

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – April 21, 2009**

The Regular Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 7:30 P.M.

Roll Call: McDonald, Higgins, Cioni, Valentine, Woykowski, - Present
Housel – 8:55 p.m.
Boyle - Absent

Also Present: Richard Phelan, Borough Manager
Judy Kopen, Esq. Municipal Attorney
Ann Kilduff, Deputy Borough Clerk

Mayor McDonald led everyone in the flag salute.

Mayor McDonald 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.

Executive Session

At this time, Mayor McDonald entertained a motion to enter executive session to discuss personnel.

Motion made by Woykowski, seconded by Valentine and adopted.

Roll Call: Higgins, Cioni, Woykowski, McDonald, Valentine

Ayes: 5, Nays: 0

Motion Carried

RESOLUTION 88-2009

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: 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.);

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 APPEARANCE

None

COMMUNICATIONS:

The following communications were entered into the record:

1. Recreation Director Re: Resignation of Rebecca Copenhaver
2. Recreation Director Re: Field Usage Fees

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

Ayes: 5, Nays: 0.
Motion carried.

AUDIENCE:

Rich Maguire, 234 W. Washington Avenue

Mr. Maguire stated that there has been significant flooding on Rt. 57 near the new bridge and questioned the findings of the water problem.

Rich Woref, 244 W. Washington Avenue

Mr. Woref this has been going on for many years and wants to be sure the people involved pay for it. He doesn't want the families affected paying for the problem. Manager Phelan stated that part of the problem may be the addition to Memorial School that was done in 2005. More meetings to discuss the situation will be scheduled and the affected property owners will be notified.

Debbie Hurt

Office of Community Relations, Department of Transportation

Ms. Hurt stated the project manager asked her to attend the meeting to learn more about the flooding problem. It's a complicated situation. She asked if the school board received permits from the DEP for the 48" pipe. Rich Maguire stated the Borough Manager was confident the school took all the necessary precautions. Ms. Hurt said it is all speculation for now. She would like to partner all three (School Board, the Borough and, the DOT) to fix the problem. She can't guarantee this will happen, but feels it is a fair solution. The DOT is not at fault

Councilman Higgins asked who makes the decision to close the road when it floods. Ms. Hurt stated the police contact dispatch who then contact maintenance.

Andrew Turner, 300 Belvidere Avenue, asked how much of the storm sewer diverts into the stream. Several recharge tanks could possible be put in the cul-de-sac on McDonald Street. This would take approximately \$50,000 worth of tanks.

Councilman Cioni questioned the timeline. Ms. Hurt stated there is none right now but will get an answer ASAP.

Mayor McDonald feels the next step is to have the Borough Manager meet with Ms. Hurt.

Hearing no further comments from the audience a motion was made by Valentine, seconded by Cioni to close the audience portion of the meeting.

Ayes: 5, Nays: 0

Motion Carried

ORDINANCES:

Ordinance 5-2009 An Ordinance Prohibiting Graffiti on Buildings, Structures, and other Exposed Surfaces Located within the Borough Of Washington and Requiring the Owner of the Building, Structure or other Exposed Surface to Remove the Graffiti. (Introduction)

Mayor McDonald entertained a motion to introduce Ordinance #5-2009.

Ordinance 5-2009 was introduced by Councilman Cioni, seconded by Councilman Higgins.

It was further moved by Cioni, seconded by Higgins that the Clerk read Ordinance #5-2009 by title only.

Roll Call: Higgins, Woykowski, Valentine, McDonald, Cioni

Ayes: 5, Nays: 0
Motion Carried

The Clerk read Ordinance #5-2009 entitled, “An ordinance prohibiting graffiti on buildings, structures and other exposed surfaces located within the Borough of Washington and requiring the owner of the building, structure, or other exposed surface to remove the graffiti.”

Ordinance 5-2009 was moved by Councilman Cioni, seconded by Councilman Higgins be introduced on first reading.

Roll Call: McDonald, Higgins, Woykowski, Valentine, and Cioni

Ayes: 5, Nays: 0
Motion Carried

It was further moved by Cioni, seconded by Higgins that Ordinance #5-2009 be published in the Star Gazette on May 7, 2009 as required by law and that the public hearing be scheduled for May 19, 2009.

Roll Call: McDonald, Higgins, Woykowski, Valentine, and Cioni

Ayes: 5, Nays: 0
Motion Carried

**BOROUGH OF WASHINGTON
COUNTY OF WARREN**

ORDINANCE NO. 5-2009

**ORDINANCE PROHIBITING GRAFFITI ON BUILDINGS,
STRUCTURES AND OTHER EXPOSED SURFACES LOCATED
WITHIN THE BOROUGH OF WASHINGTON AND REQUIRING
THE OWNER OF THE BUILDING, STRUCTURE OR OTHER
EXPOSED SURFACE TO REMOVE THE GRAFFITI**

WHEREAS, the Municipal Beautification Act, *N.J.S.A.* 40:48-2.59 enables municipalities to enforce ordinances prohibiting acts of graffiti and requiring the owners of buildings, structures or other exposed surfaces located in the municipality with graffiti to remove the graffiti;

WHEREAS, the Municipal Beautification Act specifies that the owner of record of the property shall be entitled to written notice of the Order to remove graffiti and that the notice shall be delivered to the owner by certified and regular mail; and

WHEREAS, an owner who has been ordered to remove graffiti shall provide the following to the municipality by personal delivery or certified mail in response to the Order:

- A. Any objection to the Order, within 30 days of the date of the Order; or
- B. Notice that the graffiti has been removed, within 90 days of the date of the Order, or in the case of the Department of Transportation, within 120 days of the date of the Order.

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

Section 1. A new Chapter 48 shall be added to the Code of the Borough of Washington entitled "Graffiti" to read as follows

§ 48-1. Definitions

- A. As used in this Chapter, the following terms shall have the meanings indicated:

GRAFFITI - Any drawing, painting or making of any mark or inscription on public or private real or personal property without the prior written permission of the owner of the property.

MUNICIPALITY - Borough of Washington, Warren County, New Jersey.

OWNER - Owner of record of property.

§48-2 General regulations.

- A.** No person shall commit any act of graffiti on buildings, structures and other exposed surfaces located within the municipality.

- B.** The owner of a building, structure or other exposed surface located in the municipality may be required by order to remove graffiti from such building, structure or other exposed surface under the conditions provided herein.
 - (1) The owner of record of the property shall be entitled to written notice of the order to remove graffiti and that notice shall be delivered to the owner by certified and regular mail.
 - (2) The order shall afford the owner the opportunity to remove the graffiti within 90 days from the date of the order, except that the Department of Transportation shall be afforded 120 days from the date of the order to remove graffiti from property owned by the department.
 - (3) The notice to remove graffiti shall contain a form to be utilized by a property owner to inform the municipality that the graffiti has been removed.
 - (4) The form shall contain a provision stating that by affixing a signature to the form, indicating that graffiti has been removed, the owner is certifying that the facts set forth therein are true and that the certification shall be considered as if made under oath and subject to the same penalties as provided by law for perjury.
 - (5) An owner who has been ordered to remove graffiti shall respond to the municipality by personal delivery or by certified mail: (a) of any objection to the order, within 30 days of the date of the order, or (b) of notice that the graffiti has been removed, within 90 days of the date of the order, or in the case of the Department of Transportation, within 120 days of the date of the order.
 - (6) An owner who objects to an order to remove graffiti, pursuant to paragraph (5) above, may institute an action challenging the order before a court of competent jurisdiction within 60 days of the date of the order.
 - (7) If a property owner does not undertake the removal of graffiti within 90 days of the date of the order, or in the case of the Department of Transportation, within 120 days of the date of the order, unless an action challenging the order to remove graffiti is still pending pursuant to paragraph (6) above, the municipality may remove the graffiti from that property and present the property owner with a detailed itemization of the costs incurred by the municipality, by certified and regular mail, for reimbursement from the property owner.

- (8) Whenever the municipality undertakes the removal of graffiti from any building, structure or other exposed surface, the governing body, in addition to assessing the cost of removal as a municipal lien against the premises, may enforce the payment of such assessment, together with interest, as a debt of the owner of the property and may authorize the institution of an action at law for the collection thereof.

§ 48-3 VIOLATIONS AND PENALTIES

Any person committing any act of graffiti on buildings, structures and other exposed surfaces located within the municipality shall, upon conviction thereof, be subject to a minimum fine of \$500.

Section 2. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.

Section 3. If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.

Section 4. In accordance with Chapter 3, Article II, Section 15, Subsection E of the Code of the Borough of Washington, this Ordinance shall become effective 20 days after final passage unless the Council, by an affirmative vote of five (5) Council Members, shall adopt a resolution declaring the Ordinance to be an emergency upon which said Ordinance will take effect upon final passage.

Ordinance 6-2009 An Ordinance to Exceed the Municipal Budget Appropriation Limits and Establish a CAP Bank. (Introduction)

Mayor McDonald entertained a motion to introduce Ordinance #6-2009.

Ordinance 6-2009 was introduced by Councilman Cioni, seconded by Councilwoman Woykowski.

It was further moved by Cioni, seconded by Woykowski that the Clerk read Ordinance #6-2009 by title only.

Roll Call: Higgins, Woykowski, Valentine, McDonald, Cioni

Ayes: 5, Nays: 0
Motion Carried

The Clerk read Ordinance #6-2009 entitled, “An ordinance to exceed the municipal budget appropriation limits and to establish a CAP bank.”

Ordinance 6-2009 was moved by Councilman Cioni, seconded by Councilwoman Woykowski be introduced on first reading.

Roll Call: McDonald, Higgins, Woykowski, Valentine, and Cioni

Ayes: 5, Nays: 0
Motion Carried

It was further moved by Cioni, seconded by Woykowski that Ordinance #6-2009 be published in the Star Gazette on May 7, 2009 as required by law and that the public hearing be scheduled for May 19, 2009.

Roll Call: McDonald, Higgins, Woykowski, Valentine, and Cioni

Ayes: 5, Nays: 0
Motion Carried

CALENDAR YEAR 2009
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Washington in the County of Warren finds it advisable and necessary to increase its CY 2009 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$174,901.00 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Washington, in the County of Warren, a majority of the full authorized membership of this

governing body affirmatively concurring, that, in the CY 2009 budget year, the final appropriations of the Borough of Washington shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$ 174,901.00, and that the CY 2009 municipal budget for the Borough of Washington be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

REPORTS:

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

1. Municipal Court Report
2. Police Report
3. Zoning/Code Enforcement
4. Issues/Details Report

Ayes: 5, 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: No Report

Senior Services: No Report

Website Committee: - No Report

Curfew Committee: No Report

Concession Stand Committee – No Report

Pedophile Ordinance Committee: No Report

BID: No Report

Recreation Report – No Report

Parking Lot Committee – No Report

VOUCHERS AND CLAIMS

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

Motion made by Cioni, seconded by Housel to pay the vouchers and claims in the amount of \$254,770.97

Roll Call: Cioni, Valentine, McDonald, Woykowski, Higgins

Ayes: 5, Nays: 0
Motion Carried

OLD BUSINESS:

NEW BUSINESS

Field Usage Fees

Council agreed that field usage fees should be in place for use of the Borough fields. A copy of the suggested fees will be given to the Recreation Committee for their advisement.

Discussion on the Creation of a Land Use Board

Councilman Housel stated that Council has been discussing this for years and feels it is time to combine the boards. Councilwoman Woykowski feels it should be modeled after the code book and the language will need to be consistent. Councilman Cioni stated he fears the Borough will lose the expertise of the Board of Adjustment members. He stated he would like to divide the members of a Land Use Board between both boards. Ms. Kopen, Borough Attorney stated that the statute dictates the Board of Adjustment would be dissolved and the Planning Board members would stay on. Councilman Cioni stated the proposed ordinance should be sent to the Planning Board and Board of Adjustment for comments.

Resolution 87-2009 Void Checks

Resolution 87-2009 was moved on a motion made by Cioni, seconded by Valentine and adopted.

Roll Call: Cioni, Valentine, Woykowski, Housel, Higgins, McDonald

Ayes: 6, Nays: 0
Motion Carried

Resolution 87-2009
Void Checks

WHEREAS, Borough Checks 1626 was written February 4, 2009 in the amount of \$175 and check #1627 was written February 4, 2009 in the amount of \$400.00. They were issued to the NJ Department of Transportation as payment for sewer permits; and

WHEREAS, NJDOT determined that the requested permits were not necessary and therefore payment was not warranted.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington that the Treasurer be authorized to void checks #1626 and #1627.

Resolution 89-2009 Overpayment of Taxes

Resolution 89-2009 was moved on a motion made by Cioni, seconded by Valentine and adopted.

Roll Call: Cioni, Valentine, Woykowski, Housel, Higgins, McDonald

Ayes: 6, Nays: 0
Motion Carried

RESOLUTION #89-2009
A RESOLUTION AUTHORIZING APPLYING OVERPAYMENT OF 2008
REAL ESTATE TAXES DUE TO TAX COURT APPEAL

WHEREAS, according to the Tax Collector's records, there exists an overpayment of \$11,643.49 on the 4th quarter 2008 Taxes paid on property located at 2 W Washington Avenue, also known as Block 23 Lot 18 and assessed in the name of 2 West Washington, LLC c/o Mulligan; and

WHEREAS, a Tax Court Appeal was granted on the 2008 Assessed Value creating this tax overpayment and Mr. Mulligan has requested to have the overpayment applied to the 2nd Quarter 2009 Taxes.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey to hereby authorize the Tax Collector to transfer the payment to the 2nd Quarter 2009 Taxes.

Resolution 90-2009 Appointing a Qualified Purchasing Agent

Resolution 90-2009 was moved on a motion made by Cioni, seconded by Valentine and adopted.

Roll Call: Cioni, Valentine, Woykowski, Housel, Higgins, McDonald

Ayes: 6, Nays: 0
Motion Carried

RESOLUTION # 90-2009

RESOLUTION INCREASING THE BID THRESHOLD AND APPOINTING
A QUALIFIED PURCHASING AGENT, PURSUANT TO
N.J.S.A. 40A:11-3a AND N.J.A.C. 5:34-5 ET. SEQ.

WHEREAS, the recent changes to the Local Public Contracts Law gave local contracting units the ability to increase their bid threshold up to \$29,000; and

WHEREAS, N.J.S.A. 40A:11-3a, permits an increase in the bid threshold if a Qualified Purchasing Agent is appointed as well as granted the authorization to negotiate and award such contracts below the bid threshold; and

WHEREAS, N.J.A.C. 5:43-5 et seq. establishes the criteria for qualifying as a Qualified Purchasing Agent; and

WHEREAS, Richard D. Phelan possesses the designation of **Qualified Purchasing Agent** as issued by the Director of the Division of Local Governmental Services in accordance with N.J.A.C. 5:34-5 et seq.; and

WHEREAS, the Borough of Washington desires to take advantage of the increased bid threshold;

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Washington, in the County of Warren, in the State of New Jersey hereby increases its bid threshold to \$ 29,000; and

BE IT FURTHER RESOLVED, that the governing body hereby appoints **Richard D. Phelan** as the **Qualified Purchasing Agent** to exercise the duties of a purchasing agent pursuant to N.J.S.A. 40A: 11-2(30), with specific relevance to the authority, responsibility, and accountability of the purchasing activity and contracting unit; and

BE IT FURTHER RESOLVED, that in accordance with N.J.S.A. 5:34-5.2 the Borough Clerk is hereby authorized and directed to forward a certified copy of this Resolution and a copy of **Richard D. Phelan** certification to the Director of the Division of Local Government Services.

Resolution 91-2009 Adjustment of Sewer Billings

Resolution 91-2009 was moved on a motion made by Cioni, seconded by Valentine and adopted.

Roll Call: Cioni, Valentine, Woykowski, Housel, Higgins, McDonald

Ayes: 6, Nays: 0

Motion Carried

RESOLUTION # 91-2009

A RESOLUTION TO ADJUST SEWER BILLINGS IN ACCORDANCE WITH CHAPTER 70, SECTION 28B OF THE CODE OF THE BOROUGH OF WASHINGTON.

WHEREAS, the Borough of Washington commenced operations of a municipal sewer utility in January of 1999; and

WHEREAS, certain facts have come to the attention of the Borough to justify modification of sewer service charges which have been reviewed by the Borough Manager; and

WHEREAS, notice has been provided to the owner(s) of the property or properties listed below of the action proposed to be taken with the date, time and place where the Mayor and Council will meet to consider change(s) in the E.D.U.'s assigned to the property or properties listed below; and

WHEREAS, all parties affected by this resolution will be notified of the action taken, in writing, and notified of an opportunity to appear, in person, at a formal hearing of the governing body, if dissatisfied with the decisions made herein.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough

of Washington, in the County of Warren, State of New Jersey that the following changes in the sewer service charge(s) are approved:

Resolution 92-2009 Refund of Sewer Overpayment

Resolution 92-2009 was moved on a motion made by Cioni, seconded by Valentine and adopted.

Roll Call: Cioni, Valentine, Woykowski, Housel, Higgins, McDonald

Ayes: 6, Nays: 0
Motion Carried

RESOLUTION #92-2009

**A RESOLUTION AUTHORIZING THE REFUNDING OF
AN OVERPAYMENT OF THE BOROUGH'S
SEWER SERVICE CHARGE**

WHEREAS, according to the Treasurer's records, there is an overpayment showing on the following property; and

<u>BLOCK/LOT</u>	<u>PROPERTY OWNER/ PROPERTY LOCATION</u>	<u>AMOUNT TO BE REFUNDED</u>
97.03/9	Strahan, Kevin 21 Nunn Avenue	\$ 45.00

The former owner made an overpayment during the closing procedures on the above property location. A refund of \$45.00 should be mailed to:

Kevin Strahan
250 Liberty Drive
Langhorne, PA 19047

WHEREAS, the Borough Treasurer's office has received a written request that the above amount be refunded.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Borough Treasurer is authorized to refund the above overpayment amount.

Resolution 93-2009 Temporary Budget Appropriations

Resolution 93-2009 was moved on a motion made by Higgins, seconded by Woykowski and adopted.

Roll Call: Higgins, Woykowski, McDonald, Cioni, Valentine, Housel

Ayes: 6, Nays: 0
Motion Carried

RESOLUTION # 93-2009

**A RESOLUTION PROVIDING FOR AMENDING
TEMPORARY CURRENT FUND
APPROPRIATIONS**

WHEREAS, N.J.S.A. 40A: 4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the 2009 Budget, temporary appropriations should be made for the purpose and amount required in the manner and time therein provided; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey do hereby make the following amendments to the temporary appropriations:

TOTAL ADDITIONAL APPROPRIATIONS – 2009 BUDGET

TO COVER ADDITIONAL OPERATIONS - \$723,000

Roll Call: Higgins, Woykowski, McDonald, Cioni, Valentine, Housel

Ayes: 6, Nays: 0
Motion Carried

Resolution 94-2009 Sewer Temporary Budget

Resolution 94-2009 was moved on a motion made by Housel, seconded by Cioni and adopted.

RESOLUTION # 94-2009

**A RESOLUTION PROVIDING FOR AMENDING
TEMPORARY SEWER FUND
APPROPRIATIONS**

WHEREAS, N.J.S.A. 40A: 4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the 2009 Budget, temporary appropriations should be made for the purpose and amount required in the manner and time therein provided; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey do hereby make the following amendments to the temporary appropriations:

TOTAL ADDITIONAL APPROPRIATIONS – 2009 BUDGET

TO COVER ADDITIONAL OPERATIONS - \$78,000

Resolution 95-2009 Pension Deferral

Resolution 95-2009 was moved on a motion made by Housel, seconded by Woykowski and adopted.

Roll Call: Housel, Woykowski, Cioni, McDonald, Valentine – Yes
Higgins – No

**Resolution 95-2009
Resolution of the Borough of Washington
Making Application to the Local Finance Board for
a Reduced Pension Contribution
Pursuant to N.J.S.A 43:15A-24(c) and/or
N.J.S.A. 43:16A-15(9)**

WHEREAS, the Borough Council of the Borough of Washington in Warren County desires to make application to the Local Finance Board for its approval of a reduced pension contribution pursuant for its Police and Fire Retirement System contribution pursuant to N.J.S.A. 43:15A-24(c) and its Public Employee Retirement System contribution pursuant to N.J.S.A. 43:16A-15(9) for certain normal and accrued liability contributions in the amount of:

- Police and Fire Retirement System in the amount of \$112,755.50
- Public Employee Retirement System in the amount of \$51,529.50 ; and,

WHEREAS, the Borough Council of the Borough of Washington has made certain determinations concerning this application as required by statute and has completed the required Attachment that documents said determinations; and,

WHEREAS, the Borough Council of the Borough of Washington determined that it needs to pay the reduced contribution and said determination is in the public interest; and,

1. The inability of the Borough of Washington to meet the cap without jeopardizing public safety, health, and welfare or jeopardizing the fiscal stability.

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Washington in the County of Warren as follows:

Section 1. The reduced pension contribution Attachment, as attached hereto, is incorporated by reference into this Resolution as if contained fully within.

Section 2. The reduced pension contribution for PFRS in the amount of \$112,755.50 and PERS in the amount of \$51,529.50, pursuant to N.J.S.A. 43:15A-24(c) and/or N.J.S.A. 43:16A-15(9) et. seq. have been confirmed by the Chief Financial Officer and are the amounts deemed by the governing body for application to the Local Finance Board and as allowed by the New Jersey Division of Pension and Benefits.

Section 3. The application to the Local Finance Board is hereby approved, and the Chief Financial Officer, along with other representatives of the Borough of Washington hereby authorized to submit such application and to represent the Borough of Washington in matters pertaining thereto.

Section 4. The Certification of the Chief Financial Officer of the Borough of Washington, is incorporated into this Resolution as a certification of the truth and accuracy of the facts submitted in the application for pension deferral.

Section 5. The Clerk of the Borough of Washington is hereby directed to file a copy of this reduced pension contribution resolution as part of the application with the Local Finance Board.

Section 6. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by law.

Resolution 96-2009 Introduction of 2009 Municipal Budget

Resolution 96-2009 was moved on a motion by Cioni, seconded by Valentine and adopted.

Discussion: Mr. Ferry, Borough Auditor explained that the public hearing for the Municipal Budget will be held on May 19 however final adoption would not take place until the State of NJ gives word on extraordinary aid.

Roll Call: Cioni, Valentine, McDonald, Housel, Woykowski – Yes
Higgins - No

RESOLUTION #96-2009
INTRODUCTION OF 2009 PROPOSED MUNICIPAL BUDGET
OF THE BOROUGH OF WASHINGTON,
WARREN COUNTY, NEW JERSEY.

BE IT RESOLVED, that the statements and revenues and appropriations shall constitute the Municipal Budget for the year 2009.

BE IT RESOLVED, that said Budget be published in the Star Gazette in the Issue of May 7, 2009 and the governing body of the BOROUGH OF WASHINGTON does hereby approve the Budget for the year 2009.

BE IT FURTHER RESOLVED, that the hearing on the Budget will be held at Borough Hall, on May 19, 2009 at 7:30 o'clock (p.m.) at which time and place objections to said budget for the year 2009 may be presented by taxpayers or other interested persons.

COUNCIL REMARKS

Mayor McDonald thanked Tom Ferry, Richard Phelan, and Kristine Blanchard for getting the budget rectified. It was an incredible effort.

Councilman Housel echoed the Mayor's statement.

Hearing no further business to come before Council, it was moved by Higgins, seconded by Cioni that the meeting be adjourned at 9:30 p.m.

Ayes: 6, Nays: 0.
Motion carried.

Mayor Scott McDonald

Ann Kilduff, Deputy Borough Clerk