

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – August 5, 2008**

The Regular Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 8:00 P.M.

Roll Call: Cioni, Turner, Van Deursen, Higgins, Woykowski, Oakley – Present
Housel - Absent

Also Present: John Corica, Borough Manager
Richard Cushing, Esq. Municipal Attorney
Kristine Blanchard, RMC Borough Clerk

Mayor Van Deursen led everyone in the flag salute.

Mayor Van Deursen 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

Rudy Bescherer – Zoning/Code Enforcement

Mr. Bescherer stated he has received 146 complaints to date, he has issued 222 warnings along with 58 summonses. He has approved 28 on street parking permits. The community service workers assigned to him have raked leaves, cut grass for Borough senior citizens, cleaned the fire bays, and painted curbs.

Mr. Bescherer stated he receives complaints from various sources. He then investigates the complaint, determines whether or not it is valid and issues a warning. If there is no response to the warning a summonses will be issued.

Councilman Higgins asked if Rudy keeps a record of complaints. Mr. Bescherer stated that he keeps a log of complaints however, most complaints come in anonymously.

Anthony Ardito – Ardito & Co. LLP

Mr. Ardito stated he is representing Ardito & Co. LLP, which is a local CPA firm. His firm submitted a proposal, at the Borough’s request, for a forensic audit of capital ordinances.

The proposal outlines four different areas to take a look at. The governing body could expand or shrink the proposal in any way they see fit.

Councilman Higgins asked how long the proposed audit will take. Mr. Ardito stated that his estimate is 100 hours for completion. Councilman Higgins inquired as to who will be conducting the audit. Mr. Ardito stated he would be conducting the audit along with a Jr. Accountant. Mr. Ardito stated his firm would be able to start conducting the audit in November of 2008.

Warren Korecky – Suplee, Clooney, & Co.

Mr. Korecky stated he is here to discuss the audit for 2007 with the Governing Body. Mr. Paul Freeda is also representing the firm; he was responsible for the day to day operations during the audit. Mr. Korecky stated that Council is required to be familiar with at least the comments and recommendations from the auditor.

Mr. Korecky reviewed the following comments and recommendations, the trust funds require written approval from the DLGS for dedicated revenue, grant balances should be cancelled at the end of the year, the general ledger should be reconciled and the supporting documents attached, a fixed asset ledger should be maintained, a detailed analysis of payroll balances should be completed, purchases exceeding the bid threshold should be put out to bid, and a more uniform bookkeeping process for the Planning Board. Councilwoman Woykowski asked if the auditors look for the recommendations to be corrected the following year. Mr. Korecky stated that all municipalities file a corrective action plan with the State of NJ declaring how the recommendations will be corrected. Currently, there is no follow up with the State however, they are looking into changing that process.

Councilman Higgins noted that three recommendations from last year appear in the audit this year as well. Councilman Higgins inquired about capital ordinance balances that don't seem to match the audit report ending December 31, 2007. Mr. Korecky stated that in the process of the audit, they do make recommended adjustments. Councilman Higgins stated that he does see where adjustments were transferred by direction of the auditor, but it doesn't explain why. Mr. Korecky stated he would be able to provide that information to Mr. Higgins.

Councilman Higgins stated he does have questions regarding what the remaining balances are in certain capital accounts, specifically Ordinance 6-2001 and 10-2002. Mr. Korecky stated that most of the balance differences are probably due to audit adjustments; the balances would be updated when the CFO actually posted the changes.

Councilman Higgins stated that the Borough Manager has been helpful in providing information, the problem is if the audit reflects one balance and the reports reflect another it does not provide a clear picture of our financial position. Mr. Korecky explained that it is very important to keep up with the audit adjustments and transfers otherwise the financials will never balance. Councilman Higgins noted several questions on Recreation accounts as well. Mr.

Korecky stated that he would be willing to sit down and explain the process with Councilman Higgins.

Phil Barnes – Environ Corp.

Mr. Barnes stated that his company Environ Corp. is investigating the superfund in the Borough of Washington and Franklin Township. His firm is working with the EPA and is ready to implement a remedy. He stated his firm needs to do a geophysical investigation. In order to do this they will need access to public right of ways. Mayor Van Deursen asked if Environ needs Council's permission to go on the right of ways, not private properties. Mr. Barnes stated that is correct; it will be much easier for them to work along the public right of ways. The areas they will be looking at are Belvidere Avenue, Cleveland Street, Taylor Street, and Carlton Avenue. Councilman Turner asked if they will be required to put up a performance bond. Mayor Van Deursen stated that Environ would need to agree to repair anything that was damaged in the process.

Motion made by Oakley, seconded by Turner to allow Environ Corp. to conduct testing contingent upon a letter of agreement being signed.

Ayes: 6, Nays: 0
Motion Carried

MINUTES:

Mayor Van Deursen entertained additions or corrections to the minutes of the Joint Meeting between Washington Borough/Washington Township on June 19, 2008, Regular Meeting of July 15, 2008, Executive Session of July 15, 2008, and the Workshop Meeting of July 22, 2008.

Hearing no comments it was moved by Oakley, seconded by Turner that the minutes be approved.

Roll Call: Woykowski, Higgins, Van Deursen – Yes
Cioni – Yes, Abstain from June 19
Turner – Yes, Abstain from June 19, July 15
Oakley – Yes, Abstain June 19

Motion Carried

COMMUNICATIONS:

The following communications were entered into the record:

1. FSA Realty Inc. Re: 36-38 West Washington Ave
2. Cozen/O’Connor Re: Petition of NJ American Water to Change the Level of it Purchased Water Adjustment Clause
3. Notice of Public Hearings Elizabethtown Gas
4. Washington Kid Care

Manager Corica stated that the Borough agreed to install railings at 36-38 West Washington Avenue when the weather turned warmer. He also stated that the Zoning Officer is looking into having his community service workers install the railings. Councilman Turner questioned if the Borough should have community service workers install railings; who is liable if something happens. Manager Corica stated the other alternative is having the owner hire someone to install the railings and the Borough pay the bill. Councilman Turner stated that Hatch Mott MacDonald should be responsible for the bill.

A motion was made by Cioni to have the property owner provide quotes to the Borough Manager to have a professional install the railings, seconded by Woykowski.

Ayes: 6, Nays: 0
Motion Carried

Motion made by Cioni to have Hatch Mott MacDonald pay for the installation of the railings, seconded by Higgins.

Ayes: 6, Nays: 0
Motion Carried

It was moved by Oakley, seconded by Higgins that the communications be acknowledged, received and filed.

Ayes: 6, Nays: 0.
Motion carried.

AUDIENCE:

Cindy Grodkowicz Treasurer, Borough of Washington Swim Team

Ms. Grodkowicz wanted to discuss with Council their recent decision restricting the swim team from selling concessions during swim meets. Councilman Cioni stated that Council’s

main concern was not competing with the pool concession stand. Ms. Grodkowicz stated that the swim team hospitality booth is not competing with the concession stand. They are offering different types of food; such as meatball sandwiches. The concession stand only offers snack type foods or soda. The swim team parents are selling more dinner type foods. Councilwoman Woykowski noted that the Borough needs to consider their profit and loss as well. Ms. Schmidt, swim team coach, explained that the swim season costs a great deal on their end. They want to alleviate the burden from the Borough. She also stated that it is a Penn Jersey tradition to have a hospitality table; the swim team is willing to move it away from the pool concession stand. Fay also stated that the Borough does collect the swim team memberships. Councilman Higgins suggested that the swim team present a proposal to Council of exactly what they would like to do. He suggested meeting with the Recreation Director and reviewing the pool concession stand profits during swim meets. Council would like to know if the Borough realizes a profit during meets.

Tom Stover, Esq.

Mr. Stover approached Council regarding the purchase of the Tilley property. Mr. Stover stated the title is now clear and the Tilley's would like to proceed with the closing. He noted that Mr. Cushing references an assignment agreement in his communications however, he has never seen a copy of this agreement. He stated he has worked for many years to clear the title to this property. With the Borough's recent decision not to purchase the property, it puts the Tilley's in a very difficult position. He stated at this time we have done what we needed to do and we want to go ahead and close. He noted that the money for this purchase was given to the Borough by Mr. Van Cleef.

Attorney Cushing gave a brief history on the project for the benefit of other audience members. He stated the origin of the contract that your clients have is with Mr. Van Cleef. Mr. Van Cleef had an issue with providing parking to his potential purchasers. He entered into contracts with the Kouries, Rossie, and the Tilley's in order to acquire these properties and satisfy the parking requirements. Unfortunately, Mr. Van Cleef could not close on the properties in a quick fashion for various reasons; Rossi's property required a subdivision, Kourie's property has environmental issues, and the Tilley's had a title problem. Mr. Van Cleef proposed to the Borough, that he would pay the Borough a certain amount of money, and the Borough could acquire the properties. Mr. Van Cleef assigned his rights, under the contract, to the Borough, The agreement was tailored so that Borough could take the assignment, but had no obligation. Additionally, the Borough agreed to issue 96 parking stickers for parking to Mr. Van Cleef. Mr. Cushing stated that the Borough had intended on purchasing the Tilley property. The Rossi property was already closed on, the Kourie closing is scheduled for late August. The Borough has recently learned that there are contaminates that must be cleaned up and the Engineer has determined it may be costly. Mr. Cushing stated that because of the amount of time it took to get the title cleared on the Tilley property and the circumstances surrounding the environmental issues the amount of money available is not there.

Mr. Stover stated that the contract was never terminated and we intend to sue. The Tilley's now have no rental income.

Laura Open Realtor – Full Financial Realty

Ms. Open stated she is here on behalf of Mrs. Tilley. A 77 year old woman's life is shattered by this Council's decision. She has been instructing her attorney to clear the title for the Borough and moved her tenant out of the house. She now has no income and she has put money down on a retirement home that she may now lose. No one had informed that this was a possibility up until this point. Ms. Open stated that when everything is complete, that is when you inform her that you no longer are interested in her property. The Borough's actions should be looked at. She asked what happened to providing adequate parking for Mr. Van Cleef. Mr. Van Cleef has a beautiful new building with no parking available. It is shameful that the Governing Body has done this at the very last moment.

Joe Campo Full Financial Realty

Mr. Campo noted that the recent vote taken on the Tilley property was done in a workshop session; the Borough and Mr. Van Cleef have more than three years and millions of dollars at stake with the Midtown project. It is common knowledge that Mr. Van Cleef donated the \$760,000.00 to the Borough as an act of good faith; and that the Borough would take over Mr. Van Cleef's contracts as written. The Tilley's and Mr. Stover have been working to clear this title for six years. The Borough has now created a financial hardship for the Tilley's. Mr. Campo stated there is no grace or fairness in the Borough's decision. He asked what kind of message is this sending to the downtown. He stated that there is no foot traffic in town. Mr. Van Cleef needs the parking and he entrusted this to you. You should have followed through and closed on those properties. Mr. Stover did clear the title; no one knew that there was anything different happening. He asked Council to rethink their decision.

Joe Shanahan

Mr. Shanahan stated he owns the building on the corner of Rt. 57 and Belvidere. He informed council that Frantoni's may be leaving town. He stated that if it were not for the camera store his building would be empty.

Nicole Tiger – Washington Kid Care

Ms. Tiger informed Council the families of Kid Care need a place to park; when will council be building the parking lot. Councilman Cioni stated the level of contamination needs to be dealt with. Once that is complete we will be going out to bid for the parking lot. He stated the parking lot project is going forward.

Mr. Cioni explained that the Borough can not turn the parking lot site over to the Business Improvement District until the contamination has been remediated. The Borough has pushed the engineer to design the plans as quickly as possible. He stated the Governing Body has spent countless hours working on this parking lot. The Governing Body wants this done.

Councilwoman Oakley explained that Council has discussed this every meeting for the last year and a half. The housing market started falling and now we are faced with environmental issues.

Mr. Campo Full Financial Realty

Mr. Campo stated Council was informed that the hearing was scheduled for July 3 on the Tilley title; the Council was appraised of the situation the entire time. Everyone knows the intent was to close on Tilley property. Now they are ready and capable, the Borough decided they don't want the property.

Councilman Turner stated that no one wants to cause the Tilley's any harm. We are in a different position then you. We have the entire Borough to think about.

Dawn Higgins 113 Harding Drive

Ms. Higgins asked Council if they had informed the Tilley's or their representative that there was going to be a deadline. Mr. Cushing stated he had many conversations with Mr. Stover in late December or early January; the Borough even presented a proposal. Ms. Higgins stated that Council may not have a contract; but Council has a contract of morality. Morally you had an obligation to at least tell the Tilley's that this could potentially happen.

Mayor Van Deursen entertained a motion to enter into executive session to consider the audience's plea of reconsidering the purchase of the Tilley property based on the fact that they feel we had a moral obligation to buy the property.

Motion made by Higgins, seconded by Woykowski to enter into executive session after a five minute recess.

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: _____);

X_____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;

_____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: _____ OR _____ 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 _____)

OR _____ 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. That time is currently estimated to be: Approx. Six Months (estimated length of time) OR upon the occurrence of _____;

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.

Council reconvened at 12:15 a.m. with everyone present.

Attorney Cushing stated that the Mayor and Council are not unsympathetic to the Tilley's however, due to the lateness of the hour, and the powerful statements heard this evening, Council would like to take some time to reconsider and give this some more thought. He explained that Council will give it careful consideration.

Candy De Fillippis – 116 Broad Street

Ms. De Fillippis stated she is on the Recreation Committee. At the last meeting, the Recreation Director walked out of the meeting. He told us he wasn't hired for a committee like this. She noted that many questions go answered. She stated there is garbage on the pavillion, no mulch on playground this year, and no shepherds hooks for lifesaving. The swimming pool is supposed to have emergency escape routes with phone numbers and people to contact in case of an emergency. She also noted that there was a party going on at the park/pool after hours where the police needed to be called in.

Attorney Cushing stated Council should not get into details of an employees performance. He suggested the Recreation Committee meet with the Manager and the Recreation Director. Ms. DeFillippis stated that there is also supposed to be a Council liaison to the Recreation Commission. Councilman Turner offered to be the liaison to the Recreation Committee.

Motion made by Higgins, seconded by Woykowski to re-enter Executive Session at 12:25 a.m.

Ayes: 6, Nays: 0
Motion Carried

RESOLUTION

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;

_____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: _____ *Marvec* 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: *Personnel* OR _____ 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. That time is currently estimated to be: SIX MONTHS (estimated length of time) OR upon the occurrence of _____;

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.

Council reconvened in regular session at 12:50 a.m. with everyone present.

ORDINANCES:

Mayor Van Deursen entertained a motion to introduce **Ordinance #8-2008**.

Ordinance #8-2008 was introduced by Councilman Higgins. It was further moved by Higgins, seconded by Oakley that the Clerk read Ordinance #8-2008 by title only.

Roll Call: Woykowski, Cioni, Van Deursen, Turner, Higgins, and Oakley – Yes

Ayes: 6, Nays: 0.

Motion carried.

The Clerk read Ordinance #8 – 2008 entitled, “**AN ORDINANCE AMENDING CHAPTER 94 OF THE CODE OF THE BOROUGH OF WASHINGTON TO AMEND THE USES PERMITTED IN THE B-2 CENTRAL BUSINESS DISTRICT**”

It was moved by Higgins, seconded by Cioni that Ordinance 8-2008 be approved on first reading.

Roll Call: Woykowski, Higgins, Turner, Cioni, Van Deursen, and Oakley – Yes

Ayes: 6, Nays: 0

Motion Carried.

It was further moved by Higgins, seconded by Cioni that Ordinance 8-2008 be advertised in the Star Gazette on August 14, 2008 and public hearing of Ordinance 8- 2008 be scheduled for September 2, 2008.

Roll Call: Oakley, Cioni, Higgins, Turner, Woykowski, and Van Deursen

Ayes: 6, Nays: 0

Motion Carried.

REPORTS:

1. Highway Department
2. Issues and Details
3. Municipal Court
4. Fire Prevention
5. Police Activity
6. Engineers Report
7. Zoning/Code Enforcement

It was moved by Oakley, seconded by Higgins, to receive and file the reports.

Roll Call: Higgins, Van Deursen, Cioni, Turner, Oakley, and Woykowski.

Ayes: 6, Nays: 0
Motion Carried

COMMITTEE REPORTS:

Redevelopment Committee: No Report

DPW Garage: No Report

Sewer Committee: No Report

Streets Committee: No Report

Finance Committee: No Report

Shared Services Committee: The joint Shared Services Committee regarding the police merger is moving forward with the request for proposals to hire a CPA firm to do a financial feasibility study. There will be a joint meeting on August 20, 2008 to review the CPA firms that have submitted proposals.

Councilwoman Woykowski updated Council on the Warren Morris Council of Governments. The Warren/Morris Council is looking into doing energy audits.

Councilwoman Woykowski also inquired if Council is interested in exploring the possibility of Municipal Court services with Mansfield Township. Mansfield Township and Manager Corica will review data and report back to Council.

Motion made by Higgins, seconded by Oakley to explore the Municipal Court services with Mansfield Township

Ayes: 6, Nays: 0
Motion Carried

Senior Services: Councilman Higgins stated that there will be a senior services meeting here in the Borough.

Website Committee: No Report

Curfew Committee: No Report

Pedophile Ordinance Committee: No Report

BID: No Report

VOUCHERS AND CLAIMS

Mayor Van Deursen entertained questions or additions to the vouchers and claims for payments that were not previously addressed before the meeting.

Hearing no comments or questions the vouchers and claims were approved for payment in the amount of \$2,047,166.54.

Roll Call: Higgins, Woykowski, Cioni, Oakley, Housel, Van Deursen.

Ayes: 6, Nays: 0

Motion carried.

OLD BUSINESS:

NEW BUSINESS

Resolution 167-2008 CWA Memorandum of Agreement

Resolution 167-2008 was moved on a motion made by Oakley, seconded by Turner and adopted.

Roll Call: Oakley, Turner, Cioni, Woykowski, Van Deursen, Higgins

Ayes: 6, Nays: 0

Motion Carried

RESOLUTION # 167-2008

**OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
WASHINGTON, WARREN COUNTY, NJ TO ADOPT
MEMORANDUM OF AGREEMENT WITH THE CWA**

WHEREAS, the Mayor and Council have determined that it is in the best interest of the Borough to remove the titles of Municipal Clerk and Tax Collector / Treasurer from the bargaining unit of the Communications Workers of America, AFL/CIO (the CWA); and

WHEREAS, the Borough Manager and representatives of the CWA have met and have agreed to the terms and conditions to remove the titles from the scope of representation by the CWA; and

WHEREAS, the terms and conditions have been memorialized in a Memorandum of Agreement for removal of Tax Collector / Treasurer and Clerk Positions for the CWA contract – Revised dated 6 June 2008 which has been prepared by John N. Corica, the Borough Manager, and signed by Virginia Cortese, representing the CWA, Kristine Blanchard the Municipal Clerk, and Kay Stasyshan, the Tax Collector / Treasurer, which is attached hereto; and

WHEREAS, the Borough Manager has recommended that the Mayor and Council approve the Memorandum of Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey agrees to the terms and conditions of the Memorandum of Agreement for removal of Tax Collector / Treasurer and Clerk Positions for the CWA contract – Revised dated 6 June 2008 are hereby accepted.

Resolution 168-2008 Certification of Annual Audit

Resolution 168-2008 was moved on a motion made by Turner, seconded by Oakley and adopted.

Roll Call: Turner, Oakley, Woykowski, Van Deursen, Cioni – Yes
Higgins – No

Ayes: 5, Nays: 1
Motion Carried

RESOLUTION # 168-2008

A RESOLUTION OF THE GOVERNING BODY
CERTIFICATION OF THE ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2007 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have

reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

NOW, THEREFORE BE IT RESOLVED, That the Mayor and Borough Council of the Borough of Washington, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Resolution 169-2008 Release of Developers Escrow - Miller

Resolution 169-2008 was moved on a motion made by Turner, seconded by Oakley and adopted.

Roll Call: Turner, Oakley, Van Deursen, Woykowski, Cioni, Higgins

Ayes: 6, Nays: 0

Motion Carried

RESOLUTION # 169-2008

**A RESOLUTION AUTHORIZING THE RELEASE OF FUNDS FROM
DEVELOPER’S ESCROW ACCOUNT HELD IN TRUST BY THE
BOROUGH OF WASHINGTON**

WHEREAS, William Miller has posted review and/or inspection fees with the Borough of Washington prior to work beginning at 204 Belvidere Avenue

WHEREAS, these funds were posted in the Developer’s Escrow account to cover the cost of review and/or inspection services; and

WHEREAS, Municipal Engineer Andrew S. Holt, P.E. has determined that all outstanding bills have been paid for inspection and review services.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey, that the Municipal Treasurer is hereby authorized to issue a check in the amount of \$28.53 to Mrs. William Miller, 3036 Oak Hills Drive, Northampton, Pa., 18067.

Resolution 170-2008 Release of Street Opening Escrow – ARM Construction

Resolution 170-2008 was moved on a motion made by Oakley, seconded by Higgins and adopted.

Roll Call: Oakley, Higgins, Woykowski, Van Deursen, Cioni, Turner

Ayes: 6, Nays: 0
Motion Carried

RESOLUTION # 170-2008

**A RESOLUTION AUTHORIZING THE RELEASE OF FUNDS FROM
STREET OPENING ESCROW ACCOUNT HELD IN
TRUST BY THE BOROUGH OF WASHINGTON**

WHEREAS, A.R.M. Construction Services has posted review and/or inspection fees in the amount of \$1000.00 with the Borough of Washington prior to a street opening; and

WHEREAS, these funds were posted in the Street Opening Account to cover the cost of review and/or inspection services; and

WHEREAS, Municipal Engineer Andrew S. Holt, P.E. has determined that all outstanding bills have been paid for review and inspection services.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey, that the Municipal Treasurer is hereby authorized to issue a check to A.R. M. Construction Services, LLC, 988 Harmony Station Road, Phillipsburg, NJ 08865, in the amount of \$1000.00 from the Street Opening Account.

Resolution 171-2008 – Supporting the Concept of a Scenic Byway

This resolution was tabled.

RECAP

COUNCIL REMARKS

Councilman Higgins stated he contacted the New Jersey League of Municipalities and they will not recommend an auditor. He requested that the topic of recording executive session and workshops be placed on the next agenda.

Councilwoman Oakley commented that a lot of direction is given in workshops; this type of discussions should be held at a regular meeting.

Councilwoman Woykowski stated she would like the Corrective Action Plan at the next meeting. She also recommended moving the executive session portion of the meeting to the beginning of the agenda.

MANAGER REMARKS

Hearing no further business to come before Council, it was moved by Higgins, seconded by Oakley that the meeting be adjourned at 1:15 a.m.

Ayes: 6, Nays: 0.
Motion carried.

Mayor Marianne Van Deursen

Kristine Blanchard, RMC Borough Clerk