

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – October 20, 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, Valentine - Present
Housel – 8:15 p.m.

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

Motion made by Higgins, seconded by Valentine to approve the minutes from September 15, 2009, September 29, 2009, and October 6, 2009.

Discussion:

Councilman Boyle stated that in the October 6th minutes it should be reflected that he stated the swim team does not have a concession stand on site. Councilwoman Gleba noted the Resolution for Trick or Treat should say 7:00 p.m.

Ayes: 6, Nays: 0
Motion Carried

Council Appearance

Don Eller – Chair, Board of Adjustment

Mr. Eller stated he has been a volunteer on the Board of Adjustment for 18 years. Mr. Eller stated that in 2008 the board heard 18 cases; we have had half of that during this past year. He informed Council that the board is short one full time volunteer and two alternates. He also stated that he does not have any interest in having the Zoning and Planning Boards combined. By having two boards you have 14 people who can

contribute to the community. Mr. Eller also informed the Governing Body of Stuart Ours intent to leave the board at the end of year. Mr. Eller stated he believes the hiring of an attorney should be done by Council. He stated he does not think either board should do it. Cushing normally there is to be a separation between the various boards and commissions and the Governing Body. Mayor McDonald suggested that the Planning Board and the Board of Adjustment interview together for the position of Attorney for both boards. Manager Phelan stated the Request for Proposals has been placed on the web and he will reach out to each board chair when the proposals are received.

Mr. Eller stated that he would like to also make a public comment. He stated that he has a 16 year old son who enjoys skate boarding. The kids in town are upset that there is no place for them to go. Mr. Eller requested that the children be allowed to skate at the Borough Park. They really just want a safe place to be without being harassed. Councilwoman Gleba suggested Railroad Avenue Park and let the kids become involved. Mr. Eller stated that most of the children reside in town. Mayor McDonald stated that liability will come into play if the Borough designates a spot for skate boarding. Mayor McDonald suggested that Councilman Boyle bring Mr. Eller's concerns to the Recreation Committee.

AUDIENCE:

**Michael Jenkins 27 Deer Run Hackettstown NJ
Representing Washington Garden Apts.**

Mr. Jenkins voiced his concerns over the new fire inspection and certificate of occupancy requirements. The papers he received in the mail do not give any information. Manager Phelan stated that this was adopted in July and went into effect early August. Mr. Jenkins stated that he had just gone through a fire inspection at Washington Gardens. He stated that his complaint is the borough is trying to raise revenue. The economy is bad and now we have to pass this expense onto our tenants. Attorney Cushing explained that this is a rental certificate of occupancy; the purpose of which is to make sure that every place in the Borough has adequate space for tenants with no overcrowding. There was a lot of discussion on how much to charge for this type of inspection. This council kept the fees down as low as possible; it barely will cover the cost of sending out inspectors. Manager Phelan suggested that Mr. Jenkins call him to discuss the recent fire inspections and the fees.

Wayne Loyd Park Hill Apt.

Mr. Loyd had some questions as well regarding the fire inspection and the certificate of occupancy fees. Attorney Cushing stated the occupancy fee is really just an additional \$10.00 beyond the fire inspection fees.

ORDINANCES

NONE

REPORTS:

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

1. Issues and Details
2. Zoning/Code Enforcement

COMMITTEE REPORTS:

Redevelopment Committee: No Report

DPW Garage: No Report

Sewer Committee: No Report

Streets Committee: No Report

Finance Committee: No Report

Shared Services Committee: No Report

Senior Services: No Report

Website Committee: - No Report

Concession Stand Committee – No Report

Recreation Report – No Report

Parking Lot Committee – No Report

VOUCHERS AND CLAIMS

Mayor McDonald entertained questions or additions to the vouchers and claims for payments that were not previously addressed before the meeting. Motion made by Cioni, seconded by Valentine to pay the vouchers and claims in the amount of \$318,786.68.

Councilman Boyle questioned the Advance Auto Parts bill dated 7/20. Manager Phelan stated this was a blanket purchase order. He also asked what work was done to warrant a payment to Consolidated Building Corp. Manager Phelan stated the concrete was poured, interior work and framing was done.

Roll Call: Cioni, Valentine, McDonald, Higgins, Boyle – Yes
Gleba – Yes and abstained from the Finelli Consulting payment

Ayes: 6, Nays: 0
Abstain: 1 (Gleba – Finelli Consulting)
Motion Carried

OLD BUSINESS:

None

NEW BUSINESS

Resolution 193-2009 Redemption of Tax Sale Certificate

Resolution 193-2009 was moved by Cioni, seconded by Valentine and adopted.

Councilwoman Gleba asked why the phrase “Know all Men” is used at the beginning of the Resolution. Attorney Cushing explained that it is a common way of writing resolutions however; agreed that it could be updated to “persons.”

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

Ayes: 6, Nays: 0
Motion Carried

RESOLUTION # 193-2009

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

As per N.J.S.A.54:5

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 December 4, 2008 to Michelle Burton, in the amount of \$438.07 for taxes or other municipal liens assessed for the year 2007 in the name of Johnson, Susan, as supposed owners, and in said assessment and sale were described as 22 S

Prospect Street Block 101 Lot 22; and

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 10-07-09 and before the right to redeem was cut off, as provided by law, Industry Consulting Group, Inc claiming to have an interest in said lands, did redeem said lands claimed by Crusader Servicing Corp by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,165.45, which is the amount necessary to redeem Tax Sale Certificate #08-00460.

NOW THEREFORE BE IT RESOLVED, on this 20th day of October 2009 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Michelle Burton in the amount of \$1165.45.

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 101 Lot 22 from the tax office records.

Resolution 194-2009 Redemption of Tax Certificate

Resolution 194-2009 was moved by Cioni, seconded by Valentine and adopted.

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

Ayes: 6, Nays: 0

Motion Carried

RESOLUTION # 194-2009

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

As per N.J.S.A.54:5

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 December 27, 2006 to Tax Lien Consulting LLC, in the amount of \$300.87 for taxes or other municipal liens assessed for the year 2005 in the name of Harrigan, Daniel and Stephanie, and in said assessment and sale were described as 50 Willow Street Block 98 Lot 41; and

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 10-07-09 and before the right to redeem was cut off, as provided by law, Lincoln Park Savings Bank Inc claiming to have an interest in said lands, did redeem said lands claimed by Tax Lien Consulting LLC by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,041.89, which is the amount necessary to redeem Tax Sale Certificate #06-00427.

NOW THEREFORE BE IT RESOLVED, on this 20th day of October 2009 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Tax Lien Consulting LLC Burton in the amount of \$1041.89.

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on

Block 98 Lot 41 from the tax office records.

Resolution 195-2009 Overpayment of Sewer Refund

Resolution 195-2009 was moved on a motion made by Cioni, seconded by Valentine and adopted.

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

Ayes: 6, Nays: 0

Motion Carried

RESOLUTION #195-2009

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

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

Block/Lot	Name	Amount
13.01/2	Gild, Bertie 93 West Stewart St.	\$ 45.00

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

Bertie Gild
5400 SW 176th Avenue
Dunnellon, FL 34432-2170

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

Resolution 196-2009 Insertion of Item of Revenue

Resolution 196-2009 was moved by Cioni, seconded by Boyle and adopted.

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

Ayes: 6, Nays: 0

Motion Carried

RESOLUTION # 196-2009

**RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND
APPROPRIATIONS NJSA 40A: 4-87**

WHEREAS, NJSA 40A: 4-87 provides that the Director of Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Washington in the County of Warren State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2009 in the sum of \$3,912.04 which is now available from the Division of Motor Vehicles

BE IT FURTHER RESOLVED, that the like sum of \$3,912.04 is hereby appropriated under the caption of Other Expenses – Drunk Driving Enforcement Fund.

Councilman Housel arrived at 8:15 p.m.

Resolution 198-2009 Amending Employment Agreement with Tax Assessor

Resolution 198-2009 was moved on a motion made by Cioni, seconded by Valentine and adopted.

Council Discussion: Councilman Higgins noted that he does not feel that he should reduce his hours by 50% and reduce his salary by 25%. Councilman Boyle noted that this should be looked at harder. Councilman Cioni stated that it is likely that he will need to put in more hours during appeal time and he will be responsible for getting the job done regardless of the hours it takes. This is a \$9,000 savings; every penny counts. Mayor McDonald stated that the agreement could always be changed if it does not work out. Councilman Valentine stated that he would like to see the Assessor do a time log to see how he is spending his time. Manager Phelan will ask the Assessor to provide one.

Ayes: 5 Nays: 2 (Higgins, Boyle)
Motion Carried

RESOLUTION # 198-2009

RESOLUTION AMENDING THE EMPLOYMENT AGREEMENT

WITH THE BOROUGH TAX ASSESSOR

WHEREAS, on June 8, 1995, Athan (Tom) A. Efstathiou was appointed as Borough Tax Assessor, and

WHEREAS, the Mayor and Council of the Borough of Washington would like to amend the terms of his employment, and it is in the best interest of all parties to formalize the amendment via resolution.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey, that his provisions of employment are hereby amended in accordance with the terms and conditions stated in the attached employment agreement.

BE IT FURTHER RESOLVED, a certified copy of this resolution is forwarded to Athan (Tom) A. Efstathiou (Tax Assessor) and Barbara Van Why (Administrative Clerk).

COUNCIL REMARKS

Councilwoman Gleba thanked Manager Phelan for the finance reports but is curious if she could come in and pull her own reports. Manager Phelan stated that the five reports I sent, you show the year to date actual for each of the accounts you requested however; if she would like to she can come in and pull her own reports. Councilwoman Gleba also noted that as discussed at the last council meeting regarding Vara Field; she did some research and it is not a Green Acres field. The gentleman should be able to sell concessions on that field. Manager Phelan stated that there would be insurance requirements that would have to be met. Councilman Higgins noted that Little League probably provides insurance. Manager Phelan stated that if Little League wanted to run the stand they would need to provide the necessary insurance.

Councilman Valentine stated that he was disappointed the Board of Education was removed from the Agenda. He stated that Taylor Street School is in desperate need of improvements. He understands that we are two separate entities however; they are still a part of this community.

Councilman Cioni stated that this week he and two of his fellow employees will be volunteering at the Borough Park. This is part of Volunteer Days for the company he works for.

Councilman Higgins inquired about the stop lines at Belvidere Ave. and Rt. 57. Manager Phelan stated that he needs an engineer's ruling first. He also asked for the list of properties that were notified regarding the town not snow plowing the alleys this year.

Manager Phelan will provide. He asked if Westgate is in default of their PILOT program. Manager Phelan stated not to my knowledge but will need to verify with the Tax Collector. Councilman Higgins noted that the November 17th meeting is during the league conventions. Council agreed to move the meeting to Monday November 16th.

Councilman Boyle noted that he will not be at the November 4th meeting. He also inquired about the information sent by Manager Phelan regarding the garbage bids.

Councilman Housel asked Manager Phelan if he received any information regarding environmental concerns at the hardware store lot. Manager Phelan stated that once the contract amendments are complete it will be addressed. Any concerns will be addressed in the amendment agreement.

Councilman Higgins asked if we can get letters from the professionals stating what their 2010 rates will be.

Mayor McDonald noted that Susan Gruel from Hueyer and Gruel presented to the Planning Board on COAH and things are looking good for round three. She will be presenting to Council at the November 4th meeting.

Mayor McDonald entertained a motion to enter Executive Session.

Motion made by Higgins, seconded by Boyle to enter Executive Session after a five minute recess.

Resolution 197-2009

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.);

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: Borough Manager Review 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 re-entered regular session at 10:15 p.m.

Hearing no further business to come before Council, it was moved by Housel, seconded by Boyle that the meeting be adjourned at 10:15 p.m.

Ayes: 7, Nays: 0.
Motion carried.

Mayor Scott McDonald

Kristine Blanchard, RMC Borough Clerk