

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – May 19, 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: Higgins, Cioni, Boyle, McDonald, Woykowski, Valentine - Present
Housel – 8:35 p.m.

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 Higgins, seconded by Boyle and approved.

Ayes: 6, Nays: 0
Motion Carried

Resolution 109-2009

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: POLICE CONSOLIDATION, 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

None

MINUTES:

Mayor McDonald entertained additions or corrections to the minutes of the Meetings of March 3, 2009 and March 17, 2009.

It was moved by Higgins, seconded by Woykowski that the minutes be approved.

Ayes: 6, Nays: 0
Motion Carried

COMMUNICATIONS:

None

Councilman Housel arrived at 8:35

AUDIENCE:

Bill Anellie – 10 Lambert St

Mr. Anellie stated that he is troubled that he had to read in the paper that the Borough must defer its pension obligations. He also stated that he had read the Comptroller's report and the Borough borrowed three million dollars for the DPW Garage. Where is the money? Councilman Higgins noted that in 1999 this Council bonded for \$600,000. This money was spent on engineering and other soft costs. There was another Council that bonded for an additional \$700,000. Unfortunately, the site was no longer available and any engineering costs needed to be redone. Mr. Anellie questioned the Borough's application for extraordinary aid. Mayor McDonald stated yes, the Borough has applied for extraordinary aid this year in order to offset some of the taxpayer burdens. Councilwoman Woykowski noted that unfortunately the Borough was fiscally mismanaged and it has been going on for many years. This will not happen again.

Bob Pesinello

Washington Celebrates America

Mr. Pesinello informed Council that Washington Celebrates America will be holding the annual parade and fireworks on June 27. He is here this evening to request that Council adopt the Resolution approving the fireworks as they have done in the past.

Resolution 113-2009 Approval of Fireworks – Washington Celebrates America

Resolution 113-2009 was moved on a motion made by Valentine, seconded by Housel and adopted.

Roll Call: Valentine, Housel, Woykowski, McDonald, Higgins, Cioni – Yes
Boyle – Abstain

Ayes: 6

Nays: 0

Abstain: 1

RESOLUTION #113-2009

**RESOLUTION GRANTING PERMISSION FOR A
FIREWORKS DISPLAY IN THE
BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY.**

BE IT RESOLVED, by the Mayor and Common Council of the Borough

of Washington, Warren County, New Jersey that permission is hereby granted to Interstate Fireworks, Inc., Rowland, Pa. to have a **Fireworks Display** in the Borough of Washington at 9:00 P.M., **Saturday June 27, 2009** with a **Rain Date of Sunday June 28, 2009**.

BE IT RESOLVED, that a true copy of this Resolution be forwarded to the New Jersey Department of Labor and Industry, Trenton, NJ, together with a copy of the required Certificate of Liability Insurance
Rick Feldman

Rick Feldman 19 Prosper Way

Mr. Feldman asked if the Borough have insurance to protect itself against employees as it pertains to the finances. Attorney Cushing explained that for Borough Officials they would be covered under a bond. There is no insurance for poor management of funds.

Mr. Feldman asked what the Borough is going to do about the mismanagement. Attorney Cushing stated that the former managers and some professionals are no longer employed at the Borough. He also stated we have an obligation to employees not to discuss any potential shortcomings that may have existed in public and procedural changes have been made. Mayor McDonald also reiterated that problems are being identified and solutions being implemented.

Terry Finnegan – 23 Youmans Avenue

Mr. Finnegan stated that the situation that this Borough is in really calls into question the continued credibility of this system of government of this municipality. Incompetence has reigned supreme here. If we as citizens can not know what you think of our manager once a year than we have a problem; this is required under the Borough Council Form of Government. Mr. Finnegan stated under statute 40:69 a-95 section g the manager will recommend and advise of the financial condition of the Borough and make reports to council as a requested once a year with an annual report. No such reports exist in this community.

Councilwoman Woykowski stated Council is not unaware of the seriousness of the situation. The Faulkner Act has never been followed properly in this municipality. As a member of the finance committee, I can assure you that we have created new sections in the policies and procedures that will serve as a handbook for future councils. We are working on filling all of those gaps.

Motion made by Higgins, seconded by Valentine to close the public hearing portion of the meeting.

Ayes: 6, Nays: 0
Motion Carried

ORDINANCES

Ordinance 4-2009 AN ORDINANCE AMENDING CHAPTER 47 OF THE CODE OF THE BOROUGH OF WASHINGTON TO INCLUDE NEW RECYCLING REQUIREMENTS (Adoption/Public Hearing)

Mayor McDonald entertained a motion to introduce **Ordinance #4-2009**.

Ordinance 4-2009 was moved by Councilman Housel, seconded by Councilman Cioni.

It was further moved by Housel, seconded by Cioni that the Clerk read Ordinance #4-2009 by title only.

The Clerk read Ordinance #4-2009 by title only and stated that this ordinance had been published in the Star Gazette as required by law; a copy was posted on the bulletin board and copies available upon request from the Clerk's office.

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

Ayes: 7, Nays: 0.
Motion carried.

Public Hearing:

Hearing no comments from the public Councilman Housel motioned to close the public hearing seconded by Councilman Cioni.

Ayes: 7, Nays: 0
Motion Carried

Council Discussion: Manager Phelan explained that this is a requirement of the County of Warren. Councilman Boyle asked if there was anything in this ordinance pertaining to the placing of leaves in the street. Manager Phelan stated that requirement is referenced in the Stormwater Management Plan. Councilman Boyle asked to see a copy of the state requirement stating that leaves could not be placed in the street.

Mayor McDonald entertained a motion to adopt Ordinance 4-2009 on final adoption.

Motion made by Housel, seconded by Higgins to adopt Ordinance 4- 2009 on final adoption.

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

Ayes: 7, Nays: 0
Motion Carried

BOROUGH OF WASHINGTON
WARREN COUNTY, NEW JERSEY

ORDINANCE # 4-2009

AN ORDINANCE AMENDING CHAPTER 47 OF
THE CODE OF THE BOROUGH OF WASHINGTON
TO INCLUDE NEW COUNTY RECYCLING REQUIREMENTS

WHEREAS, certain amendments to the Rubbish Ordinance of Washington Borough are needed to make it consistent with the Warren County Solid Waste Management Plan (hereinafter “County Plan”); and

WHEREAS, the Borough Council has determined to make such amendments to comply with the updated County Plan;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Washington that Chapter 47 of the Code of the Borough of Washington is hereby amended to read as follows:

1. Section 47-1 entitled “Short Title” is amended to read:

This Chapter shall be known as the “Rubbish and Recycling Ordinance of Washington Borough.”

2. Section 47-2 entitled “Definitions” is amended by the addition of the following definitions:

ANTI-FREEZE – All automotive engine coolant consisting of a mixture of ethylene glycol and water or propylene glycol and water.

COMMERCIAL USE – An activity involving the sale of goods or services carried out for profit.

COMMINGLED RECYCLABLES — Glass bottles and jars, aluminum cans, bimetal cans, tin cans and plastic bottles;

DESIGNATED RECYCLABLE MATERIALS- means those materials designated within the current Warren County District Solid Waste Management Plan to be source separated for the purpose of recycling. These materials include:

Designated Traditional Materials:	Designated Non-traditional Materials:
Aluminum cans	Antifreeze
Computer paper	Asphalt & concrete pavement, concrete bricks

Glass bottles & jars – three colors (clear, green & brown)	Automotive batteries (lead acid)
Corrugated cardboard	Carpet
High grade office paper – white	Computers
Magazines & mixed paper	Florescent tubes
Newsprint	Laser & inkjet cartridges
Designated Traditional Materials (cont.):	Designated Non-traditional Materials (cont.):
Plastic bottles: 1. PETE-clear & green (type #1) 2. HDPE-clear & colored (type #2)	Household batteries as identified in the County Plan
Steel cans/tin cans	Latex paint
	Leaves & yard waste (brush, tree parts)
	Non-treated wood
	Oil Filters
	Propane Tanks
	Scrap metals (including junked autos)
	Source separated metal
	Stumps
	Textiles/Clothing
	Tires
	Used motor oil
	White goods (large appliances)

ELECTRONIC WASTE – shall mean a computer central processing unit and associated hardware including keyboards, modems, printers scanners and fax machines; a cathode ray tube, a cathode ray tube device, a flat panel display or similar video display device with a screen that is greater than 4 inches measured diagonally and that contains one or more circuit boards, including a television, and cell phones.

MISCELLANEOUS RECYCLABLE MATERIALS – Includes materials which would otherwise be classified as solid waste, are not otherwise defined in this Chapter, and are documented as being recycled. It currently is limited to: carpet, propane tanks, laser and inkjet printer cartridges and florescent light tubes.

MULTIFAMILY DWELLING – means any building or structure, or complex of buildings in which three or more dwelling units are owner-occupied or rented or leased, or offered for rental or lease, for residential purposes (see NJSA 13:1E-99.13a.) and shall include hotels, motels, or other guest houses serving transient or seasonal guests as those terms are defined under subsection (j) of section 3 of the “Hotel and Multiple Dwelling Law,” P.L. 1967, c. 76 (C.55: 13A-1 et seq.).

MUNICIPAL RECYCLING COORDINATOR – means the person or persons appointed by the municipal governing body and who shall be authorized to

enforce the provisions of this Ordinance and any rules and regulations promulgated hereunder.

MUNICIPAL SOLID WASTE (MSW) STREAM – means all solid waste generated at residential, commercial, and institutional establishments within the boundaries of the municipality of the Borough of Washington which is not bulky waste or construction and demolition debris.

OIL FILTERS – a detachable device in a motor vehicle which is part of the lubrication system of an internal combustion engine used to decontaminate oil that contains suspended impurities.

RECYCLABLE MATERIAL – means those materials which would otherwise become solid waste, and which may be collected, separated, or processed and returned to the economic mainstream in the form of raw materials or products.

SOURCE-SEPARATED RECYCLABLE MATERIALS – means recyclable materials which are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling.

SOURCE SEPARATION – means the process by which recyclable materials are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling.

3. A new Section 47-5 is added to read as follows:

§47-5. Residential Dwelling and Commercial Establishment Compliance Requirements

A. Residential Dwelling Compliance Requirements.

1. The owners/occupants of single family and two family dwellings shall be responsible for compliance with this Ordinance.
2. For multifamily units, the management or owner is responsible for setting up and maintaining the recycling system, including the designation of a building/complex recycling coordinator who will oversee the recycling system which includes the collection of recyclable materials.
3. Violations and penalty notices will be directed to the owner, occupant, or management, in those instances where the violator is not easily identifiable. The management shall issue notification and collection rules to new tenants when they arrive and every 6 months during their occupancy.

B. Commercial Establishment Compliance Requirements.

1. All commercial, business, or industrial facilities shall be required to comply with the provisions of this Ordinance.
2. The arrangement for collection of designated recyclables hereunder shall be the responsibility of the commercial, institutional or industrial property owner

or their designee, unless the municipality provides for the collection of designated recyclable materials. All commercial, institutional or industrial properties which provide outdoors litter receptacles and disposal service for their contents shall also provide receptacles for designated recyclable materials, for those materials commonly deposited, in the location of the litter receptacle, and shall provide for separate recycling service for their contents.

3. Annually, every business, institution, or industrial facility shall report to the municipal Recycling Coordinator the recycling activities undertaken at their premises, including the amount of recycled material, by material type, collected and recycled and the vendor or vendors providing recycling service. The forms to be used will be provided by the municipal recycling coordinator.

4. All food service establishments, as defined in the Health Code, shall, in addition to compliance with all other recycling requirements, be required to recycle grease and/or cooking oil created in the processing of food or food products, and maintain such records as may be prescribed, for inspection by any code enforcement officer.

4. Section 47-7 is amended by revising subsection K (new language is shown in underlined text, deleted language is shown in strike-through text) and adding new subsections V, W, and X as follows:

K. Motor oil and oil filters shall be placed in separate metal or plastic containers with a secure, tight-fitting cap to prevent ~~spillage~~ leaks or spills. Motor oil and oil filters must be brought to an authorized recycling center and may not be placed out at curbside for collection.

V. Anti-freeze must be placed in a plastic or glass container with a secure, tight-fitting cap to prevent spills and brought to an authorized recycling center. It may not be placed out at curbside for collection.

W. Electronic waste must be brought to an authorized recycling center and may not be placed at curbside for collection.

X. Miscellaneous recyclables, currently limited to carpet, propane tanks, laser and inkjet printer cartridges and florescent light tubes, must be brought to an authorized recycling center and may not be placed at curbside for collection.

5. Section 47-14 is deleted and replaced in its entirety with the following:

§ 47-14. Mandatory Source Separation; Exemption From Source Separation Requirements

A. Mandatory source separation: It shall be mandatory for all persons who are owners, tenants, or occupants of residential and non-residential premises, which shall include but not be limited to retail and other commercial locations, as well as government, schools and other institutional locations within the municipality of the Borough of Washington, to separate designated

recyclable materials from all solid waste. Designated recyclable materials shall be deposited separate and apart from other solid waste generated by the owners, tenants, or occupants of such premises. Designated recyclable materials shall be taken to an authorized recycling center or, for recyclable materials for which curbside pickup is provided, placed separately at the curb in a manner and on such days and times as may be hereinafter established by regulations promulgated by the Borough of Washington.

- B. Exemptions: Pursuant to *N.J.S.A. 13:1E-99.16.6(d)*, the governing body of a municipality may exempt persons occupying commercial or institutional premises within its municipal boundaries from the source separation requirements of the ordinance which requires persons generating municipal solid waste within its municipal boundaries to source separate from the municipal solid waste stream, the specified recyclable materials if those persons have otherwise provided for the recycling of all designated recyclable materials. To be eligible for an exemption pursuant to this Chapter, a commercial or institutional generator of solid waste shall file an application for exemption with the municipal recycling coordinator on forms to be provided for this purpose. The form shall include, at a minimum, the following information: the name of the commercial or institutional entity; the street address location and lot and block designation; the name, official title and phone number of the person making application on behalf of the commercial or institutional entity; the name, address, official contact person and telephone number of the facility which provides the service of recycling those designated recyclable materials, and a certification that the designated recyclable materials will be recycled, and that, at least on an annual basis, said recycling service provider or commercial/institutional generator shall provide written documentation to the municipal recycling coordinator of the total number of tons collected and recycled for each designated material.

6. Section 47-15 is deleted and replaced in its entirety with the following:

§47-15. Prohibition of the Collection of Waste Mixed with Recyclable Materials; Collection by Unauthorized Parties Prohibited

- A. It shall be unlawful for solid waste collectors to collect solid waste that is mixed with, or contains visible signs of, designated recyclable materials. It is also unlawful for solid waste collectors to remove for disposal those bags or containers of solid waste which visibly display a warning notice sticker or some other device indicating that the load of solid waste contains designated recyclable materials.
- B. It shall be the responsibility of the resident or occupant to properly segregate the uncollected waste for proper disposal or recycling. Allowing such unseparated solid waste and recyclables to accumulate will be considered a violation of this article and the local sanitary code.

C. Once placed in the location identified by this Ordinance, or any rules or regulations promulgated pursuant to this Ordinance, no person, other than those authorized by the municipality, shall tamper with, collect, remove, or otherwise handle designated recyclable materials. Each such instance of tampering, collection, removal, or handling of designated recyclable materials in violation hereof shall constitute a separate and distinct violation of this chapter.

7. Section 47-16 is renumbered to 47-18 and amended to read as follows (new language is shown as underlined text):

§47-18. Violations and penalties.

- A. Any person, corporation, occupant, or entity that violates or fails to comply with any of the provisions of this chapter shall, upon conviction be punished for each offense by a fine not to exceed \$2,000, by imprisonment for a term not to exceed 90 days in the county jail, or by a period of community service not exceeding 90 days.
- B. Notwithstanding the provisions of subsection A, any person who violates §47-9D of the Code of the Borough of Washington shall, upon conviction, be punished for each such offense by a minimum fine of \$100 and a maximum fine of \$5,000.

8. A new Section 47-16 is added to read as follows:

§47-16. New Developments of Multi-Family Residential Units or Commercial, Institutional, or Industrial Properties

- A. Any application to the planning board of the Borough of Washington for subdivision or site plan approval for the construction of multi-family dwellings of three or more units, single family developments of 50 or more units or any commercial, institutional, or industrial development for the utilization of 1,000 square feet or more of land, must include a recycling plan. This plan must contain, at a minimum, the following:
1. A detailed analysis of the expected composition and amounts of solid waste and recyclables generated at the proposed development and
 2. Locations documented on the application's site plan that provide for convenient recycling opportunities for all owners, tenants, and occupants. The recycling area shall be of sufficient size, convenient location and contain other attributes (signage, lighting, fencing, etc.) as may be determined by the municipal recycling coordinator.
 3. Provisions shall be made for the indoor, or enclosed outdoor, storage and pickup of solid waste, to be approved by the municipal engineer.
- B. Prior to the issuance of a Certificate of Occupancy by the Borough of Washington, the owner of any new multi-family housing or commercial, institutional, or industrial development must supply a copy of a duly executed

contract with a hauling company for the purposes of collection and recycling of source-separated recyclable materials, in those instances where the municipality does not otherwise provide this service.

9. A new Section 47-17 is added to read as follows:

§47-17. Enforcement

The municipal Board of Health, the Recycling Coordinator, the zoning officer, the building inspector, the housing officer, or other code enforcement officer, the police department, and the Warren County Department of Health are hereby individually and severally empowered to enforce the provisions of this Ordinance. An inspection may consist of sorting through containers and opening of solid waste bags to detect, by sound or sight, the presence of any recyclable material.

10. Severability, Effective Date

In the event that it is determined, by a Court of competent jurisdiction, that any provision or section of this Ordinance is unconstitutional, all other sections and provisions shall remain in effect. This Ordinance shall take effect upon passage and publication in accordance with law.

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 GRAFFITI (Adoption/Public Hearing)

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

Ordinance 5-2009 was moved by Councilman Cioni, seconded by Councilman Valentine.

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

The Clerk read Ordinance #5-2009 by title only and stated that this ordinance had been published in the Star Gazette as required by law; a copy was posted on the bulletin board and copies available upon request from the Clerk's office.

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

Ayes: 7, Nays: 0.

Motion carried.

Public Hearing:

Hearing no comments from the public Councilman Housel motioned to close the public hearing seconded by Councilman Cioni.

Ayes: 7, Nays: 0
Motion Carried

Council Discussion:

Councilman Housel asked if this was going to be the responsibility of the homeowner. Manager Phelan stated that it would be the responsibility of the homeowner and business owners. Councilman Higgins noted that this would be victimizing the owners of buildings twice by making them responsible for cleanup.

Mayor McDonald entertained a motion to adopt Ordinance 5-2009 on final adoption.

Motion made by Cioni, seconded by Housel to adopt Ordinance 5- 2009 on final adoption.

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

Ayes: 2, Nays: 5
Motion Failed

Ordinance 6-2009 AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (Adoption/Public Hearing)

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

Ordinance 6-2009 was moved by Councilman Housel, seconded by Cioni.

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

The Clerk read Ordinance #6-2009 by title only and stated that this ordinance had been published in the Star Gazette as required by law; a copy was posted on the bulletin board and copies available upon request from the Clerk's office.

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

Ayes: 5, Nays: 2.
Motion Carried.

Public Hearing:

Borough Auditor, Tom Ferry explained to the public and Council that this Ordinance allows Council to exceed the spending cap imposed by the State if necessary. It is a precautionary measure only. He explained that right now the Borough is capped at 2.5% and this Ordinance gives the flexibility to increase to 3.5% if necessary.

Keith Gonzales stated that this Ordinance sounds very subjective to him and should not be considered due to the Borough's current financial condition.

Hearing no further comments from the public Councilman Housel motioned to close the public hearing seconded by Councilman Cioni.

Ayes: 7, Nays: 0
Motion Carried

Council Discussion: Councilman Housel asked if the expansion of the Fire House would be covered under something like this. Manager Phelan stated that this would only be used for a catastrophic loss, such as loss of the municipal building. Councilman Boyle stated that Council needs to stop spending money. No one will remember the details of why we adopted this next year. This Borough needs to stop spending.

Mayor McDonald entertained a motion to adopt Ordinance 6-2009 on final adoption.

Motion made by Cioni, seconded by Housel to adopt Ordinance 6- 2009 on final adoption.

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

Ayes: 3, Nays: 4
Motion Failed

POLICE CONSOLIDATION PUBLIC HEARING

Terry Finnegan 23 Youmans Avenue

Mr. Finnegan stated that there is no information on the Borough website regarding the potential merger of police departments with Washington Township. He asked if Council thinks it will make this community safer and how will the Borough's interests be protected.

Mayor McDonald explained the level of service will not decrease. Mr. Finnegan stated the police department is a sensitive issue; Washington Borough has the second highest crime rate in the County of Warren. Manager Phelan stated that there is an out in the contract that the Borough can use at any given time. He stated that all complaints regarding the police department will go through the Managers office. Mr. Finnegan asked what kind of authority the Borough will have other than moral persuasion. Councilman Housel noted that Chief McDonald's presentation given last year should be placed on the Borough website.

Mr. Finnegan asked how much the consolidated police department will cost the Borough. Manager Phelan stated that the Borough will be responsible for 50% of any increases and 50% of the cost of the department. Mr. Phelan stated that a joint meeting between the Borough and the Township will be held June 3, 2009 and will be advertised to the public.

Rick Feldman 19 Prosper Way

Mr. Feldman asked where the anticipated savings are coming from. Mr. Phelan stated that one Chief is retiring; the cost of salary plus benefits will be a reduced expense and another person from the Township is retiring as well.

Motion made to close the public hearing on the police consolidation

Ayes: 7, Nays: 0
Motion Carried

MUNICIPAL BUDGET PUBLIC HEARING

Borough Auditor, Thomas Ferry stated that this is only the Public Hearing of the municipal budget. The Borough can't adopt the budget until we hear back from the State of New Jersey regarding extraordinary aid.

Dawn Higgins 113 Harding Drive

Ms. Higgins asked Council what the tax increase is going to be this year on the municipal portion of property taxes. Mayor McDonald stated it will be .32 per 100,000 of assessed value. Ms. Higgins asked what is causing that tax rate to be so high. Manager Phelan stated that many items in the municipal portion of the budget are statutory.

Borough Auditor, Tom Ferry explained that revenues were just not there this year for many municipalities to do the economy. The revenues that were anticipated did not come in. The Borough has no surplus. The combination of interest on investments being down \$122,000 and a slight tax increase; it is causing the tax rate to go up.

Ms. Higgins stated that the Borough still wants to spend at the same level as last year. She asked Council why they won't consider cutting the budget by the fund balance shortfall of \$525,000.

Councilman Housel stated that would mean cutting many services to the taxpayers. He is concerned that there are just not many more services to cut without effecting volunteer services.

Ms. Higgins stated that cutting the municipal budget is the job of the Borough Council and that is their main priority.

At this time Council took a ten minute recess.

Councilman Higgins and Councilman Cioni did not return to the meeting after the recess.

Hearing no further comments from the audience a motion was made by Valentine, seconded by Housel to close the public hearing on the municipal budget.

Ayes: 5, Nays: 0

Motion Carried

Councilman Boyle noted that one service Council may want to take a closer look at is garbage collection. Manager Phelan stated that he has been looking into this due to the fact that Blue Diamond's contract is up at the end of the year. He will be able to give more information to Council in the near future.

REPORTS:

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

1. Fire Prevention Report
2. Washington Borough Municipal Court
3. Police Activity Report

Ayes: 5, Nays: 0

Motion Carried

COMMITTEE REPORTS:

All committee reports were tabled until the next meeting.

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 Valentine, seconded by Housel to pay the vouchers and claims in the amount of \$726,535.18.

Roll Call: Valentine, McDonald, Boyle, Woykowski, Housel

Ayes: 5, Nays: 0
Motion Carried

OLD BUSINESS:

Permitted Businesses Downtown

This item was tabled until the next Council meeting.

NEW BUSINESS

Resolution 105-2009 Implementation Grant Authorization

Resolution 105-2009 was moved on a motion made by Housel, seconded by Valentine and adopted.

Roll Call: Housel, Valentine, Woykowski, McDonald, Boyle

Ayes: 5, Nays 0

Motion Carried

RESOLUTION 105-2009
AUTHORIZATION OF AN IMPLEMENTATION GRANT

Whereas, the Borough of Washington and the Township of Washington have agreed to apply for SHARE (Sharing Available Resources Efficiently) assistance through the State of New Jersey SHARE Program in the amount of \$174,359 to assist with the implementation of a new shared service; and

Whereas, Washington Township has agreed to be the lead agency in this endeavor; and

Whereas, the Washington Township Committee is acknowledging and accepting the responsibility of acting as applicant for this grant on behalf of the Borough of Washington.

Whereas, the State of New Jersey has made SHARE assistance available to assist local units study, develop and implement new shared and regional services,

Whereas, the purpose of this grant is to promote shared services between our communities through a police department consolidation, that would be beneficial to both or all local units; and

Whereas, the applicant agrees to execute a Shared Services Agreement in order to implement the police department consolidation.

Now, Therefore, be it Resolved, by the Governing Body of the Borough of Washington, that the Borough of Washington Governing Body hereby joins with the Township of Washington Committee in applying for a grant for the purpose of implementing a police consolidation.

Resolution 106-2009 Temporary Budget Amendment

Resolution 106-2009 was moved on a motion made by Housel, seconded by Valentine and adopted.

Roll Call: Housel, Valentine, McDonald, Woykowski, Boyle

Ayes: 5, Nays: 0

Motion Carried

RESOLUTION # 106-2009

**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 - \$207,235

Resolution 107-2009 Sewer Temporary Budget Amendment

Resolution 107-2009 was moved on a motion made by Valentine, seconded by Housel and adopted.

Roll Call: Valentine, Housel, McDonald, Woykowski, and Boyle

Ayes: 5, Nays: 0

Motion Carried

RESOLUTION # 107-2009

**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 Sewer 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 - \$65,000

Resolution 108-2009 Extending PBA Contract to August 1, 2009

Resolution 108-2009 was moved on a motion made by Housel, seconded by Boyle and adopted.

Roll Call: Housel, Boyle, Woykowski, McDonald, Valentine

Ayes: 5, Nays: 0

Motion Carried

Resolution 108-2009

**ADDENDUM TO AGREEMENT BETWEEN THE BOROUGH OF
WASHINGTON AND PBA LOCAL 280**

WHEREAS, the Borough of Washington and PBA Local 280 are parties to a Collective Bargaining Agreement which expired on December 31, 2008; and

WHEREAS, the Borough of Washington is currently in negotiations with the Township of Washington, which, if successfully concluded, would cause the merger of the two municipalities' police departments into one department; and

WHEREAS, under the circumstances, the negotiation of a new Contract between the Borough of Washington and PBA Local 280 would be premature until the decision on the merger has been reached; and

WHEREAS, the Borough of Washington and PBA Local 280 have previously agreed to the following:

1. Members of PBA Local 280 shall receive a pay increase in the amount of 3% (three percent) for calendar year 2009. The pay increase shall be retroactive to January 1, 2009, and be in effect until December 31, 2009.

2. In the event that the merger negotiations between the Borough of Washington and the Township of Washington have not been resolved prior to June 1, 2009, the parties hereto will begin negotiations for a new Contract for 2010 and future years at that time.

3. Other than as set forth in this Addendum, the terms and conditions of the prior Contract shall remain in full force and effect until a new Collective Bargaining Agreement has been negotiated and approved by both parties.

WHEREAS, the Borough of Washington and the Township of Washington are nearly complete with their negotiations as stated above, which would result in an effective merger date of August 1, 2009.

NOW, THEREFORE BE IT RESOLVED that the Borough of Washington and PBA Local 280 agree to extend the above stated terms and conditions through August 1, 2009.

Resolution 110-2009 To Amend Professional Service Agreement (DPW Garage/Downtown Streetscape)

Resolution 110-2009 was moved on a motion made by Boyle, seconded by Valentine and adopted.

Roll Call: Boyle, Valentine, McDonald, Woykowski, Housel

Ayes: 5, Nays: 0

Motion Carried

**RESOLUTION 110-2009
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
WASHINGTON, WARREN COUNTY, NJ**

WHEREAS, the Borough of Washington has a need to contract for additional engineering oversight services associated with the Downtown Streetscape and DPW Garage Construction Projects; and

WHEREAS, the Purchasing Agent has certified in writing that the cost of this contract will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is for six (6) months; and

WHEREAS, Suburban Consulting Engineers can supply the Borough with the required services for a cost not to exceed \$45,250.00; and

WHEREAS, Suburban Consulting Engineers has completed and submitted a Business Entity Disclosure Certification which certifies that Suburban Consulting Engineers has not made any reportable contributions to a political or candidate committee in the Borough of Washington, County of Warren, in the previous one year, and that the contract will prohibit Suburban Consulting Engineers from making any reportable contributions through the term of the contract; and

WHEREAS, the Finance Department has certified to the Borough Clerk that additional funds are available in the following budget account:

C-04-07-007-000-002

C-04-08-005-003-005

C-04-07-007-000-003

C-04-08-002-000-001

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Washington, that a contract for the additional engineering oversight services associated with the Downtown Streetscape and DPW Garage Construction Projects is hereby authorized with Suburban Consulting Engineers in an amount not to exceed \$45,250.00.

BE IT FURTHER RESOLVED that the notice of this appointment will be published as required by law within ten (10) days of the passage of this resolution.

Resolution 112-2009 Redemption of Tax Sale Certificate

Resolution 112-2009 was moved on a motion made by Housel, seconded by Valentine and adopted.

RESOLUTION # 112-2009

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 25, 2005 to US Bank (formerly Wachovia)-Cust/Sass Muni V dtr, Tax Liens Services, 123 S Broad St, PA 1328S, Philadelphia, PA 19109, in the amount of \$5,793.24 for taxes or other municipal liens assessed for the year of 2004 in the name of Wescoe, Sharon S, as supposed owners, and in said assessment and sale were described as 22 Sunrise Terrace, Block 44 Lot 51, which sale was evidenced by Certificate #05-00400; and were sold on December 27, 2006 to US Bank-Cust/Sass Muni V dtr, Tax Lien Serv Grp-2 Liberty PL, 50 South 16th St #1950, Philadelphia, PA 19102, in the amount of \$68.40 for taxes or other municipal liens assessed for the year 2005 in the name of Wescoe, Sharon S, as supposed owners, and in said assessment and sale were described as 22 Sunrise Terrace, Block 44 Lot 51, which sale was evidenced by Certificate #06-00416; and

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 05-11-09 and before the right to redeem was cut off, as provided by law, PNC Bank claiming to have an interest in said lands, did redeem said lands claimed by U.S. Bank-Cust/Sass Muni V dtr by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$45,597.85, which is the amount necessary to redeem Tax Sale Certificate #05-00400 and the amount of \$149.88 the amount to redeem Tax Sale Certificate #06-00416.

NOW THEREFORE BE IT RESOLVED, on this 19th day of May 2009 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to **US Bank-Cust/Sass Muni V dtr, Tax Lien Serv Grp-2Liberty Pl, 50 South 16th St #1950, Philadelphia, PA 19102 in the amount of \$45,747.73.**

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel these liens on Block 44 Lot 51 from the tax office records.

Roll Call: Boyle, Valentine, McDonald, Woykowski, Housel

Ayes: 5, Nays: 0

Motion Carried

RECAP

Manager Phelan stated that the sidewalk issue with Washington Kid Kare has been addressed with Marvec. The crack in the Borough's Municipal Building parking lot will be fixed. He also stated the Treasurer's report will be back in packets by next meeting. In

addition the fire truck bay is in progress; the engineer is complete with his design and the permits have been applied for. Councilman Boyle asked if anyone had seen the plans. Manager Phelan stated the plans are in his office.

COUNCIL REMARKS

Councilman Boyle commented on the communication to Ms. Jorgensen regarding the new convenient store. Councilman Boyle suggested calling the owner to see if they can turn the lights off in the parking lot at a certain hour at night.

Kurt Klausfelder – Washington Borough Fire Chief stated he was curious to hear the progress being made with the expansion of the fire bays. Manager Phelan stated that the design is complete but money for the project is a concern. Right now, he does not know if the Borough has the money to pay for the expansion. Councilman Housel suggested there may be contractors in the area who would volunteer time to the fire department.

Hearing no further business to come before Council, it was moved by Boyle, seconded by Woykowski that the meeting be adjourned at 11:00 p.m.

Ayes: 5, Nays: 0.
Motion carried.

Mayor Scott McDonald

Kristine Blanchard, RMC Borough Clerk