division of Local Government Services.

Section 5. This ordinance shall take effect upon final passage and publication as required by law; provided that the approval of the Director has been obtained.

## **RESOLUTIONS**

Motion made by Conry and seconded by Noone to adopt Resolution 2020-157.

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

Ayes: 7 Nays: 0

Motion passes.

### **RESOLUTION 2020-157**

#### **WASHINGTON BOROUGH, WARREN COUNTY**

#### **A RESOLUTION ENDORSING A RESOLUTION OF THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF WARREN MADE A PART HEREOF AND ATTACHED HERETO: RESOLUTION OF THE WARREN COUNTY BOARD OF CHOSEN FREEHOLDERS TO REIMBURSE WARREN COUNTY LOCAL RESTAURANTS AND BARS THE SUM OF SEVENTY-FIVE DOLLARS (\$10.00) AS A RESULT OF THE SPECIAL FEE/TAX IMPOSED BY THE NEW JERSEY STATE ALCOHOLIC BEVERAGE COMMISSION FOR THE ABILITY TO SERVE ALCOHOLIC BEVERAGES OUTSIDE THEIR LICENSED PREMISES**

**WHEREAS**, the Warren County Board of Chosen Freeholders of the County of Warren understand the financial destruction that the COVID19/Pandemic has imposed upon local businesses in the County of Warren; and

**WHEREAS**, the Warren County Board of Chosen Freeholders have created an Economic Development Advisory Committee to help foster and encourage opportunities for local businesses; and

**WHEREAS**, the Pandemic and concomitant closure of local restaurants and bars has had a chilling and devastating financial effect upon local business owners and their employees; and

**WHEREAS**, the New Jersey State Alcoholic Beverage Commission has imposed a ten-dollar (\$10.00) licensing fee and/or additional tax for establishments to extend special ruling 2020-10 permitting establishments to sell alcoholic beverages outside their licensed premises within the guidelines for social distancing and Executive Order 150 imposed by the Governor; and

**WHEREAS**, this additional fee and/or tax creates an additional burden and hardship to proprietors of establishments which have been closed for ninety (90) or more days; and

**WHEREAS**, the Warren County Board of Chosen Freeholders understand the concerns of local business owners and are concerned for their economic viability and have determined that available funds to cover this unnecessary excessive fee/tax are available in the account of the Economic Development Advisory Committee; and

**WHEREAS**, the Warren County Board of Chosen Freeholders will tender payment for this unnecessary fee/tax to the Municipal Clerks of each Warren County municipality for those businesses to serve the public via outdoor dining and consumption of alcohol and in conformance with all Executive Orders from the State.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Chosen Freeholders of the County of Warren in the State of New Jersey as follows:

1. The Warren County Board of Chosen Freeholders will tender payment for all Warren County restaurants whom desire to open under the Governors Executive Order 150 to serve the public alcoholic beverages at outdoor settings the sum of ten dollars (\$10.00) per licensee to offset the fee/tax imposed by the New Jersey Alcoholic Beverage Commission as it has been determined that this fee/tax creates an unnecessary burden on businesses located in the County of Warren.
2. A copy of this duly certified resolution will be served upon Municipal Clerks for each Warren County Municipality who may also adopt a Resolution allowing participation in this program.
3. Annexed to this Resolution is a certificate from the County Treasurer indicating the availability of funds from Account No.011720 5100.

Motion made by Conry and seconded by Noone to adopt Resolution 2020-158,159 & 160

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

Ayes: 7 Nays: 0

Motion passes.

**RESOLUTION 2020-158**  
**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 22, 2020 to Bala Partners LLC, P.O. Box 303, Pottersville, NJ 07979, in the amount of \$522.08 for taxes or other municipal liens assessed for the year 2019 in the name of Washington Condos, LLC as supposed owner, and in said assessment and sale were described as 2-4 E. Washington Ave., Block 24 Lot 34 C0001, which sale was evidenced by Certificate #20-00006 and

**WHEREAS,** the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 11-24-20 and before the right to redeem was cut off, as provided by law, Michael DeMonti 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 \$2,093.52 which is the amount necessary to redeem Tax Sale Certificate #20-00006.

**NOW THEREFORE BE IT RESOLVED,** on this 1st day of December, 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, P.O. Box 303, Pottersville, NJ 07979 in the amount of **\$5,393.52** (This consists of \$2,093.52 Certificate Amount redeemed + \$3,300.00 Premium).

**BE IT FURTHER RESOLVED,** that the Tax Collector is authorized to cancel this lien on Block 24 Lot 34 C0001 from the tax office records.

**RESOLUTION 2020-159**  
**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 22, 2020 to Bala Partners LLC, P.O. Box 303, Pottersville, NJ 07979, in the amount of \$522.08 for taxes or other municipal liens assessed for the year 2019 in the name of Washington Condos, LLC as supposed owner, and in said assessment and sale were described as 2-4 E. Washington Ave., Block 24 Lot 34 C0002, which sale was evidenced by Certificate #20-00007 and

**WHEREAS,** the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 11-24-20 and before the right to redeem was cut off, as provided by law, Michael DeMonti 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 \$2,093.52 which is the amount necessary to redeem Tax Sale Certificate #20-00007.

**NOW THEREFORE BE IT RESOLVED,** on this 1st day of December, 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, P.O. Box 303, Pottersville, NJ 07979 in the amount of **\$5,393.52** (This consists of \$2,093.52 Certificate Amount redeemed + \$3,300.00 Premium).

**BE IT FURTHER RESOLVED**, that the Tax Collector is authorized to cancel this lien on Block 24 Lot 34 C0002 from the tax office records.

**RESOLUTION 2020-160**  
**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 22, 2020 to Bala Partners LLC, P.O. Box 303, Pottersville, NJ 07979, in the amount of \$522.08 for taxes or other municipal liens assessed for the year 2019 in the name of Washington Condos, LLC as supposed owner, and in said assessment and sale were described as 2-4 E. Washington Ave., Block 24 Lot 34 C0003, which sale was evidenced by Certificate #20-00008 and

**WHEREAS**, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 11-24-20 and before the right to redeem was cut off, as provided by law, Michael DeMonti 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 \$2,093.52 which is the amount necessary to redeem Tax Sale Certificate #20-00008.

**NOW THEREFORE BE IT RESOLVED**, on this 1st day of December, 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, P.O. Box 303, Pottersville, NJ 07979 in the amount of **\$5,393.52** (This consists of \$2,093.52 Certificate Amount redeemed + \$3,300.00 Premium).

**BE IT FURTHER RESOLVED**, that the Tax Collector is authorized to cancel this lien on Block 24 Lot 34 C0003 from the tax office records.

Motion made by Conry and seconded by Noone to adopt Resolution 2020-161.

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

Ayes: 7 Nays: 0

Motion passes.

**RESOLUTION 2020-161**  
**RESOLUTION OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING THE ISSUANCE OF \$155,000 SPECIAL EMERGENCY NOTES PURSUANT TO N.J.S.A. 40A:4-55 TO FINANCE A SPECIAL EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-53(m) TO FUND A DEFICIT IN OPERATIONS RELATED TO COVID-19**

**WHEREAS**, the Governor of the State of New Jersey (the "State") has heretofore declared a public health emergency pursuant to the Emergency Health Powers Act, P.L. 2005, c. 222, and a state of emergency pursuant to P.L. 1942, c. 251, in response to the outbreak of the coronavirus



disease 2019 as announced by the World Health Organization on February 11, 2020, and first identified in Wuhan, China (“COVID-19”); and

**WHEREAS**, N.J.S.A. 40A:4-53(m) provides that a municipality may, subject to the approval of the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs (the “Director”), adopt an ordinance providing for a special emergency appropriation for the funding of a deficit in operations and extraordinary expenses incurred by the Borough directly attributable to COVID-19; and

**WHEREAS**, the Borough of Washington, in the County of Warren, State of New Jersey (the “Borough”) has experienced approximately \$155,000.00 in COVID-19 related revenue loss during the 2020 budget year, which created a deficit in operations; and

**WHEREAS**, in order to qualify for a special emergency under the provisions of N.J.S.A. 40A:4-53, as amended by P.L. 2020, c.74, the Borough made, prior to December 1, 2020, an application to the Director to obtain an approval of the certification of the special emergency and the resulting deferred charge in advance of the close of the 2020 budget year, and

**WHEREAS**, the Borough Council, by resolution adopted on November 10, 2020 (by a majority of the fully governing body), approved the Certification and the submission of the application to the Director in accordance with N.J.S.A. 40A:4-53(m); and

**WHEREAS**, the Borough Council has made a special emergency appropriation in accordance with N.J.S.A. 40A:4-53(m) through the adoption of an ordinance which was introduced on November 10, 2020 and which was finally adopted on December 1, 2020, authorizing such special emergency appropriation in the amount of \$155,000 to provide for the funding of such deficit balance (the “Ordinance”); and

**WHEREAS**, the Borough now seeks to authorize the issuance of Notes in the amount of \$155,000.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY** (by not less than 2/3 of all governing body members affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A:4-55, as follows:

**SECTION 1.** The Borough authorized a special emergency appropriation in an amount equal to \$155,000 in accordance with N.J.S.A. 40A:4-53(m)

**SECTION 2.** Special emergency notes (the “Notes”) in an amount not to exceed \$155,000 are hereby authorized, pursuant to N.J.S.A. 40A:4-55, to finance such Special Emergency Appropriation.

**SECTION 3.** Such Notes may be renewed from time to time in accordance with N.J.S.A. 40A:4-55, but shall not be issued for a period to exceed one year. At least 1/5 of all such Notes, and the renewals thereof, shall mature and be paid in each year beginning in 2022 so that all Notes

and renewals shall have matured and be paid no later than the last day of the sixth year following the date of this resolution.

**SECTION 4.** Such Notes shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer of the Borough and the official seal shall be thereunto affixed, imprinted or reproduced thereon and attested by the Clerk of the Borough.

**SECTION 5.** All Notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. It is hereby delegated to the Chief Financial Officer of the Borough the authority to determine all matters in connection with the Notes issued, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. The Chief Financial Officer is also hereby authorized to sell part or all of the Notes from time to time at a public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this resolution is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the Notes so sold, the price obtained and the name of the purchaser.

**SECTION 6.** One (1) certified copy of this resolution will be filed with the Director.

**SECTION 7.** This resolution shall take effect immediately.

## **REPORTS**

Motion made by Conry and seconded by Noone to accept and file the following reports, all were in favor.

- Washington Township Police Report

## **VOUCHERS AND CLAIMS**

Motion made by Valle seconded by Noone to pay vouchers and claims.

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

Ayes: 7, Nays: 0  
Motion Carried.

## **RECAP**

Manager Hall recapped the following:

- Resolution for garbage fees.
- ACO agreement changes to language.

Borough Clerk, Laurie Barton proposed to Mayor and Council to help borough businesses, the suggestion of waiving the business and food handler license fees for 2021.

Motion made by Noone and seconded by Conry to waive the business and food handler fees for 2021.

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

Ayes: 6, Nays: 0 Abstain; 1 (Valle)  
Motion Carried.

## **COUNCIL REMARKS**

Councilman Norris gave the following remarks:

- Hoped that everyone had a great Thanksgiving considering the pandemic.
- Discussed the speeding going on in town. Manager Hall stated he will try and have the Lieutenant come to next meeting to address the speeding issues.
- Inquired about code enforcement and issues of cardboard piled up in an alley way on Church Street.

Councilwoman Valle gave the following remarks:

- Stated that the Washington Diner, first time in its history closed due to pandemic.
- Wishes that everyone finds a way to help support small businesses.
- Looks forward to brighter things next year even though she wont be on council next year.

- Stated the love she has for Washington Borough and everything about it.

Councilwoman Cox gave the following remarks:

- Hopes that the new garbage works out in the boroughs favor.
- Hopes that the businesses survive in the borough, they're working tirelessly to be safe.
- Have a nice Christmas and a prosperous New Year and stay safe.

Councilwoman Duchemin gave the following remarks:

- Hoped that everyone had a nice Thanksgiving.
- Stay safe and have a nice Holiday Season.
- Excited about the new garbage pick-up.

Councilwoman Noone gave the following remarks:

- Congratulated Councilwoman Cox and Mayor Higgins and Council-elect Heinrich in their winning the election.
- Sorry to not have Cynthia on Council next year.
- Happy to be able to continue on for the next two years on Council.
- Thanked those who supported her campaign. There's a positive relationship that everyone has on council with most votes being a consensus.
- Wishes everyone a happy holiday season and Hannukah too, that starts on December 10<sup>th</sup>.

Deputy Mayor Conry gave the following remarks:

- Congratulated those who won the election.
- Looking forward to continue working with everyone.
- Did meet with Senior Advisory meeting at the end of the last month, nothing has changed due to Covid.
- Will try and find a way to get information to our seniors via email blasts, if they need anything.
- Wished everyone a Happy Holiday.

Mayor Higgins gave the following remarks:

- Inquired about opening back up the dump area.
- The borough was awarded a grant. Manager Hall briefly discussed the \$66,000 the borough will be receiving back from the grant due to COVID.
- Inquired about lights in the crosswalks.
- Good to see more people decorating this year.
- Next meetings for council in December are December 15<sup>th</sup> and the 29<sup>th</sup>.
- Today is Giving Tuesday, the library will do a fundraiser to raise \$500 for new books. If the goal is reached the mayor will shave from his chin down.
- Happy to see progress on the CVS and Taco bell locations.

Borough Clerk, Laurie Barton gave the following statements:

- Went shopping downtown on small business Saturday, in the borough.
- Wished everyone a safe Holiday Season.

Attorney Leslie Parikh gave the following statements:

- Everyone to stay safe and added that she is feeling much better.

**EXECUTIVE SESSION**

Motion made by Conry and seconded by Cox 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.);

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: Contract 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 Conry seconded by Noone to come out of Executive Session, all were in favor.

#### Motion

Motion made by Conry and seconded by Duchemin to increase the clerks vacation time from 20 days to 25 days, and finalize it in an upcoming contract after some of the content to be rewritten from Attorney Parikh for a period from 2021 through 2023.

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

Ayes:5, Nays:2 (Cox and Valle)  
Motion Carried.

#### **ADJOURNMENT**

Hearing no further business, a motion was made by Valle seconded by Conry to adjourn the meeting at 10:35 pm.

Ayes: 7: Nays: 0  
Motion Carried.

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Mayor David Higgins

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Laurie A. Barton, Borough Clerk