

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY  
WASHINGTON BOROUGH COUNCIL MINUTES – September 1, 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, Higgins, McDonald, Gleba, Housel, Valentine - Present

Also Present: Richard Cushing , Esq. Municipal Attorney  
Rich Phelan, Borough Manager  
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.

**MINUTES:**

Mayor McDonald entertained additions or corrections to the minutes of the Regular Meeting held August 18, 2009.

Councilman Boyle noted a change to Resolution 166-2009, the scope of services is not to exceed \$5,000.00. Councilman Boyle also noted the motion to adjourn should be replaced with Councilman Housel.

Hearing no further changes, it was moved by Housel, seconded by Gleba that the minutes be approved.

Ayes: 7, Nays: 0  
Motion Carried

**COUNCIL APPEARANCE:**

**Daryl Detrick – Hope in the Hills of Warren**

Daryl explained this organization is made up of youth groups who work on houses of the elderly, disabled or low income families. He is looking to bring 400 volunteers to the community on July 4-10, 2010. They will be paying to do work on 70 homes in Washington. The homes still need to be located. Work the group will do includes painting inside and out, constructing wheelchair ramps, making repairs to porches and/or steps, as well as basic weatherization. The group needs to raise \$25,000 to purchase and deliver materials to the sites. Work not finished by the volunteers will be completed by the organization and sites will be cleaned up at the end. Councilwoman Gleba asked how will people hear about this. Mr. Detrick replied he has spoken to the township council, recreation director, churches and by word of mouth. Applications are available on-line. Qualifying homes must be owned; rental properties are not eligible. Councilman Cioni stated he linked their website to the Borough's and asked Mr. Detrick to coordinate any information he wants on the Borough's website with him. Councilman Housel asked about the code enforcement in towns. Mr. Detrick replied there is one sub-committee that does on-site reviews. They will be working with Habitat for Humanity and would like to meet with the code enforcement officers. Manager Phelan provided him with Rudy's contact information. Councilman Housel suggested Rudy might be able to direct the group to homes in need.

Audience member Sandy Cerami suggested reaching the community at the Festival in the Borough. Mr. Detrick stated he would like to have hospitality for the workers. He would also like to have a picnic for them, possibly at the Borough Pool.

### **Gary Masenior – Recreation Director**

Gary stated he is a life-long resident and appreciates the chance to give something back to the community. He was the Park Director from 1992 –1995 at which time there were 24 programs. Currently there are 12. He would like to bring that number up by next year. Gary stated that he had approximately 200 people at the park and pool for various activities on the 4<sup>th</sup> of July. Gary brought back the Arts & Crafts program and thanked committee member Erica Kilkinney for overseeing the program and volunteering 100 hours of her time. The Borough had its first travel basketball team. It was a self-funded summer league in Forks Township for 5<sup>th</sup> graders. Men's baseball is back in the park and has been very successful. They will continue with a short season in the fall. The needed soccer goals for Division 4 were purchased with football goal posts for a flag football program next year.

In regards to revenue, Gary stated that those programs where fees were maintained increased revenue; where the fees were raised revenue decreased. Swim lessons dropped slightly and pool memberships dropped drastically. There was a difference of fifty Washington Borough families. Gary will reach out to families to see why. Possible reasons include economy, weather and the Boro's current financial situation, as it would relate to being able to maintain the pool program. Gary feels we showed we could maintain the program as pool admissions for August 2009 vs. August 2008 increased in revenue by \$2,000. Gary stated the pool is now closed and he wants to work on a written plan for the Recreation Department to include a 5-year plan, fee

structure for field usage, reserving the fields, handbook of rules and regulations to be given to volunteers and an operating manual for programs and the pool. He would like to double the amount of self-supporting programs. Councilman Higgins asked for Gary's thoughts regarding the concession stand vs. vending machines next year. Gary stated the concession stand stayed open based on the amount of people in the pool. People at the pool felt it was important to have food available to them. Councilman Housel asked if there was a running tape on sales. Gary replied there is one that is equaled out and deposited every night. Councilman Boyle asked if the vending machines are on-site. Gary replied they were removed today. Councilman Cioni stated it was a pleasure working with Gary. Councilman Boyle stated he appreciates Gary's work and effort and feels he gives the department goals and direction. Mayor McDonald stated he appreciates the work of Gary and the committee.

### **Wayne Dietz – Risk Manager**

Mr. Dietz stated he is here to explain the state of the Borough's insurance and provided everyone with a handout, which included claims by year and liability information. Mr. Dietz explained the importance of having a risk manager is to help the Borough assess its coverage needs. The Borough is currently holding safety committee meetings to bring awareness to the employees. He worked with the Borough Manager and Clerk to get department heads together to discuss events throughout the year and methods of prevention. Mr. Dietz provides the Borough with return to work programs, background checks and quarterly reports on claims activity. Mr. Dietz will have renewal information by November 1<sup>st</sup>. He feels the Borough is doing an excellent job and is continuing to improve.

Councilman Boyle asked if there was a risk assessment done on the Borough garage. Manager Phelan stated that once the garage is completed he would contact Mr. Dietz and do a walk around. Councilman Housel asked if training is up to date. Mr. Dietz replied it is. He maintains a list of who attended which class and when. Councilman Valentine asked if any of the recommendations have been completed yet. Mr. Dietz stated the list will be reviewed again in January. Some things cannot be completed. He will update the list as he hears of others being completed. Manager Phelan stated all but two items are complete. He is waiting for the pool to close and then a final report will be done.

Mayor McDonald thanked Mr. Dietz for his information.

### **COMMUNICATIONS:**

Sandy Cerami, BID Director, requested council's approval to allow a business trick or treat from 3:00 – 4:00 on Saturday, October 31<sup>st</sup>. Ms. Cerami feels this will enhance upon the fireman's parade, which will be held at 2:00 and the resident trick or

treating, which will occur from 4:00 – 7:00. She is looking to expand the venue and make downtown come alive by having a community event. Councilman Housel asked if the businesses are in support. Ms. Cerami replied she has spoken to the business owners and they are in favor. Mayor McDonald suggested letting the police department know of this event. Ms. Cerami thanked council for their approval.

Ms. Cerami will return to council once the day's activities are planned.

Motion made by Housel, seconded by Cioni to allow a business trick or treat on October 31, 2009 from 3:00 – 4:00 p.m.

Ayes: 7, Nays: 0  
Motion Carried

### **AUDIENCE:**

Jane and Jack Jenkins 72 Lenape Trail

Mr. and Mrs. Jenkins stated they have been living in the Borough for eight years. They were recently notified the shed on their property is over an easement and would like approval to leave it where it is. Manager Phelan stated he will prepare a document for the next council meeting. Attorney Cushing feels this is not a major issue and is not an uncommon situation. The shed doesn't interfere with any day-to-day operations. The document would provide for access by the Borough. Mayor McDonald requested a copy of the resolution be sent to Mr. and Mrs. Jenkins for their review and comments.

Motion made by Higgins, seconded by Cioni to close the audience portion of the meeting.

Ayes: 7, Nays: 0  
Motion Carried

### **ORDINANCES**

None

### **REPORTS:**

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

1. Washington Borough Court July 2009
2. Issues and Details Report

Councilwoman Gleba asked that acronyms be explained to her on the court report. She asked the turnaround time for open requests to the road department. It was explained that it depends on the nature of the job, but most are completed within two weeks.

### **COMMITTEE REPORTS:**

**Redevelopment Committee:** No Report

**DPW Garage:** Councilman Housel stated the Engineer and Borough Manager are on top of the contractors for the Borough garage. He has the contact for the contractor's insurance company.

**Sewer Committee:** No Report

**Streets Committee:** No Report

**Finance Committee:** No Report

**Shared Services Committee:** Shared Services is scheduled to meet later in the month.

**Senior Services:** No Report

**Website Committee:** - Councilman Cioni stated he met with Recreation Committee members Beth Uporsky, Paula Aron as well as Gary Masenior to discuss the website. He will be making changes to the website over the next few months. Councilman Cioni is entering the Borough's website into a contest sponsored by Rutgers. He feels we will do quite well.

**Concession Stand Committee** – No Report

**Recreation Report** – No Report

**Parking Lot Committee** – Parking lot ribbon cutting was today. Glad to see it come to fruition.

### **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 Valentine to pay the vouchers and claims in the amount of \$356,308.40

Councilwoman Gleba questioned the water bill being paid at a later date. It was explained there was not enough money in the line item so they are letting the Borough make partial payments. The green community grant is a grant for maintaining shade trees. The deficit on cash is the state unemployment insurance.

Councilman Higgins questioned the voucher for First Byte Corp. Manager Phelan explained the money was encumbered in 2008, but the bill was never paid in 2008. It is part of the transfer from First Byte to Edmunds. Mayor McDonald asked if we could expect to see more of this in the future. Manager Phelan stated the department has been put on notice to correct these situations.

Councilman Higgins questioned Recreation's Movies in the Park being charged to legal advertising and asked why this has not been corrected nine months into the year. Manager Phelan stated this has not been fixed because there is no CFO. Sub accounts were not set up. He feels the new CFO will get the finance department up to speed and fix the issue. Councilman Boyle asked if this will be on the CFO's priority list. Manager Phelan replied the finance department is being restructured with specific tasks for specific people. He is hoping to have the issue fixed by the first of the year. There has been no continuity in the finance department.

Roll Call: Boyle, Gleba, Valentine, McDonald, Housel, Cioni, Higgins  
Gleba – Abstained from the payments to Finelli Consulting.

Attorney Cushing suggested in the future having a separate bill list for Finelli Consulting.

Ayes: 7, Nays: 0  
Motion Carried

### **OLD BUSINESS:**

None

### **NEW BUSINESS**

#### **Resolution 167-2009 Redemption of Tax Sale Certificate**

Resolution 167-2009 was moved on a motion made by Cioni, seconded by Housel and adopted.

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

Ayes: 7, Nays: 0  
Motion Carried

**Resolution 168-2009 Amendment to Temporary Budget**

Resolution 168-2009 was moved on a motion made by Cioni, seconded by Housel and adopted.

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

Ayes: 7, Nays: 0  
Motion Carried

**RESOLUTION #168-2009**

**A RESOLUTION PROVIDING FOR AMENDING  
TEMPORARY BUDGET 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 Current Fund 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 amendment to the temporary appropriations:

**TOTAL ADDITIONAL APPROPRIATIONS-2009 CURRENT FUND BUDGET**

TO COVER ADDITIONAL OPERATIONS-\$376,925.00

**Resolution 170-2009 Defer Local District School Taxes and Resolution 171-2009 Defer Regional School Taxes**

Resolutions 170-2009 and 171-2009 was moved on a motion made by Higgins, seconded by Valentine and adopted.

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

Ayes: 7, Nays: 0  
Motion Carried

**RESOLUTION # 170-2009 – TO DEFER LOCAL DISTRICT SCHOOL TAXES**

WHEREAS, the Local District School Tax for the year July 1, 2008 through June 30, 2009 was raised in the 2008 Tax Levy in the sum of \$3,851,945.00; and

WHEREAS, the statutes permit the deferral of such School Tax up to 50% of the School Tax Levy or \$1,925,972.50.

NOW, THEREFORE BE IT RESOLVED, , by the Borough Council of the Borough of Washington, County of Warren, that the Deferred School Tax for the Local District School purpose be 50% of the Tax Levy or the sum of \$1,925,972.50 as of December 31, 2008.

BE IT FURTHER RESOLVED, that three certified copies of this resolution be filed in the Office of the Director of the Division of Local Government Services.

**RESOLUTION # 171-2009 – TO DEFER LOCAL DISTRICT SCHOOL TAXES**

WHEREAS, the Regional District High School Tax for the year July 1, 2008 through June 30, 2009 was raised in the 2008 Tax Levy in the sum of \$4,235,934.69; and

WHEREAS, the statutes permit the deferral of such School Tax up to 50% of the School Tax Levy or \$2,117,967.35.

NOW, THEREFORE BE IT RESOLVED, , by the Borough Council of the Borough of Washington, County of Warren, that the Deferred School Tax for the Regional District High School purpose be 50% of the Tax Levy or the sum of \$2,117,967.35 as of December 31, 2008.

BE IT FURTHER RESOLVED, that three certified copies of this resolution be filed in the Office of the Director of the Division of Local Government Services.

**Resolution 172-2009 Acceptance of State Aid**

Resolution 172-2009 was moved on a motion made by Housel, seconded by Valentine and adopted.

Mayor McDonald would like to thank Joe Cryan, Mike Dougherty, and Marcia Karrow for their help in getting us aid. Councilman Cioni would also like to thank Tom Ferry, Mayor McDonald, Rich Phelan, and Kristine Blanchard for going to Trenton on behalf of the Borough.

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



Ayes: 7, Nays: 0  
Motion Carried

**RESOLUTION # 172-2009**  
**OF THE MAYOR AND COUNCIL OF THE**  
**BOROUGH OF WASHINGTON, WARREN**  
**COUNTY, NJ**

WHEREAS, the Borough submitted an application for funding through the State of New Jersey, Department of Community Affairs, Division of Local Government Services Extraordinary Aid Program on April 17, 2009 in the amount of \$550,000.00; and

WHEREAS, by letter dated August 7, 2009 from Charles A. Richman, Acting Commissioner of the Department of Community Affairs, has advised that the Borough has been awarded the full amount requested in the grant application.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey, hereby accept the Extraordinary Aid funding in the amount of \$550,000.00 from the Department of Community Affairs, Division of Local Government Services in order to reduce the local property tax levy.

**Resolution 173-2009 Revision to Introduced Budget**

Resolution 173-2009 was moved on a motion made by Housel, seconded by Cioni and adopted.

Roll Call:      Housel, Cioni, McDonald, Valentine, Boyle - Yes  
                    Gleba – Abstain  
                    Higgins - No

Ayes: 5, Nays: 1  
Abstain: 1  
Motion Carried

## **Resolution 174-2009 Authorizing Highlands Plan Conformance Grant Submission**

Resolution 174-2009 was moved on a motion made by Cioni, seconded by Gleba.

Discussion:

Manager Phelan explained the borough applied for funding under the plan conformance grant. The Borough chose not to accept it. If the Borough chooses to participating in module one, The Highlands Council will give us the money to pay for module one, which they will pay directly to the planner. There would be no need to front the money. No taxpayer money will be used. We are not required to do the next 7 steps. Councilman Housel asked if we are spending more than we need to. Manager Phelan replied we are not. Councilman Boyle asked if we vote no, are we still obligated to pay the bill. Manager Phelan replied we are not, but we do need the data. Councilman Boyle made a motion to table this discussion until the company can come and speak with us. There was no second. Councilman Higgins stated the \$25,000 paid was to receive information as well. He remembers council authorizing them to do the work in 2008. Manager Phelan stated we have a December 2009 obligation and need the information Highlands has. Councilman Higgins would like to see the agreement for COAH. The \$25,000 was to have the job requirements met by December 2009 He questioned why the scope of work was given and they did work they weren't authorized to do. Attorney Cushing feels the council's concern is the company will get \$12,500 for something not authorized to do and therefore rewarded for not doing the job properly. Manager Phelan explained they did work for plan conformance without council's approval. He feels the immediate need to get the data outweighs their poor performance. Councilman Housel asked where we will be with COAH as we still have obligations and the report is being worked on. Manager Phelan explained if the vote is yes, we will be authorized to participate in Module One. If the vote is no, we don't participate and the planner is responsible for COAH. Councilman Cioni feels we will not have 100% accurate data if the resolution is not approved. Manager Phelan feels what the company did was wrong and unprofessional. Council discussed their options. Attorney Cushing stated the Borough needs the information going forward for COAH units. The money is not coming from us and the information will help the Borough. Passing the resolution only allows us to participate in Module One.

Roll Call: Cioni, Housel, Valentine – Yes  
McDonald, Higgins, Boyle – No  
Gleba – Abstain  
Motion Failed

A motion to amend the Resolution was made by Councilman Housel, seconded by Cioni, to approve the resolution, however, only offer \$6,200 for scope of services. An answer whether they approve the dollar amount is needed by next meeting.

Roll Call: Housel, Cioni, - Yes

Valentine, McDonald, Higgins, Boyle – No  
Gleba - Abstain  
Motion Failed

**Resolution 175-2009 Appointment of Emergency Management Coordinator – Frank LeClair**

Resolution 175-2009 was moved on a motion made by Housel, seconded by Cioni and adopted.

Mayor McDonald stated he interviewed two candidates for the Emergency Management Coordinator position and he recommends Frank LeClair. Councilman Housel stated he would like to see quarterly reports at meetings and have a plan of what the position will be doing put on the website once council approves.

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

Ayes: 7, Nays: 0  
Motion Carried

**RESOLUTION # 175- 2009**

**A RESOLUTION APPOINTING A MUNICIPAL EMERGENCY  
MANAGEMENT COORDINATOR**

**WHEREAS**, according to the State of New Jersey’s law provides that each municipality shall have an Emergency Management Coordinator as prescribed by App. A; 9-40.1; and

**WHEREAS**, Frank LeClair will be required to obtain the requisite training and qualifications to hold the position of Emergency Management Coordinator for the Borough of Washington within one year of his appointment; and

**WHEREAS**, the services provided by Frank LeClair are professional services that are vital to the health, safety and welfare of the community; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and acknowledged by the Council of the Borough of Washington, in the County of Warren, State of New Jersey as follows:

That the Mayor hereby appoints Frank LeClair as Emergency Management Coordinator for a term ending September 1, 2012.

**RECAP**

## **COUNCIL REMARKS**

Councilman Housel stated he will be starting night classes next week from 6-8pm and hopes to be at the council meetings by 8:15. He will be late to the workshop on the 29<sup>th</sup>. In regards to the finance department, former Councilwoman Woykowski made recommendations. He would like to discuss reports she suggested at the 9/29 workshop. Reports could be ready by the 2<sup>nd</sup> meeting in January. He feels monthly reports could better help the council and manager. Reports could be posted on the website in the future.

Councilman Higgins questioned the request for professional proposals. Should it go on the agenda for the next meeting and which ones should we look into? When discussing the police merger the court was also discussed. He would like a discussion with shared services. Manager Phelan will reschedule the meeting.

Mayor McDonald stated the parking lot groundbreaking ceremony was held earlier today and attended by Councilmen Boyle and Cioni as well as himself. The parking lot should be done in time for the Festival in the Borough.

A motion was made by Boyle, seconded by Higgins to enter into executive session after a 10 minute break. All were in favor.

Councilman Cioni did not return after the break.

## **RESOLUTION 169-2009** **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; Real Estate Acquisitions

\_\_\_\_\_Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

\_\_\_\_\_Investigations of violations or possible violations of the law;

Pending or anticipated litigation or contract negotiation in which the public body is or may become a party; (The general nature of the litigation or contract negotiations is: \_\_\_\_\_ Hatch Mott McDonald \_\_\_\_\_ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position in the litigation or negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

\_\_\_\_\_Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: \_\_\_\_\_ OR \_\_\_\_\_ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.);

Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is: Personnel \_\_\_\_\_ 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.

Mayor McDonald excused himself from the rest of the meeting.

Councilman Valentine stated he might not be at the next meeting

Hearing no further business to come before Council, it was moved by Housel, seconded by Boyle that the meeting be adjourned at 10:30 p.m.

Ayes: 5, Nays: 0.  
Motion carried.

\_\_\_\_\_  
Mayor Scott McDonald

\_\_\_\_\_  
Kristine Blanchard, RMC Borough Clerk