

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY  
WASHINGTON BOROUGH COUNCIL MINUTES – May 5, 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: Cioni, Boyle, McDonald, Woykowski, Valentine - Present  
Higgins 8:25  
Housel - Absent

Also Present: Richard Phelan, Borough Manager  
Richard Cushing, Esq. Municipal Attorney  
Kristine Blanchard, RMC 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**

Motion made by Woykowski, seconded by Boyle and approved.

Ayes: 5, Nays: 0  
Motion Carried

**Resolution 103-2009**

**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: OR 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 APPEARANCE**

**Animal Control – Gary and Betty Wysocki**

Ms. Wysocki stated that the animal control office is on call 24 hours a day. In 2008 the office received 653 calls. This year they have been called out for the standard cats and dogs and had even picked up a cow that had fallen off of a truck. The Animal Control office will do anything to help people with animals however they only animals they can not help are nuisance wildlife.

**COMMUNICATIONS:**

The following communications were entered into the record:

1. Business Improvement District Re: Annual Audit

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

Ayes: 5, Nays: 0.  
Motion carried.

**AUDIENCE:**

Hearing no 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 2-2009 was removed from the agenda until further notice.

**REPORTS:**

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

1. Highway Department February/March 2009
2. Zoning/Code Enforcement

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:** Councilwoman Woykowski stated the committee had provided a report to the Council in the packets. Councilwoman Woykowski also stated that she is providing an update to the policy manual as well.

**Shared Services Committee:** No Report

**Senior Services:** No Report

**Website Committee:** - Councilman Cioni stated he has added a scheduling calendar for field usage to the website.

**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 Valentine, seconded by Cioni to pay the vouchers and claims in the amount of \$ 1,903,355.41

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

Ayes: 6, Nays: 0  
Motion Carried

**OLD BUSINESS:**

**NEW BUSINESS**

**Resolution 96-2009 Authorizing Estimated Tax Bills**

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

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

Ayes: 6, Nays: 0

**RESOLUTION # 96-2009**

**A RESOLUTION AUTHORIZING THE BOROUGH OF WASHINGTON TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED TAX BILLS IN ACCORDANCE WITH P.L. 1994, c. 72**

**WHEREAS**, due to the late adoption of the Borough of Washington's 2009 Municipal Budget, the Warren County Board of Taxation is unable to certify tax rates for the year of 2009: and

**WHEREAS**, without a 2009 certified tax rate the Tax Collector of the Borough of Washington will be unable to issue 2009 tax bills on a timely basis;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Washington, as follows:

1. The Tax Collector of the Borough of Washington is hereby authorized and directed to prepare and issue estimated tax bills for the Borough of Washington for the third installment of 2009 taxes. The Tax Collector shall proceed and take such actions as are permitted and required by Chapter 72, Public Laws of 1994 and N.J.S.A. 54:66.2 and 54:4-66.3.
2. The entire estimated tax levy for 2009 is hereby set \$ 16,209,341.06.
  - a. The estimated tax rate for 2009 Regular Taxes is hereby set at \$4.331.
  - b. The estimated tax rate for 2009 Special Improvement District I is hereby set at .264 (+ 4.331=4.595).
  - c. The estimated tax rate for 2009 Special Improvement District II is hereby set at .166 (+ 4.331=4.497).

Motion Carried

**Resolution 97-2009 Void and Replace Check**

Resolution 97-2009 was moved on a motion made by Cioni, seconded by Valentine and adopted.

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

Ayes: 6, Nays: 0

Motion Carried

**Resolution 97-2009**

**WHEREAS**, check #002152 was written on 4/21/09 on Washington Borough's Operating Fund in the amount of \$5766.25 and made payable to Coffey Bros Inc 2559 Route 9 North Howell NJ , and

**WHEREAS**, the Treasurer's office was made aware that this check has been judged to be made payable to the wrong vendor, and a written request has been received for a replacement check.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Washington that the Borough Treasurer is authorized to void and replace check #002152 and make it payable to Coffey and Associates 465 South Street Morristown NJ 07960.

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

Ayes: 6, Nays: 0

Motion Carried

**Resolution 98-2009 Refund of Taxes – County Tax Appeal**

Resolution 98-2009 was moved on a motion made by Cioni, seconded by Valentine and adopted.

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

Ayes: 6, Nays: 0

Motion Carried

**RESOLUTION #98-2009**

**A RESOLUTION AUTHORIZING APPLYING OVERPAYMENT OF 2008  
REAL ESTATE TAXES DUE TO COUNTY TAX APPEAL**

**WHEREAS**, according to the Tax Collector's records, there exists an overpayment of \$555.38 on the 4th quarter 2008 Taxes paid on property located at 23 Lambert Street, also known as Block 2.11 Lot 38 and assessed in the name of Shanahan, Timothy and Lana; and

**WHEREAS**, a County Tax Appeal was granted on the 2008 Assessed Value creating this tax overpayment and the Shanahan's have 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 99-2009 Downtown Streetscape Change Order**

Resolution 99-2009 was moved on a motion made by Cioni, seconded by Valentine and adopted.

Discussion: Manager Phelan stated that he has reviewed this project extensively with Andrew

Holt and is comfortable with the change order presented. Councilman Higgins stated that if the project is not done within 60 days the Borough should consider liquidated damages.

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

Ayes: 6, Nays: 0  
Motion Carried

**RESOLUTION #99-2009**

**A RESOLUTION APPROVING THE CLOSE OUT  
PROPOSAL AND CLOSE OUT CHANGE ORDER  
RELATED TO THE WASHINGTON AVENUE  
DOWNTOWN STREETScape PROJECT**

**WHEREAS**, the Borough of Washington is in the process of completing the downtown streetscape project; and

**WHEREAS**, in order to satisfactorily complete the downtown streetscape project a close out change order is necessary; and

**WHEREAS**, the Borough Engineer, Andrew Holt of Suburban Engineers Inc. has reviewed the documentation relating to the downtown streetscape project and recommends that in order to satisfactorily complete the project the Borough accept the close out proposal by Marvec, contractor for the downtown streetscape project.

Project Completion/Project Close Out and Close Out Change Order -  
\$32,067.13

**WHEREAS**, the Mayor and Council of the Borough of Washington wishes to accept the close out proposal and close out change order for this work as it is in the best interest of the Borough of Washington.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey approve the Close out Proposal and Close out Change Order relating to the downtown streetscape and authorize the Borough Manager and Borough Engineer to prepare the necessary documents as soon as possible and for the Borough Manager to execute the change order on behalf of Washington Borough; and

**Resolution 101-2009 Creating a New Section on Council Policies within the Policies Manual of Washington Borough of Washington**



Resolution 101-2009 was moved on a motion made by Cioni, seconded by Valentine and adopted.

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

Ayes: 6, Nays: 0

Motion Carried

### **RESOLUTION 101-2009**

#### **CREATING A NEW SECTION “COUNCIL POLICIES” WITHIN THE POLICIES MANUAL OF WASHINGTON BOROUGH**

**WHEREAS**, the Borough of Washington, Warren County, New Jersey is governed by the “Council-Manager” Plan of the Optional Municipal Charter Law (N.J.S.A. 40:69A-1 et seq.); and

**WHEREAS**, the governing body of Washington Borough wishes to ascertain complete adherence to the statutes of this Plan and

**WHEREAS**, the Mayor and Council of Washington Borough wish to promote transparency and dissemination of information;

**NOW, THEREFORE, BE IT RESOLVED**, that a new section “Council Policies” be created within the Policies Manual of Washington Borough, and a copy of the “Council Manager” Plan (N.J.S.A. 40:69A-81-98.) be included in that section, and

**BE IT FURTHER RESOLVED**, that a copy of the “Council Manager” Plan (N.J.S.A. 40:69A-81-98.) be published on the borough’s website and a link to the document be placed in a conspicuous place of the website, and

**BE IT FURTHER RESOLVED**, that the language of all future resolutions and ordinances be aligned with the principles of the “Council Manager” Plan (N.J.S.A. 40:69A-81-98.

#### **Discussion on Faulkner Act Form of Government**

Councilwoman Woykowski stated she had provided information to all Council members regarding the Faulkner Act form of Government for their review. She stated some articles have been repealed since adoption on the Borough’s codebook. She would like to review these statutes at an upcoming Council meeting.

**Consent for Access to Monitoring Wells, Pohatcong Valley Superfund Site**

Motion made by Cioni, seconded by Valentine to approve the access to monitoring wells.

Ayes: 6, Nays: 0  
Motion Carried

**NJAWC Production Well Investigation Request**

Motion made by Cioni, seconded by Valentine and approved.

Ayes: 6, Nays: 0  
Motion Carried

**Resolution 102-2009 Approval of Twila Eglinton Leave of Absence**

Resolution 102-2009 was moved on a motion made by Cioni, seconded by Valentine and adopted.

Ayes: 6, Nays: 0  
Motion Carried

**RESOLUTION #102-2009**

**RESOLUTION GRANTING A LEAVE OF ABSENCE  
TO TWILA I. EGLINTON**

WHEREAS, the governing body of a municipality may grant temporary leave of absence, without pay, to any employee provided such leave shall not exceed six (6) months at any one time; and

WHEREAS, the governing body desires to maintain complete and accurate records of employee benefits in accordance with New Jersey State Law; and

WHEREAS, Twila I. Eglinton requested a leave of absence without pay due to personal illness for the period beginning 05/15/2009 and ending on or about 06/17/2009 for pension accounting; and

WHEREAS, the employee is not able to perform her duties due to personal illness and will have exhausted all sick leave benefits as of the close of business on May 14, 2009, and has requested a temporary Leave of Absence Without Pay beginning May 15, 2009.

NOW, THEREFORE BE IT RESOLVED, the Borough of Washington Common Council does hereby grant to Twila I. Eglinton a temporary leave of absence, without pay, for the period beginning May 15, 2009, with a return to work date of June 18, 2009, from her full-

time position as Clerk with the Washington Public Library.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the Division of Pensions and Benefits in order to allow the employee to retain her non-contributory insurance benefits during the Leave of Absence Without Pay, should the earnings in the months of May and June be inadequate to take the full monthly deductions for pension and contributory insurance.

### **COUNCIL REMARKS**

Councilman Boyle stated that he is concerned the Graffiti Ordinance is directed towards businesses. He inquired if the Business Improvement District had seen the Ordinance. A copy will be sent to the BID.

Councilman Higgins stated Relay for Life is scheduled for May 16, 2009 and requested a Proclamation be prepared and asked the Mayor to attend the opening ceremony and read the Proclamation. He also stated he would like a Treasurers report for the next Council meeting.

Councilwoman Woykowski stated she would like to make sure that the recap of action items is listed on the agenda.

Councilman Boyle inquired how the Borough will be accommodating the new fire truck. Manager Phelan stated that he is going to meet with the Borough Engineer in regards to his design of the fire bays.

Councilman Valentine inquired as to where the money for the fire bay renovation will be coming from. Manager Phelan stated he is unsure of the costs.

Mayor McDonald stated he discussed with Assemblyman Doherty the Borough's application for extraordinary aid and has promised his support.

Hearing no further business to come before Council, it was moved by Higgins, seconded by Cioni that the meeting be adjourned at 8:45 p.m.

Ayes: 6, Nays: 0.  
Motion carried.

---

Mayor Scott McDonald

---

Kristine Blanchard, RMC Borough Clerk