

BOROUGH OF WASHINGTON, WARREN COUNTY, NJ
COUNCIL AGENDA
December 21, 2010
7:30 PM

STATEMENT OF ADEQUATE NOTICE:

ROLL CALL: Clerk will call the Roll

EXECUTIVE SESSION:

Resolution 225-2010 Executive Session (if necessary)

MINUTES:

Regular Meeting of December 7, 2010

CORRESPONDENCE:

Transitional Aid Plan – Rich Phelan/Natasha Turchan
John Paff: Executive Minutes
Christina Woykowski: Executive Minutes and Recording of
Executive
Mark Bond: Professional Service Appointments
John Paff: Loitering Code

AUDIENCE:

Remarks, petitions, statements and testimony from guests

ORDINANCES:

Ordinance 15-2010 AN ORDINANCE RESTRICING THE
AWARD OF CONTRACTS EXEMPT FROM PUBLIC
BIDDING (CONTRACTOR PAY TO PLAY REFORM
ORDINANCE) (Public Hearing/Adoption)

REPORTS

1. Managers Reports (redacted version)
2. Board of Adjustment – 2010 Cases
3. Municipal Court
4. Police Activity Report (Oct./Nov.)

COMMITTEE REPORTS

DPW Garage Committee	Website Committee
Sewer Committee	Streets Committee
Grant Committee	
Finance Committee	
Park Committee	
Shared Services Report	
Senior Services Committee	

OLD BUSINESS:

NEW BUSINESS:

1. Viridian Energy (VC)
2. Resolution 215-2010 Redemption of Tax Sale Certificate
3. Resolution 216-2010 Redemption of Tax Sale Certificate
4. Resolution 217-2010 Resolution Authorizing the Waste Water Engineer to Move Forward with the Geographic Information System Mapping of the Borough's Sanitary Sewer/Storm Sewer Collection System
5. Resolution 202-2010 Sustainable Jersey Municipal Certification Program (tabled from 11/15)
6. Resolution 218-2010 Resolution Memorializing the Establishment of Recreation Fees for 2011
7. Resolution 219-2010 Resolution Requesting Warren County Freeholders Place a Freeze on the Collection of Open Space Tax
8. Approval of Shared Service Agreement Between the Borough of Washington and the Business Improvement District for Snow Removal
9. Resolution 221-2010 Assignment of Labor Lien
10. Resolution 222-2010 Redemption of Tax Sale Certificate
11. Resolution 223-2010 Redemption of Tax Sale Certificate
12. Resolution 224-2010 Redemption of Tax Sale Certificate

VOUCHERS:

List Attached

RECAP

COUNCIL REMARKS:

Remarks, Reports, Discussions

ADJOURNMENT: _____ P.M.

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;

 X 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: Contract Negotiations – Shared Service Agreement Construction Services with Washington Township _____ 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: _____; 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.

Date:

Kristine Blanchard, RMC

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – December 7, 2010**

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

Roll Call: McDonald, Cioni, Housel, Higgins, Valentine, Boyle - Present
Housel – arrived 7:50 p.m.
Gleba – Absent

Also Present: Richard Cushing, Esq. Municipal Attorney
Richard 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:

Mayor McDonald entertained a motion to approve the minutes of the Regular meeting of December 7, 2010.

Councilman Higgins noted one change.

Motion made by Valentine, seconded by Boyle and approved.

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

Ayes: 5, Nays: 0
Motion Carried

CORRESPONDENCE

None

AUDIENCE

Mayor McDonald opened the audience portion of the meeting.

Fay Ruskuski addressed Council regarding the Glass Steagall Resolution. Mayor McDonald stated someone had been before Council twice to speak about it as well. Ms. Ruskuski stated this has been done in Mansfield Township and she would like to have signatures collected and sent to Congressman Scott Garrett. Mayor McDonald stated the Borough does not have a draft Resolution in support of this. Councilman Valentine stated he is concerned with council getting involved in a political matter. Councilman Cioni requested a copy or her handouts be provided to Council for discussion at the next meeting. Manager Phelan stated he will get the information from Mansfield Township.

Gary Pohorely 115 Wayne Street

Mr. Pohorely wished to thank the DPW and Manager Phelan for their help with the Fall Stream Clean-Up which was coordinated with the Warren Hills Key Club. He also stated that the chain-link fence near the road at Mill Pond is a hazard. Manager Phelan stated they are currently working to decommission the dam. If so, the fence can be removed. He anticipates hearing from the DEP in approximately six months. Mr. Pohorely thanked Council for use of the property for the Community Garden. They had approximately 72 plots this past season. Some people gave their produce to charities including the Presbyterian Church, Big Brothers Big Sisters and Norwescap. Mr. Pohorely stated there is a greater need in the area and encouraged everyone to help those in need.

Joyce Pyle 88 W. Stewart Street

Ms. Pyle would like the Code Enforcer to address the deep hole near her neighbor's house. Ms. Pyle stated the hole is a few feet deep and full of water. It is marked with caution tape. Manager Phelan will speak to the Code Enforcer.

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

Ayes: 5, Nays: 0
Motion Carried

ORDINANCES

None

REPORTS:

Motion was made by Cioni, seconded by Valentine to receive and file the following reports:

1. Managers Reports (redacted version)
2. Code Enforcement
3. Municipal Court
4. Issues and Details Report
5. CFO Report
6. Tax Collectors Report

Ayes: 5, Nays: 0
Motion Carried

COMMITTEE REPORTS:

DPW: No Report

Streets Committee: No Report

Finance Committee: No Report

Shared Services Committee: Councilman Boyle stated he sent an e-mail to Council in regards to Hampton Borough taking their proposal off the table until the forensic audit is completed. They are concerned with some of the past practices in the Borough. Mr. Boyle feels the offer can be revisited in the future.

Senior Services: No Report

Website Committee: Councilman Cioni has been working with the Shade Tree Commission regarding updates to the website. They will discuss it at their December meeting and Councilman Cioni will forward any information and/or input he receives.

Sewer: No Report

Park Committee: No Report

Grant Committee: No Report

OLD BUSINESS

None

NEW BUSINESS

Concession Stand

Councilman Cioni stated he would like to make a motion to open the pool concession stand to competitive bidding in 2011. The RFP could go out in January via the Borough website as well as some marketing literature that can be compiled for prospective vendors. Existing contract literature can be reviewed by the manager and attorney prior to the RFP. Bid submission date would be early May for review and award by late May. Approximately \$5,000 could be used elsewhere. The motion was seconded by Councilman Higgins. Mayor McDonald asked if this was discussed with the Recreation Committee. Councilman Cioni stated he spoke to the Recreation Director. Manager Phelan noted it was not discussed with the committee. Councilman Boyle asked if there would be any out of pocket expenses. Councilman Cioni stated there would not be.

Councilman Housel arrived at 7:51 p.m.

Manager Phelan stated money used would be from the trust account and not affect the 2% cap. Councilman Cioni would like to see it proposed as year to year. Attorney Cushing stated it is difficult to write bid specs when the fee charged is done by percentage of profits. He feels a flat rate would be best. Councilman Cioni stated he is in the process of preparing a flyer with the number of people in attendance at the pool, what events are held there, etc. and specify food choices, no glass containers. He would like to request a menu from those interested in bidding. Councilman Housel asked if the concession stand would be open during baseball season. Councilman Cioni stated that would be up to the vendor's discretion and can be a per event cost. Councilman-elect Torres feels this is a good idea for a new business but may want to go more than a year at a time and may want to specify minimum number of hour of operation. Councilman Higgins feels the concession stand could be open during swim lessons as well.

Ayes: 6, Nays: 0
Motion Carried

2011 Budget

Councilman Valentine stated he attended the executive meeting at the library and feels they have good ideas. He feels any funds they receive from the Municipality should be given to them right away, as it will take the library time to initiate any necessary changes to make up the difference. Councilman Valentine made a motion, seconded by

Cioni, to inform the library board they will only be getting minimum funding. Any costs above and beyond will be their responsibility. All in favor. Motion carried. Manager Phelan stated he is working with the school superintendent and the library director on a preliminary concept of shared services with the schools in order to keep the same level of services. The concept would be sharing an employee at a reduced cost to work at both the school and library. Mayor McDonald informed Council that Mrs. Barbara Rose has announced her retirement. Manager Phelan stated Mrs. Rose has worked on a preliminary budget and feels the library can maintain the same level of service for one year. Councilman Valentine stated the hours of the library will not increase, but the services and benefit to the schools will increase.

Councilman Valentine feels that since we are over budget, the capital improvement funds should be kept as is without an increase this year. Councilman Higgins noted the funds roll over each year. Councilman Boyle asked if there is a capital improvement wish list for next year. Manager Phelan stated he has a few smaller projects requested totaling \$10,000. He is currently in the budget process. Councilman Boyle questioned the Beethoven Avenue repairs. Manager Phelan stated the grant has been applied for. If that grant is approved, it can be paid for or borrowed, depending on cost of the project. Councilman Housel suggested Council may wish to plan and budget for the \$10,000 we plan on spending on capital improvements next year.

Councilman Valentine asked what Council would like to consider now that Hampton Borough is no longer interested in a shared service agreement. Councilman Housel asked for clarification of the public question. Manager Phelan stated the public was asked if they wanted the garbage privatized or not privatized. He reminded Council the question was non-binding. Manager Phelan stated garbage could be set up as an expenditure line with off-setting revenue. It wouldn't be a reduction, but rather the same cost, but it would be outside of the cap. It could be treated as any other municipal charge where interest accrues and becomes delinquent. Councilman Housel asked if a reserve needed to be created. Manager Phelan stated it doesn't necessarily need to be created, but could be set in the fee. We have paid \$442,000 in garbage collection this year. Attorney Cushing explained while this can be done for sewer and water, he is not sure about the garbage and needs to research if this can legally be done. Councilman Higgins asked what would be done if someone wants to take their own garbage to the dump. Attorney Cushing feels this is a good question and questioned how it could be enforced if it is not a tax. These are a few of the questions that still need to be answered. The Borough also needs to look into commercial vs. residential vs. apartment complex charges. Councilman Boyle stated there are many intangibles with the billing and feels this may be too much for the town right now. Mayor McDonald stated a special election could be held if voters want to fund it. Manager Phelan stated the State feels that if the voters approve it, we can spend it. Councilman-elect Torres stated he agrees with the points made and feels it is a very complex issue. Councilman Housel asked if the monthly fee includes the tipping fees. Manager Phelan stated it does include both collection and disposal.

Councilman Valentine feels \$5,000.00 can be saved if the Borough creates a Land Use Board and thinks this topic should be re-visited. Councilman Housel stated this needs to be done by ordinance. Manager Phelan stated this is something that should be done in the beginning of the year. Councilman-elect Torres feels sometimes boards can get all of their business at once and back log. Mayor McDonald stated two meetings could be scheduled per month. The second one could always be cancelled if it is not needed.

Amend Bingo Licenses for St. Josephs Church

Motion made by Higgins, seconded by Cioni and adopted.

Ayes: 5, Nays: 0
Abstain: 1 (Boyle)
Motion Carried

Approval of Raffle License St. Josephs Church

Motion made by Housel, seconded by Cioni and adopted.

Ayes: 5, Nays: 0
Abstain: 1 (Boyle)
Motion Carried

Resolutions 209-2010 through 211-2010

Resolutions 209-2010 through 211-2010 were moved on a motion made by Housel, seconded by Valentine and adopted.

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

Ayes: 6, Nays: 0
Motion Carried

**A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE
As per N.J.S.A.54:5**

KNOW ALL PERSONS BY THESE PRESENTS, THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on September 16, 2010 to US Bank Cust Pro Capital I LLC, TLGS; 2 Liberty Place, 50 South 16th Street Ste 1950, Philadelphia, PA 19102, in the amount of \$2,440.48 for taxes or other municipal liens assessed for the year 2009 in the name of Nunn, Lester, Alberta c/o Eichlin L, as supposed owners, and in said assessment and sale were

described as 50 Youmans Ave, Block 10 Lot 10, which sale was evidenced by Certificate #10-00007; and

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 11-17-10 and before the right to redeem was cut off, as provided by law, Integra Title & Abstract/Eichlin, claiming to have an interest in said lands, did redeem said lands claimed by US Bank Cust Pro Capital LLC, by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$2,541.29, which is the amount necessary to redeem Tax Sale Certificate #10-00007.

NOW THEREFORE BE IT RESOLVED, on this 7th day of December, 2010 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 Pro Capital LLC, TLGS; 2 Liberty Place, 50 South 16th Street Ste 1950, Philadelphia, PA 19102 in the amount of **\$6,341.29** (this amount consists of \$2,541.29 Certificate Amount + \$3,800.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 10 Lot 10 from the tax office records.

RESOLUTION #210-2010

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS, THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on September 16, 2010 to US Bank Cust Pro Capital I LLC, TLGS; 2 Liberty Place, 50 South 16th Street Ste 1950, Philadelphia, PA 19102, in the amount of \$588.14 for taxes or other municipal liens assessed for the year 2009 in the name of Aroneo, Kristen, as supposed owners, and in said assessment and sale were described as 10 Vannatta St, Block 94 Lot 19.01, which sale was evidenced by Certificate #10-00032; and

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 11-17-10 and before the right to redeem was cut off, as provided by law, Corelogic /Aroneo, claiming to have an interest in said lands, did redeem said lands claimed by US Bank Cust Pro Capital LLC, by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$651.90, which is the amount necessary to redeem Tax Sale Certificate #10-00032.

NOW THEREFORE BE IT RESOLVED, on this 7th day of December, 2010 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 Pro Capital LLC, TLGS; 2 Liberty Place, 50 South 16th Street Ste 1950, Philadelphia, PA 19102 in the amount of **\$951.90** (this amount consists of \$651.90 Certificate Amount + \$300.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 94 Lot 19.01 from the tax office records.

RESOLUTION # 211-2010

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

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

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on September 16, 2010 to Stonefield Inv Fund I, LLC, 21 Robert Pitt Drive #202, Monsey, NY 10952, in the amount of \$455.05 for taxes or other municipal liens assessed for the year 2009 in the name of Sanchez, Jamie Bernardo & Teresa D, as supposed owners, and in said assessment and sale were described as 25 South Jackson Avenue, Block 81 Lot 5, which sale was evidenced by Certificate #10-00026; and

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 11-17-10 and before the right to redeem was cut off, as provided by law, Midland Mortgage claiming to have an interest in said lands, did redeem said lands claimed by Stonefield Inv Fund I, LLC by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$947.86, which is the amount necessary to redeem Tax Sale Certificate #10-00026.

NOW THEREFORE BE IT RESOLVED, on this 7th day of December, 2010 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Stonefield Inv Fund I, LLC, 21 Robert Pitt Drive #202, Monsey, NY 10952 in the amount of **\$1,147.86** (this amount consists of \$947.86 Certificate Amount + \$200.00 Premium)

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 81 Lot 5 from the tax office records.

Resolution 212-2010 Warren Heritage Byway Corridor Plan

Motion made by Housel, seconded by Valentine and adopted.

Mayor McDonald stated Route 57 will become a scenic byway. This makes grants available and will be run by Warren County as part of the management plan. Councilman Boyle asked if there is any cost to the Borough. Mayor McDonald stated there is none. Councilman Higgins asked if restrictions can be put upon billboards and

renovations to historic buildings. Mayor McDonald replied that they can. Councilman Higgins asked if it can affect our downtown signage and facades. Mayor McDonald replied it would not.

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

Ayes: 6, Nays: 0
Motion Carried

RESOLUTION # 212-2010

RESOLUTION SUPPORTING THE ADOPTION OF THE WARREN HERITAGE BYWAY CORRIDOR MANAGEMENT PLAN

WHEREAS, the Township of Franklin, Township of Greenwich, Town of Hackettstown, Township of Mansfield, Borough of Washington, and Township of Washington previously passed resolutions supporting the concept of a scenic byway for the length of Route 57 traversing these municipalities and the submission of a Nomination Application to the New Jersey Department of Transportation's New Jersey Scenic Byway Program, and;

WHEREAS, the New Jersey Department of Transportation designated the length of Route 57 traversing these municipalities as a New Jersey State Scenic Byway, to be called the Warren Heritage Byway, on February 4, 2009, in response to the submission of the Nomination Application, and;

WHEREAS, the New Jersey Scenic Byway Program requires that a Corridor Management Plan be completed within five years of the designation of any New Jersey State Scenic Byway in order to maintain this designation, and;

WHEREAS, a Study Committee consisting of representatives of the Township of Franklin, Township of Greenwich, Town of Hackettstown, Township of Mansfield, Borough of Washington, Township of Washington, and Warren County, in addition to other stakeholders, have completed the Warren Heritage Byway Corridor Management Plan for the length of Route 57 traversing these municipalities, and;

WHEREAS, the benefits of implementing the recommendations of Warren Heritage Byway Corridor Management Plan include:

- An increased public appreciation of the unique character of this roadway;
- An enhanced driving and community visitation experience that is derived from the conservation and interpretation of valuable intrinsic resources, joint marketing to increase economic development, access to recreational amenities, and other roadway improvements to support byway travelers, and;

- The ability to apply for federal funds through the National Scenic Byway Program that can be used to implement the recommendations of the Corridor Management Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Washington adopts the Warren Heritage Byway Corridor Management Plan as a tool for voluntarily preserving the intrinsic natural, scenic, recreational, historic, cultural, and archaeological resources along this roadway, and;

BE IT FURTHER RESOLVED, that the Borough of Washington will continue to work together with the members of the Study Committee and any other stakeholders to establish and serve as part of a permanent body to carry out the recommendations of the Warren Heritage Byway Corridor Management Plan to achieve the benefits of such collaboration.

Resolution 214-2010 Budget Transfers

Resolution 214-2010 was moved on a motion made by Housel, seconded by Valentine and adopted.

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

Ayes: 6, Nays: 0

Motion Carried

AUTHORIZING BUDGET TRANSFERS FOR FISCAL YEAR 2010 APPROPRIATIONS

WHEREAS, N.J.S.A. 40A: 4-58 provides for appropriations transfers during the last two (2) months of the fiscal year, when it has been determined that it is necessary to expend for any of the purposes specified in the budget an amount in the excess of the sum appropriated therefore and where it has been further determined that there is an excess in any appropriation over and above the amount deemed to be necessary to fulfill the purpose of such appropriation.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Washington, County of Warren, State of New Jersey, the Chief Financial Officer Natasha S. Turchan, be and the same is hereby authorized to make transfers among the Fiscal Year 2010 Budget as follows:

CURRENT FUND

Transfer From:				Transfer To:			
General Administration:				General Administration:			
Municipal	Health Insurance	Court	Salaries And Wages	25,988.78	Township Clerk	Other Expenses	2,000.00
				22,192.22	Liability Insurance		4,500.00
				-	Utilities	Water	8,000.00
				-	Municipal Court	Other Expenses	33,681.00
TOTAL				48,181.00	TOTAL		48,181.00

VOUCHERS

Motion made by Cioni, seconded by Housel to approve the claims and vouchers in the amount of \$ 470,139.91.

Councilman Higgins questioned the bill for CFM for winterizing the pool on September 28th and then a water bill for the park for approximately \$200. Manager Phelan sated the pool was not fully winterized until the soccer season was over at the park in mid-November. Councilman Higgins noted the municipal building only used \$97.00 worth of water.

Ayes: 6, Nays: 0
 Abstain: 1 (Higgins – Fire Department Invoices)
 Motion Carried

RECAP

Manager Phelan stated he will contact the code enforcer regarding the issue with the alley behind W. Stewart Street. He will begin drafting specifications for the

concession stand RFP and inform the library board of Council's decision regarding the 2011 budget.

COUNCIL REMARKS

Mayor McDonald stated that in regards to the professional appointments he has received the round two quotes and asked if there is anyone Council would like to interview. He stated he had received an e-mail from Councilwoman Gleba stating who she would like. Councilman Boyle stated he does business with Steinhardt's office. They were hoping to attend tonight's meeting, but had some concerns. Mr. Boyle agreed to discuss this in Executive Session. Councilman Valentine and Councilman-elect Torres both stated they have no one in particular they feel the need to interview. Manager Phelan reminded Council he needs an answer by the end of the week so there is no lapse in coverage. A straw poll could be conducted to get the process started. Councilman Boyle feels as there is a quorum and a deadline a decision should be made at this meeting. Councilman Higgins stated the new Council takes effect on January 1st and may vote differently. Attorney Cushing stated Council can state who they would like to appoint but can be changed if need be in regards to State approval. Councilman Higgins suggested a straw poll while Councilman-elect Torres suggests preparing a resolution to extend the current Council through the meeting in January. Manager Phelan stated the Borough will not have representation at the beginning of the year without State approval. Councilman Boyle feels councilmen-elect should be at meetings prior to January 1st in order to make informed decisions in January. Councilman Valentine feels the professionals we have now are working to the Borough's best benefit and we should keep the same. Councilman Boyle wants to change Bond Council. Mayor McDonald agreed and Councilman Valentine did agree to change this professional only. Councilman Boyle stated he will be abstaining from the municipal attorney appointment. Audience member Susan Sloan asked why the State is involved. Mayor McDonald explained it is because of the municipal aid we received. Attorney Cushing agrees with Manager Phelan that a straw poll should be done to get the process underway. He suggested having a special meeting with those who can vote in attendance. Councilman-elect Torres feels a straw poll could be very informative and agrees with having a special meeting. Council decided to discuss this further after Executive Session.

Councilman Higgins asked what needs to be done in regards to the cannon and asked where it came from. Manager Phelan stated he is waiting to hear back from the Historical Society. Mayor McDonald stated neither Alan Fisher nor Charlie Post is aware of any historical significance; however, previous Mayor VanDeursen feels there is some significance, but she was not sure of the specifics. Councilman Cioni made a motion to approve the sale of the cannon at the park in lieu of \$3,000.00 worth of work within the Borough by a certified and insured contractor. Said contractor would have to pay for removal of the cannon as well as re-seed the spot in the spring bringing it to a natural state at his own expense. If approved, Councilman Cioni would like to see something in

writing to memorialize the transaction and scope of services. This motion is contingent upon the value of the cannon. Councilman-elect Torres will research the cannon. Attorney Cushing suggested accepting cash instead of work so as not to have work performance issues. There was no second to the motion.

Councilman Higgins asked about the debt restructuring. Manager Phelan stated we are not able to meeting the 3% savings requirement. Non-conforming bonds are not being approved. The CFO is currently looking into this.

Councilman Boyle would like a proclamation prepared for Charles Wright honoring his 55 years of service with the Fire Department. He constructed the water pool and was very instrumental in fire prevention, safety and training. He would like the town to recognize his service. Mayor McDonald asked Councilman Boyle to provide Manager Phelan with any pertinent information so a proclamation may be prepared for the next meeting.

Councilman Housel – None

Councilman Cioni stated that sometime earlier this year, Council passed a resolution asking that the County waive the open space commitment to which they declined. A motion was made by Cioni, seconded by Higgins, to amend Resolution 54-2010 and ask them again to waive this tax for the 2011 fiscal year. This current tax (2010) is .094 which would equate to \$94.00 per \$100,000.00 assessed value or an average taxpayer savings of \$133.00 in 2011. All were in favor. Motion carried. Councilman Cioni would like the passed resolution sent to all municipalities in Warren County.

Councilman Cioni suggested having the attorney attend one meeting per month rather than two, therefore reducing the retainer fees. The manager could follow-up with any issues that came up at the meeting in the attorney's absence. Councilman Higgins suggested having one workshop and one business meeting per month, advertising that action may be taken in order to apply the bills and anything else that needs to be addressed. Manager Phelan stated the format doesn't necessarily need to change, just ask the attorney to only attend one meeting. Attorney Cushing stated he agrees with Manager Phelan. Many municipalities have one meeting per month or only have the attorney present at one of their meetings. He feels it is best for our form of government to have two meetings per month, although the attorney could only attend one. It would be a policy issue. Councilman Cioni stated the bidding attorney firms should be made aware to adjust their fees accordingly. A motion was made by Cioni, seconded by Boyle, to have the attorney only attend one meeting per month. All were in favor. Motion carried.

Councilman Valentine – None

EXECUTIVE SESSION

A motion was made by Cioni, seconded by Housel, to enter into Executive Session to discuss personnel matters at 9:21 p.m.

Ayes: 6, Nays: 0
Motion carried.

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: _____ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position in the litigation or negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

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

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

A motion was made by Higgins, seconded by Cioni, to exit Executive Session at 9:35 p.m.

Ayes: 6, Nays: 0
Motion carried.

Hearing no further business, a motion was made by Housel, seconded by Valentine, to adjourn the meeting at 9:35 pm.

Ayes: 6, Nays, 0
Motion Carried.

Mayor Scott McDonald

Ann Kilduff, Deputy Borough Clerk



RICHARD D. PHELAN

BOROUGH MANAGER

MEMORANDUM

TO: Mayor and Council

CC: Kristine Blanchard
Councilman-Elect Torres
Councilman Elect Jewell

FROM: Richard Phelan 

DATE: December 8, 2010

SUBJECT: Transitional Aid Memorandum of Agreement "Transition Plan"

In accordance with the Transitional Aid Memorandum of Agreement (MOU), I have attached the Borough's "Transition Plan" for your review. To refresh your memory, the MOU requested the following:

Submission of a Transition Plan

There is no guaranty of Transition Aid being available in the future and the Municipality shall not anticipate or rely on the existence of continued funding. The Municipality shall submit a plan on or before December 31, 2010 detailing how it intends to eliminate its reliance on Transition Aid as soon as possible (the Transition Plan). In no case shall the Transition Plan provide for a phase out of the aid over a period of more than four years. The Transition Plan must set forth a reasonable reduction in reliance on such funding in the Calendar Year 2011 Budget. The Transition Plan shall discuss initiatives to bring structural balance to the Municipality's finances and shall include, but not be limited to, all of the following:

- *An acknowledgement that the Municipality needs to reduce its reliance on Transition Aid; and*
- *A plan to reduce staffing costs for Calendar Year 2011 from Calendar Year 2010 levels through layoffs, attrition, restructuring, or other personnel actions; and*
- *A plan to eliminate or reduce the costs of services or activities not deemed essential or that are of low priority; and*
- *A plan to maximize recurring revenues, including but not limited to updating fees, fines and penalties, maximizing enforcement of revenue delinquencies, selling surplus land and property, and encouraging sustainable and taxable development; and*
- *A plan to address findings resulting from in various audits, investigations, and reports with respect to the Municipality, including municipal audits, applicable State Comptroller reports and audits, federal program audits, and other audits as identified by the Director.*

Taking the above into account, we will be sending this report to the Department of Community Affairs, Division of Local Government Services before the required December 31, 2011 deadline. Additionally, the Chief Financial Officer will be in attendance at Council's public meeting on December 21st should you have any questions.

Borough of Washington (2121-Warren County) 2010 Transition Plan

In accordance with the Transitional Aid Memorandum of Agreement between the Borough of Washington (Borough) and the State of New Jersey (State), the narrative below will outline how the Borough plans to eliminate its reliance on Transitional Aid in future years.

Prior to 2009, there was lax financial oversight and poor fiscal management within the Borough of Washington, as indicated in the May 6, 2009 Audit of Procurement Practices issued by the Office of the State Comptroller. The Borough of Washington has failed to plan accordingly for both present and future needs. This was due in part to having multiple Municipal Managers in a very short period of time, as well as no strong Chief Financial Officer for several years. Subsequent to this, changes to policies and procedures relating to all aspects of Borough operations have been implemented which has served as the foundation for a stronger financial institution, which has been acknowledged in the April 16, 2010 Follow-up Audit of Procurement Practices issued by the Office of the State Comptroller. Unfortunately, while we have made tremendous strides, a decade of mismanagement can not be corrected in one (1) year. As a result, the Borough had a need to apply for (and receive) Extraordinary Aid in the amount of \$550,000 in 2009.

In 2009, the Borough began implementing a strict “want” versus “needs” mentality as it relates to spending. Specifically, departmental budgets in 2009 were at or below what was actually spent in 2008. In 2010, unless required by statute or legitimate departmental need, all departmental spending has remained flat or further reduced.

In 2010, the Borough Council reduced their introduced budget by and additional \$223,227.72 from the original amount, and was still hindered by the Levy CAP. The largest factors that contribute to this issue are as follows:

- Increase in the Reserve for Uncollected Taxes
 - 2009 Amount – \$690,638.00
 - Tax Collection Rate – 94.78%
 - 2010 Amount – \$882,990.60
- Reduction in 2010 State Aid of 17.45%
- Loss of Extraordinary Aid
 - -\$550,000
- Increased Snow/Ice Control Costs due to more frequent and extreme snow fall amounts.
- Loss of Revenue at the Borough Pool
 - As a result of the financial changes that Borough has implemented since 2009, it was discovered that membership at the Borough pool has steadily decreased, which has resulted in lower revenues. This reduction has caused the pool to begin running at a deficit. In order to keep the pool open, hours of operation have been reduced and procedural changes have been implemented.
- Unwillingness for Blue/White Collar unionized employees to make any significant concessions.
 - During the last eighteen (18) months, there have been numerous meetings with the CWA Local 1032 to inform them of the financial situation in the Borough, to which they were unsympathetic. As a result, four (4) employees were laid off in 2009, with an additional two (2) slated in 2010. Additionally, as a result of one (1) resignation and one (1) retirement, these full-time positions will be filled with part-time employees.
 - The Borough will continue their dialogue with the CWA Local 1032 in hopes that an agreement can be reached.

Borough of Washington (2121-Warren County) 2010 Transition Plan

- The Borough has reduced their full-time staff in 2009 and 2010. As a result, we are at the bare minimum level of staffing.
- NOTE: The Public Employee Relations Commissions (PERC) has advised that we can not reduce full-time staff to part-time without the organized labor unit's consent, which the CWA Local 1032 will not agree to.
- Non-Unionized Employees (3)
 - Only one (1) of the two (2) eligible non-unionized employees has voluntarily decided to make concessions. Specifically, making contributions to their health insurance coverage.
- Increase in debt service
 - While we are not exceeding the statutory allowable amount of debt, the debt payments equate to approximately 25% of the municipal budget.
- In 2009, the Borough entered into a Shared Service Agreement for Police Services with a neighboring municipality.
 - According to conversations with the host community (Washington Township), we can anticipate that this cost remain flat for the 2011 budget year.
 - Borough Costs when we had the Borough maintained a Police Department (August 1, 2008 – July 31, 2009) \$2,111,830.19
 - Borough Costs with the Shared Service Agreement (August 1, 2009 – July 31, 2010) \$1,802,392.43

As a result of the above, in 2010 that Borough sought and received Transitional Aid in the amount of \$400,000, as well as a Levy CAP waiver in the amount of \$65,025.

Taking all of the above into account, the following outlines both short-term and long-term changes that have/will be made to help stabilize the Borough's finances:

1. Unless required by statute or legitimate departmental need, all departmental spending has remained flat or further reduced. Current spending levels are reflective of what was actually spent in 2008
2. Instituted a hiring and promotion freeze.
3. All part-time/seasonal/temporary employees are not receiving any increase in their salaries for the current year (unless statutorily required). As a result, the salaries being paid are at/below 2008 levels.
4. Elimination of all non-essential overtime.
5. Elimination of overnight stays and meal allowances associated with meeting/conferences and conventions.
6. Elimination of all non-essential capital projects/purchases requested for 2010 and beyond.
7. Restructuring of staff in more efficient ways (IE: Department realignments).
8. Vacancies for all full-time employees in which the positions are essential are being filled with part time staff.
 - a. Reduction in Staff
 - i. 2009 – Four (4) employees
 - ii. 2010 – Two (2) employees
9. On October 1, 2010, the Borough entered into a Shared Service Agreement with a neighboring municipality for the provision of Municipal Court Services, which will result in an annual savings of \$55,000 - \$65,000 per year.
10. Previously consolidated our Police Department with the Washington Township Police Department via Shared Service Agreement.
11. In discussions with Washington Township to discuss the feasibility of entering into a Shared Service Agreement for the provision of construction/building permits which will increase revenue to the Borough. (IE: Shared Construction Department)

Borough of Washington (2121-Warren County)
2010 Transition Plan

12. As of 2010, the Borough no longer collects/disposes of "Bulk Trash", which will result in a savings of \$35,000/year (Excluding disposal costs)
 - a. Additionally, the Borough Council is still deliberating future changes to the method in which garbage is collected in order to further reduce our expenditures.
 13. Reduced the operation hours of the public library from 59 hours in 2009 to 35 hours in 2010.
 14. Awarded Board of Adjustment and Planning Board Attorney Contracts (via Fair-and-Open Process) to reflect hourly amounts in-lieu of flat fees. Based on the case loads for each Board, the amount spent on legal representation will be drastically lower than previous years.
 15. Cancelled the contract with the third-party vendor that provided sewer billing services and brought the service in house. This will result in a savings of \$60,000/year in the Municipal Sewer Utility, which will ultimately result in savings in the Current Fund.
 16. No new debt issued since 2008.
 17. We continue to investigate the feasibility of a debt restructuring bond to allow the Borough to reduce our annual debt obligations. We have spoken with both the Borough's Bond Attorney and outside financial advisors on this issue, and will evaluate if combining prior issued and new debt together would generate savings.
 18. Annual review of Borough fee schedule to ensure revenues are meeting expenditures.
 19. Actively seeking reimbursement money from all outstanding grants (IE: Outstanding receivables) in order to improve our cash flow.
 20. Cancellation of all non-fee based recreation events. (IE: Tree Lighting, Movies in the park)
 21. Creation of a Recreation Commission who finances will be solely based on fees paid by participants, not via the Current Fund.
 22. Continued enforcement of all items addressed by the Office of the State Comptroller (OSC). (See attached findings from the OSC)
-

Future Possibilities

1. Creation/Expanding of Shared Services Agreements (SSA).
 - a. Currently exploring the option of a Shared Service Agreement for Construction Permitting Services which would increase revenues to the Borough.
 - b. Currently exploring the option of a Shared Service Agreement for Automotive Repair Services which would reduce Borough expenditures.
 - c. Currently exploring the option of a Shared Service Agreement with the local Board of Education for expanding Library services which would reduce Borough expenditures.
2. Sale of unused/un-needed Borough-owned real property
3. Sale of unused/un-needed Borough-owned assets (IE: vehicles, equipment, and the like)

BOROUGH OF WASHINGTON
WARREN COUNTY
BUDGET REVENUE PROJECTIONS TRANSITIONAL AID
REVENUE SUMMARY

Account Number	Account Description	CURRENT FUND		
		2010 BUDGET	2011 ANTICIPATED	2012 PROJECTED
0-01-07-190-000	Amount to be Raised by Taxation		5,377,830.76	5,515,907.24
0-01-08-101-000	Surplus Anticipated	5,294,709.57		258,386.59
0-01-08-103-000	Alcoholic Beverages	130,000.00	130,000.00	5,000.00
0-01-08-104-000	Other Licenses	4,300.00	5,000.00	2,000.00
0-01-08-105-000	Fees & Permits	3,000.00	2,000.00	45,000.00
0-01-08-106-000	Uniform Fire Safety - LEA Rebate	25,000.00	30,000.00	15,000.00
0-01-08-109-000	Other Fines & Costs	15,000.00	10,000.00	
0-01-08-110-000	Municipal Court	0.00	0.00	
0-01-08-112-000	Interest & Costs on Taxes	109,000.00	109,000.00	109,000.00
0-01-08-113-000	Interest on Invest & Deposit	94,000.00	100,000.00	120,000.00
0-01-08-114-000	6% Year End Penalty	9,000.00	6,500.00	7,000.00
0-01-08-118-000	Cable TV	0.00	0.00	
0-01-08-121-000	General Capital Fund Balance	21,500.00	21,000.00	21,000.00
0-01-08-124-000	Reserve Prepaid School Taxes	0.00	0.00	
	Reserve for Prepaid School Taxes	0.00	0.00	
0-01-08-125-000	Sale of Municipal Assets	0.00	0.00	
0-01-08-126-000	Westgate P.I.L.O.T. I	5,670.00	0.00	
0-01-08-127-000	Westgate P.I.L.O.T. II	0.00	0.00	
0-01-08-128-000	Fees & Permits - Additional	0.00	0.00	
0-01-09-201-000	Consolidated Municipal Property Tax Reli	95,030.00	95,030.00	95,030.00
0-01-09-202-000	Legislative Init Muni Block Grant	0.00	0.00	
0-01-09-203-000	Energy Receipts	498,346.00	498,346.00	498,346.00
0-01-09-205-000	Supplemental Energy Receipts	0.00	0.00	
0-01-09-206-000	Municipal Homeland Security	0.00	0.00	
0-01-10-701-000	Municipal Property Tax Assistance	0.00	0.00	
	Recycling Tonnage	0.00	0.00	
	Forestry			
0-01-10-703-000	Municipal Alliance Alcohol & Drugs	0.00	0.00	
0-01-10-707-000	Small Cities Grant	0.00	0.00	
0-01-10-713-000	Body Armor Replacement	0.00	0.00	
0-01-10-718-000	Bulletproof Vest	0.00	0.00	
0-01-10-719-000	Cool Cities	0.00	0.00	
0-01-10-745-000	Drunk Driving Enforcement	0.00	0.00	
0-01-10-746-000	Trans-option Grant	0.00	0.00	
0-01-10-770-000	Clean Communities	0.00	0.00	
0-01-15-499-000	Receipts from Delinquent Taxes	581,000.00	576,508.50	590,000.00
0-01-09-204-000	Extraordinary Aid	400,000.00	265,000.00	
	Recreation Revenue			
Total Revenue		7,305,597.57	7,226,215.26	7,281,669.83
				0.00

BOROUGH OF WASHINGTON
 WARREN COUNTY
 BUDGET REVENUE PROJECTIONS TRANSITIONAL AID
 SURPLUS ANALYSIS

Estimated Surplus in 2010	250,000.00
To be Used in 2011 Budget	<u>(130,000.00)</u>
Available for 2012 Budget	120,000.00
Earned in 2011 Budget	<u>200,000.00</u>
Available for 2012 Budget	320,000.00
Used In 2012 Budget	<u>(258,386.59)</u>
Available in 2013 Budget	61,613.41

Kristine Blanchard

From: John Paff [paff@pobox.com]
Sent: Thursday, December 16, 2010 9:19 PM
To: Kristine Blanchard
Cc: 'Scott McDonald'; 'Victor Cioni'; 'Charles T. Housel'; 'Patrick Boyle'; 'David Higgins'; 'Jeanine Gleba'; 'John Valentine'
Subject: Re: Letter

Having the executive minutes caught up by January 4th sounds fine.

Thank you.

John Paff

At 12:06 PM 12/16/2010, Kristine Blanchard wrote:

>Please see attached.
>
>
>Kristine Blanchard
>Borough Clerk
>Washington Borough
>



BOROUGH OF WASHINGTON

100 BELVIDERE AVENUE • WASHINGTON, NEW JERSEY 07882-1426

PHONE: (908) 689-3600

www.washingtonboro-nj.org

FAX: (908) 689-9485

BOROUGH CLERK EXT. 113
CODE ENFORCEMENT EXT. 139
EMERGENCY MANAGEMENT EXT. 131
FINANCE EXT. 117
FIRE PREVENTION EXT. 142

A Council Manager Community

MANAGER EXT. 119
SEWER EXT. 116
TAX ASSESSOR EXT. 129
TAX COLLECTOR EXT. 117
ZONING EXT. 139

December 15, 2010

Mr. John Paff, Chairman
NJ Libertarian Party
PO Box 5424
Somerset, NJ 08875

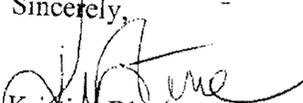
Dear Mr. Paff:

In response to your letter dated December 14, 2010 requesting executive session minutes from July 6, July 20, and September 21, 2010; these minutes will be completed and presented to the Governing Body on January 4, 2011 and will be available for release to the public either in redacted form or full form, whichever is appropriate the following day.

Please let me know if that is acceptable to you.

Additionally, going forward, executive session minutes will be approved and made available within thirty days.

Sincerely,


Kristine Blanchard, RMC
Borough Clerk

cc: Washington Borough Council
R. Cushing Municipal Attorney



New Jersey Libertarian Party

Open Government Advocacy Project

John Paff, Chairman

P.O. Box 5424

Somerset, NJ 08875-5424

Phone: 732-873-1251 - Fax: 908-325-0129

Email: lpsmc@pobox.com

December 14, 2010

Hon. Scott McDonald, Mayor and Members of the
Washington Borough Council
100 Belvidere Ave
Washington, NJ 07882

(via e-mail to kblanchard@washingtonboro-nj.org)

Dear Mayor McDonald and Council members:

I write both individually and on behalf the New Jersey Libertarian Party's Open Government Advocacy Project to comment on the length of time it takes the Borough Council to publicly disclose its nonpublic (i.e. executive or closed) meeting minutes.

On December 9, 2010, I submitted a records request for

Minutes, redacted only as necessary, if at all, of the executive sessions held on September 21, 2010, July 6, 2010 and July 20, 2010.

On the same day, Clerk Kristine Blanchard e-mailed me that:

The minutes you have requested are not completed as of today.

Thus, I am being informed that minutes of a meeting held on July 6, 2010 are not publicly available, even in redacted form, as of December 9, 2010--more than five months later.

There is real value in interested members of the public promptly knowing the nature of the Council's nonexempt, private discussions. An opportunity to read the nonexempt portions of the minutes of the previous nonpublic before the next meeting allows citizens to offer cogent, informed comments during the public portion of that meeting. Delaying the release of those minutes, on the other hand, deprives citizens from being informed of and commenting on important public issues until after those issues may have become stale.

And, more importantly, making the public wait so long to see redacted executive session minutes violates the Senator Byron M. Baer Open Public Meetings Act. Specifically N.J.S.A. 10:4-14 states:

Minutes of meetings.

Each public body shall keep reasonably comprehensible minutes of all its meetings showing the time and place, the members present, the subjects considered, the actions taken, the vote of each member, and any other information required to be shown in the minutes by law, which shall be promptly available to the public to the extent that making such matters public shall not be inconsistent with [N.J.S.A. 10:4-12].

On three occasions, I have litigated the issue of timely disclosure of executive meeting minutes. Following is a synopsis of the court's findings in each case and a link to the case documents.

Paff v. Dover Township a/k/a Toms River Township
(Ocean County, Docket L-2165-07, Grasso, A.J.S.C.)

For case documents, click on <http://ogtf.lpcnj.org/2009172pj/TomsRiver.pdf>

For the transcript, click on <http://ogtfarchive.org/OGTF/TomsRiverTranscript.pdf>

Judge Grasso ruled that nonpublic (closed or executive) minutes need to be publicly available for the next council meeting (transcript page 10) but then changed his mind to say that they must be publicly available it 30 days (transcript page 14).

Paff v. Keyport Borough

(Monmouth County, Docket No. L-3317-07, Lawson, A.J.S.C.)

For case documents, click on <http://ogtf.lpcnj.org/2009172pj/KeyportSuit.pdf>

Judge Lawson ruled that nonpublic and public minutes need to disclosed within 30 days after a meeting or prior to the next scheduled meeting, whichever comes first (See Order, paragraph 2. See also, decision page 23, which is the 18th page of the PDF file at the above link).

Paff v. Absecon et al

(Atlantic County, Docket No. L-3392-08, Perskie, J.S.C.)

For court's order, click on <http://ogtf.lpcnj.org/2009183s8//PortRepublicOrder.pdf>

Judge Perskie held that both nonpublic and public minutes need to be made public within 30 days after a meeting or prior to the next scheduled meeting, whichever comes first.

Beyond the three case I litigated, I am also aware of

Wolosky v. Vernon,

(Sussex County, Docket No. L-79-09, Bozonelis, A.J.S.C.)

For court's order, see <http://ogtf.lpcnj.org/2009183s8//WoloskyVernon.pdf>

Judge Bozonelis held that nonpublic meeting minutes must be redacted and approved at the next meeting and released to the public the day after the meeting.

As you can see, the relevant case law supports my position that Washington Borough needs to publicly disclose its nonpublic meeting minutes, properly redacted, much more promptly than it presently does.

Would you please discuss this issue at the Council December 21, 2010 meeting and let me know whether or not you agree with my position and, if so, the period of time within which the Council, going forward, will publicly disclose redacted, closed minutes?

Thank you very much for your attention to this matter. I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Paff', with a large, stylized flourish above the name.

John Paff

P.S. If the Council chooses to not respond to this letter, be advised that it is my practice to submit another request, at a future date, for closed session minutes to determine the most recently held meeting for which minutes are publicly available in either complete or redacted form. If I find at that time that the Council's closed session minutes are still not "promptly available," I will file a civil complaint in the Superior Court against the Council in accordance with N.J.S.A. 10:4-16 without further notice.

Honorable Scott McDonald, Mayor
Members of the Washington Borough Council
100 Belvidere Avenue
Washington, NJ 07882

sent: via e-mail to kblanchard@washingtonboro-nj.org

Dear Mayor McDonald and Council Members,

I have received copies of the correspondence directed to you by Mr. John Paff of the New Jersey Libertarian Party's Open Government Advocacy Project in regards to executive session resolutions and minutes in Washington Borough; this correspondence is making reference to issues addressed during the time I was a member of the governing body and for that reason and in the interest of continuity and efficiency I would like to offer the following comments.

Three issues are raised here:

1. Clarity and completeness of the resolutions used to enter into executive session.

On May 6, 2008 the governing body, through a motion, unanimously approved "to use the new form of resolutions provided by Attorney Cushing's office". See respective minutes.

May I suggest to the current governing body to reinforce that decision by passing a legislative resolution and attach a copy of the above mentioned resolution form.

In order to avoid any confusion, the legislative resolution must point out, that only the specific matters contained in the resolution approving executive session may be discussed. If other issues should arise, the governing body must go back into public session, announce the subject matter to the public and only after a vote, go back into executive session. This action must be recorded in the regular minutes.

2. Preparing, approving and releasing to the public minutes of executive sessions.

In reviewing several agendas immediately following May 6, 2008 and by chance an agenda from December 5, 2006 the minutes for executive sessions are properly listed and presented for approval by the governing body in a timely fashion. At some point that practice stopped and I could not find any listings in several agendas I checked for 2010.

I would like to suggest to the governing body to pass a resolution defining this process in accordance with the law and then continue to monitor and enforce this policy.

3. Accuracy of information available in regards to the history of issues.

The problems described in sections #1 and #2 of this letter lead to one conclusion: it is virtually impossible for the acting governing body to have complete and

accurate information as to important past deliberations, legal and other professional advice already provided, all necessary to make sound decisions in the best interest of the community and to avoid costly duplications.

In 2008 the acting governing body, of which I was a member, discussed voice recordings of executive sessions. The borough did not own adequate equipment at the time, so the idea was tabled. The borough has since then acquired the equipment, so there would be no fiscal impact to start voice recordings now. I strongly urge you to do so.

It would benefit new members of the governing body, new employees and new appointed professionals. In the case of issues that continue over a long period of time and are very complex in nature even members with longevity cannot be expected to rely on memory alone. In situations when minutes cannot be produced and approved in a timely fashion, for whatever reason, it will be impossible to produce accurate and complete minutes without a voice recording.

In the interest of saving you time and other resources I have attached a draft resolution, based on examples from other municipalities. The content of the resolution further delineates the benefits of voice recordings. I would strongly urge you to adopt a resolution similar in nature.

Thank you for your time and consideration.

Respectfully,

Christina Woykowski
24 S. Prospect St.
Washington, NJ 07882

Phone: 908 689-0504
E-mail: Christina.woykowski@verizon.net

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
WASHINGTON, WARREN COUNTY TO ESTABLISH POLICY RELATING TO
EXECUTIVE SESSION AUDIO RECORDINGS

WHEREAS, some of the more important deliberations by the Washington Borough Council as well as other governing bodies occur in closed executive sessions; and

WHEREAS, recording executive sessions will allow current and future governing members to review the history of issues that have come before the governing body, and for use of the governing body, to memorialize legal or other professional advice provided in executive session; and

WHEREAS, recording executive sessions would encourage strict compliance with rules governing executive sessions; and

WHEREAS, recording executive sessions would create government accountability in the use of executive sessions; and

WHEREAS, recording executive sessions would not inhibit full and robust discussion of relevant issues as adequate protections are provided by law for examination of said recordings; and

WHEREAS, the Washington Borough Council finds that recording of executive sessions advances the public's interest in transparent and open government; now, therefore,

BE IT RESOLVED BY THE MAYOR AND COUNCIL of WASHINGTON BOROUGH that starting January 2011 all executive sessions be recorded.

MARK BOND
74 FLOWER AVENUE
WASHINGTON, NEW JERSEY 07882

Hon. Scott McDonald, Mayor
Members of the Washington Borough Council
100 Belvidere Avenue
Washington, NJ 07882

(via e-mail to kblanchard@washingtonboro-nj.org)

Dear Mayor McDonald and Council members:

I am writing regarding your annual professional service appointments. I understand that Borough Council, based on consensus at the last regular meeting, decided not to extend the time frame and seek additional proposals for the position of borough attorney. I also learned that the borough manager has already sought approval from the Director of the Division of Local Government Services at the Department of Community Affairs for the 2011 professional service appointments.

You are to commended for your tenacity in the process by re-soliciting for proposals earlier this year when it was clear that you could not make an informed decision due to the lack of sufficient submissions. Clearly council had the foresight and understanding that a real potential for saving tax dollars exist when dealing with professional service appointments. Obviously the last minute withdrawal of one of the two proposals was not expected, but it created yet another situation where you could not adequately ensure that the people of Washington will be paying a just price for one of our most expensive professional services.

I suggest that you again seek proposals in order to protect our interests. There is no legitimate reason why an appointment cannot be deferred, especially based upon the extenuating circumstances. I also question the propriety of this sitting council seeking approval for appointments to be made by a future council with new members. I am sure that the Director of the Division of Local Government Services will look favorably on a request to withdraw your request for approval for both reasons.

Please find time to entertain discussion and action on this matter of significant importance to your constituents during your December 21st council meeting. Thank you

Cordially and Sincerely,



Mark S. Bond



New Jersey Libertarian Party

Preempted Ordinance Repeal Project

John Paff, Chairman

P.O. Box 5424

Somerset, NJ 08875-5424

Phone: 732-873-1251- Fax: 908-325-0129

Email: lpsmc@pobox.com

December 9, 2010

Hon. Scott McDonald, Mayor and members of the

Washington Borough Council

100 Belvidere Ave

Washington, NJ 07882

(via E-mail only to kblanchard@washingtonboro-nj.org)

Dear Mayor McDonald and Members of the Borough Council:

I write, both individually and in my capacity as Chairman of the New Jersey Libertarian Party's Preempted Ordinance Repeal Project to request the Mayor and Council to ask the municipal attorney to review the Borough's loitering code and similar codes and render an opinion on their validity. We're confident that your attorney will, like the municipal attorneys for Butler (Morris County), Elmwood Park (Bergen County), Long Branch (Monmouth County) and several other municipalities¹, determine that Borough's loitering prohibition is preempted by the New Jersey Criminal Code and is thus invalid.

Here is why. When the Legislature enacted New Jersey's Criminal Code in 1979, it specifically decided to *not* include a loitering prohibition within the Code out of concern that "vagrancy and loitering statutes have long suffered from constitutional infirmity and have been criticized as inviting official harassment and discriminatory enforcement."² It follows, therefore, that no municipality, such as Washington, is allowed to locally prohibit loitering and vagrancy when the Legislature has decided to decriminalize those acts.³

And, it's not just loitering and vagrancy that have superseded by state law. In 2003, the Appellate Division found that Chapter 33 of the New Jersey Criminal Code "reveals a policy to comprehensively address street behavior and other conduct in public places which may disturb citizens and disrupt peaceful society."⁴ The

¹ Butler, Elmwood Park and Long Branch have loitering codes that are very similar to Washington's. In Ord. 2008-16, which repealed Butler's loitering code, the Borough Council found that it had been "declared invalid by the New Jersey Supreme Court." In Ord. 05-07, the Elmwood Borough Council found that its loitering prohibition "has been preempted and rendered unenforceable by the New Jersey Code of Criminal Justice." And, in Ord. 27-09, the City of Long Branch found that its loitering prohibitions "do not comply with the court decisions and/or rulings of state agencies." The repeal ordinances for these and several other municipalities are on the project's website at <http://www.lpcnj.org/OGTF/Loiter.html>

² See *State v. Crawley*, 90 N.J. 241, 247 (1982).

³ See *State v. Crawley*, at p. 251.

⁴ See *State v. Paserchia*, 356 N.J. Super. 461, 466 (App.Div.2003).

Legislature, the court found, recognized the tension between controlling “street behavior” and safeguarding citizens’ free speech and assembly rights. Therefore, it decided to regulate “street behavior” so comprehensively at the state level that there was no room left for local regulation of the same conduct.⁵

But, Washington’s Code § 56-2A(3), for example, prohibits loitering that could obstruct the free passage of pedestrians or vehicles. This provision, in the hands of an unscrupulous mayor or police chief, could be used as a pretext to prevent peaceful citizens from assembling on a public sidewalk near a municipal building to protest against taxes or upon some other public issue. For this reason, this code provision’s statutory counterpart—N.J.S.A. 2C:33-7⁶—requires the police to accommodate free expression and assembly rights. Under the statute, the police must first try to limit the size of the crowd or move it to a different location. And, in order to prove a violation of the statute, the prosecution must prove that the obstruction was done “purposely or recklessly.” Washington’s ordinance, however, does not contain any such protections. The ordinance simply declares that it is *per se* illegal for a person to loiter on a Borough sidewalk in a manner that obstructs pedestrians. Do you see how much more discretion the police have under the ordinance as opposed to the statute? Do you understand why giving the police this expansive discretion concerns Libertarians and others who seek to safeguard citizens’ free speech and assembly rights?

The bottom line is this: The State of New Jersey has already struck a balance between public assembly and expression rights and the government’s need for peace and good order on the streets. Washington, as a subordinate subdivision of the State, is not permitted to strike a different balance between these competing interests through local legislation. Accordingly, your loitering ordinance is invalid and should be repealed to the extent that it attempts to regulate adults’ street behavior. Further, any other code provisions that you have on the books that regulate adult street behavior, such as “peace and good order” and “disorderly conduct” codes are also likely preempted by state law.

⁵ It is likely that there is no such thing as a local code provision that can validly regulate adult street conduct. See, New Jersey Law Journal, “Yet Another Municipal Ordinance Is Struck Down on Pre-emption Grounds” January 13, 2003, by Mary P. Gallagher.

⁶ That statute reads: “**Obstructing Highways and Other Public Passages.** a. A person, who, having no legal privilege to do so, purposely or recklessly obstructs any highway or other public passage whether alone or with others, commits a petty disorderly persons offense. “Obstructs” means renders impassable without unreasonable inconvenience or hazard. No person shall be deemed guilty of recklessly obstructing in violation of this subsection solely because of a gathering of persons to hear him speak or otherwise communicate, or solely because of being a member of such a gathering.

b. A person in a gathering commits a petty disorderly persons offense if he refuses to obey a reasonable official request or order to move:

(1) To prevent obstruction of a highway or other public passage; or

(2) To maintain public safety by dispersing those gathered in dangerous proximity to a fire or other hazard.

An order to move, addressed to a person whose speech or other lawful behavior attracts an obstructing audience, shall not be deemed reasonable if the obstruction can be readily remedied by police control of the size or location of the gathering.”

Would you please ask your municipal attorney to review and report on the validity of Washington's loitering provision, as well as any other code provisions that seek to regulate adult "street conduct" and let me know the results of that review? (You may specifically wish to review § 75-6 dealing with obstructions of sidewalks.)

Thank you for your attention to this matter. We look forward to receiving your or your attorney's response.

Sincerely,



John Paff

ORDINANCE # 15 -2010
BOROUGH OF WASHINGTON
WARREN COUNTY, NEW JERSEY

AN ORDINANCE RESTRICTING THE AWARD OF
CONTRACTS EXEMPT FROM PUBLIC BIDDING
(CONTRACTOR PAY-TO-PLAY REFORM ORDINANCE)

WHEREAS, certain contracts are exempt from public bidding under the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.*; and

WHEREAS, there is the potential for business entities whose contracts are exempt from public bidding to make substantial political contributions to the election campaigns of the local government elected officers who are ultimately responsible for awarding contracts to such business entities; and

WHEREAS, permitting substantial local political contributions from business entities receiving discretionary contracts from the elected officials who receive such contributions raises reasonable concerns on the part of taxpayers as to the influence of those contributions on the process of local government as well as the quality or cost of services received; and

WHEREAS, pursuant to *N.J.S.A. 40A:11-51* a municipality is authorized to adopt by ordinance, measures limiting the award of public contracts to business entities that have made contributions, and limiting the contributions that the recipient of such a contract can make during the term of a contract; and

WHEREAS, in the interest of good government, the Mayor and Council of the Borough of Washington desire to establish a policy that will avoid the perception of improper influence in public contracting and local elections.

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

Section 1. Chapter 3 entitled "Administration of Government" of the Code of the Borough of Washington is hereby amended to add a new Section 3-26A entitled "Restrictions on Award of Contracts Exempt from Public Bidding" to read as follows

§3-26A.1 Purpose. It shall be the purpose of this section to foster competition in the contracting process that is exempt from public bidding and thereby to avoid the appearance of improper influence in public contracting through unregulated contributions to public officials who award contracts by business entities who seek public contracts.

§3-26A.2 Definitions. As used in this section 3-26A, the following terms shall have the meanings set forth below:

"Candidate" means and includes (1) every candidate for Borough of Washington elective municipal office; (2) every candidate committee established by or for the benefit of a candidate for Borough of Washington elective municipal office; (3) every joint candidate

committee established in whole or in part by or for the benefit of a candidate for Borough of Washington elective municipal office; (4) every political party committee of the Borough of Washington; (5) every political party committee of the County of Warren; and (6) every political committee, continuing political committee, or other form of association or organization that regularly engages in the support of candidates for the Borough of Washington municipal or Warren County elective offices or Borough of Washington municipal or Warren County political parties or political party committees. The terms in the foregoing paragraph have the meaning set forth in *N.J.A.C.* 19:25-1.7.

“Contribution” has the meaning set forth in *N.J.A.C.* 19:25-1.7. By way of illustration, and not limitation, this definition includes gifts, pledges, loans, and in-kind contributions.

“Contract for Professional or Extraordinary Services” means all contracts for “Professional Services” and/or “Extraordinary Unspecifiable Services” as such terms are used in the Local Public Contracts Law at *N.J.S.A.* 40A:11-5.

“Business Entity” means an individual person; firm; corporation; professional corporation; partnership; organization; or association. When a Business Entity is a natural person, a contribution by that person’s spouse or any child living at home shall be deemed to be a contribution by the Business Entity. When a Business Entity is other than a natural person, a contribution by: all principals, partners, officers, or directors of the entity or their spouses; any subsidiaries directly or indirectly controlled by the entity; or any political organization organized under Section 527 of the Internal revenue code that is directly or indirectly controlled by the entity shall be deemed to be a contribution by the Business Entity.

§3-26A.3 Prohibition on Awarding Public Contracts to Certain Business Entities.

- A. To the extent that it is not inconsistent with state or federal law, the Borough of Washington and any of its departments, instrumentalities or purchasing agents shall not enter into any agreement or otherwise procure a Contract for Professional or Extraordinary Services from any Business Entity if such Business Entity has solicited or made any Contribution to (1) a Candidate or (2) a holder of public office in the Borough of Washington having ultimate responsibility for the award of a contract in excess of the thresholds specified in subsection C below within one calendar year immediately preceding the date of the contract or agreement.
- B. No Business Entity who submits a proposal for, enters into negotiations for, or agrees to any contract or agreement with the Borough of Washington or any of its departments or instrumentalities, for the rendition of Professional Services or Extraordinary Unspecified Services shall knowingly solicit or make any Contribution to a Candidate or a holder of public office in the Borough of Washington having ultimate responsibility for the award of a contract between the time of first communication between that Business Entity and the municipality regarding a specific agreement for Professional Services or Extraordinary Unspecified Services, and the later of the termination of negotiations or rejection

of any proposal, or the completion of the performance or specified time period of that contract or agreement.

- C. The maximum Contributions permitted are: (1) \$300 per calendar year each for any purpose to any candidate or candidate committee for mayor or governing body, or \$500 per calendar year to any joint candidates committee for mayor or governing body, or \$300 per calendar year to a political committee or political party committee of the Borough of Washington; (2) \$500 per calendar year to a Warren County political committee or political party committee; and (3) \$500 per calendar year to any PAC. However, a Business Entity may not annually contribute for any purpose in excess of \$2,500 to all (1) Candidates and (2) holders of public office in the borough of Washington having ultimate responsibility for the award of a contract.
- D. For purposes of this section, the office that is considered to have ultimate responsibility for the award of the contract shall be (1) the Borough of Washington Mayor or Governing body, if the contract requires approval or appropriation from the Mayor or Governing body, or (2) the Mayor of the Borough of Washington if the contract requires approval of the Mayor, or if a public officer who is responsible for the award of a contract is appointed by the Mayor.
- E. No person may be awarded a subcontract to perform under a contract subject to §3-26A.3, if the subcontractor would be disqualified by paragraph (A) from receiving the contract at the time that the subcontract is awarded. Nor may any person who would be disqualified by paragraph (A) from receiving the contract perform substantially all of the obligations described in a Contract for Professional or Extraordinary Services that is subject to §3-26A.3.

§3-26A.4 Contributions Made Prior to Effective Date. No Contribution or solicitation of a Contribution made prior to the effective date of this Ordinance shall be deemed to give rise to a violation of §3-26A.3.

§3-26A.5. Contract Renewal. No contract subject to this Ordinance may be renewed, extended, or materially modified unless the resulting renewal, extension, or modification would be allowable under the provisions of §3-26A.3 if it were an initial contract.

§3-26A.6. Contribution Statement by Business Entity.

- A. Prior to awarding any Contract for Professional or Extraordinary Services to any Business Entity, the Borough of Washington or its purchasing agents and departments, as the case may be, shall receive a sworn statement from said Business Entity which is the intended recipient of said contract that he / she / it has not made a Contribution in violation of §3-26A.3. The Borough of Washington, its purchasing agents and departments shall be responsible for informing the Borough Council that the aforementioned sworn statement has been

received and that the Business Entity is not in violation of §3-26A.3, prior to awarding the contract or agreement.

- B. A Business Entity shall have a continuing duty to report to the Borough of Washington any Contribution that constitutes a violation of §3-26A.3 made during the negotiation, proposal process or the duration of a contract. The Borough of Washington, its purchasing agents and departments shall be responsible for informing the governing body within (10) business days after receipt of said report from the Business Entity, or at the next Borough Council meeting following receipt of said report from the Business Entity, whichever comes first.
- C. The certification required under this subsection shall be made prior to entry into the contract or agreement with the Borough of Washington, or prior to the provision of services or goods, as the case may be, and shall be in addition to any other certifications that may be required by any other provision of law.

§3-26A.7. Return of Excess Contributions. A Business Entity that is a party to a Contract for Professional or Extraordinary Services may cure a violation of §3-26A, if, within 30 days after the date on which the applicable ELEC report is published, said Business Entity notifies the municipality in writing and seeks and received reimbursement of the Contribution from the recipient of such Contribution.

§3-26A.8. Exemption—“Fair and Open” Contracts Not Exempt. The contribution limitations prior to entering into a contract in §3-26A.3 do not apply to contracts which (1) are awarded to the lowest responsible bidder after public advertising for bids and bidding therefore within the meaning of *N.J.S.A.* 40A:11-4, or (2) are awarded in the case of emergency under *N.J.S.A.* 40A:11-6. There is no exemption for contracts awarded pursuant to a “Fair and Open Process” under *N.J.S.A.* 19:44A-20 *et seq.*

§3-26A.9. Indexing. The monetary thresholds in §3-26A.3(C) shall be increased effective March 1 of each calendar year by the percentage increase, in the prior calendar year, of the consumer price index for all urban consumers (CPI-U) for New York-Northern N.J.-Long Island region, rounded to the nearest \$10.00. The Clerk of the Borough of Washington shall, by no later than April 1 of each calendar year, prepare and publish the revised thresholds on the official municipal website and in an official municipal newspaper.

§3-26A.10. Penalties.

- A. It shall be material breach of the terms of a Borough of Washington Contract for Professional or Extraordinary Services if a Business Entity that is a party to such agreement or contract has: (1) made or solicited a Contribution in violation of this Ordinance; (2) knowingly concealed or misrepresented a Contribution given or received; (3) made or solicited Contributions through intermediaries for the purpose of concealing or misrepresenting the source of the Contribution; (4) made or solicited any Contribution on the condition or with the agreement that it will be

re-contributed to a Candidate or holder of public office having ultimate responsibility for the award of a contract; (5) engaged or employed a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any Contribution, which if made or solicited by the Business Entity itself, would subject the Business Entity to the restrictions of this Ordinance; (6) funded contributions made by third parties, including consultants, attorneys, family members, and employees; (7) engaged in any exchange of Contributions to circumvent the intent of this Ordinance; or (8) directly or indirectly, through or by any other person or means, done any act which if done directly would subject the Business Entity to the restrictions of this Ordinance.

B. Any Business Entity that violates §3-26A.7(A) shall be disqualified from eligibility for future Borough of Washington contracts for a period of four (4) calendar years from the date of violation.

C. Notwithstanding the foregoing, any Business Entity who violates any provision of §3-26A.3-7 shall, upon conviction, be liable for the penalties set forth in Chapter 1, Article II, General Penalty, of the Code of the Borough of Washington.

Section 2. If any provision of this Ordinance, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this Ordinance to the extent it can be given effect, or the application of such provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby, and to this extent the provisions of this Ordinance are severable.

Section 3. All ordinances and resolutions inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistencies.

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



MANAGERS WEEKLY REPORT
12/3/10

Earlier this week, the Borough received proposals for 2011 professional services contracts. A memo outlining the firms that submitted proposals, as well as copies of all the proposals have been placed in your mailboxes. As it will be impossible to see which firm(s) Council would like to interview next Monday/Tuesday on such short notice, I suggest that Council provide me direction on how they wish to proceed at our regularly scheduled meeting next week. Unfortunately, this will slow the process down and reduce the chances of all professional service appointments being made at Re-Org, but there is no other alternative. I did speak with representatives from the DLGS this week and advised them of the tight timeline as it relates to awarding 2011 professional service contracts. They assured me that their review time will not be long, but only time will tell.

The CFO and I are in the process of completing the Transitional Aid budget projections for the State. As requested by Councilman Higgins, Council will be afforded the opportunity to see the document prior to sending it to the Division of Local Government Services (DLGS).

After NUMEROUS meeting with the Borough's unionized employees (CWA Local 1032), I have once again received notification from them that they have refused to make any meaningful concessions with their contract. This is despite outlining to them in great detail of the financial hurdles that we must face with current/future financial regulations (IE: 2% CAP).



MANAGERS WEEKLY REPORT
12/10/10

To reiterate the content of my e-mail from earlier this week, the State just released the results of the municipal "Best Practices" checklist that we submitted a couple of months ago. I am very pleased to inform you that we WILL NOT see any reduction in our 2010 State Aid as we met/exceed all of the mandates outlined in the Checklist. We are 1 of 14 municipalities in Warren County (out of 22 Towns) that will see no reduction in State Aid. Of the 535 Towns statewide that were required to do this, 374 will receive 100% of their 2010 State Aid, which we are 1 of.

Now that the DPW garage can be occupied, we have spent the last week or so beginning to move everything to its new location. I encourage all members of Council to take the time to look at the new facility when their schedule allows.

**Washington Borough
Board of Adjustment Cases**

2010

<u>Case #</u>	<u>Variance Type</u>	<u>Name</u>	<u>Address</u>	<u>Block</u>	<u>Lot</u>	<u>Description</u>	<u>Meeting Month</u>	<u>Action</u>
2004:13		Sam Hicks	Garfield/Harrison Streets	61	10	Request for variance extension	March	Denied
2010:1	Bulk	William Steiner	118 Harding Drive	66.01	24	Garage to bedroom/enclose overhang/ add shed	February	Approved
2010:2	Bulk	Allan Jones	266 W. Warren Street	4	18	Widen and pave driveway	February	Approved
2010:3	Bulk	ARC of Warren County	40 E. Washington Avenue	24	25	Construct & place 3' x 4' overhang sign	March	Approved
2010:4	Bulk	Cathy Nauta	8 W. Mozart Street	88	8	Operate a beauty salon out of residence	May	Approved
2008:6	Bulk	Cory Orlando	122 Myrtle Avenue	44	18	Request for variance extension	May	Denied
2010:5	Bulk	Raj Rathod / Krauszers	41-43 W. Washington Avenue	95	1	Backlit sign	June	Approved
2010:6	Bulk	Lakshmi Tadikonda	94 Alvin Sloan Avenue	2.12	4	Construct a 16' x 20' upper deck	June	Approved
2010:7	Bulk	Jeff Domenic	351 N. Prospect Street	2.06	6	Construct front deck and expand parking area	June	Never Came Before Board
2010:8	Site Plan	Praful Patel City Liquors	66 Route 31 North	56	1	Expand commercial building in the rear	July	Approved
2010:9	Bulk	Pasquale Dattolo	6 New Street	18	4 & 5	Enlarge parking area at roadway	July	Withdrew
2010:10	Bulk	Eric Phillips	36 Taylor Street	31	2	Request Extension - Remove Trailer & Construct Single Family Home - Case #2008:5	July	Approved
2010:11	Bulk	Richard Allen	14 Nunn Avenue	97.02	10	Construct Garage - 42' x 56' x 23'	September	Approved
2010:12	Use	Kathy LaCorte	5 E. Washington Avenue	94.01	2	Expand use to include tea room with food service	October	Approved

cc: Borough Manager
Council Members

BOROUGH OF WASHINGTON MUNICIPAL COURT
Monthly Report

Borough of Washington Year to Date

<u>Category</u>	<u>Added:</u>	<u>Disposed:</u>
DWI	1	2
Moving	86	285
Parking	82	162
Indictable	3	17
Disorderly Person	10	50
All Other	15	42
Total	187	478

Month: November 2010
 Respectfully Submitted: Jerilyn Harris C.M.C.A.



WASHINGTON TOWNSHIP POLICE
DEPARTMENT

MONTHLY REPORT
2010

ACTIVITY	OCTOBER
POLICE DISPATCHED INCIDENTS	3,034
TOTAL CRIMINAL INVESTIGATIONS	TOWNSHIP = 46
	BOROUGH = 80
	OXFORD = 12
TOTAL CRIMINAL ARREST	TOWNSHIP = 24
	BOROUGH = 31
	OXFORD = 5
TOTAL MOTOR VEHICLE CRASHES	TOWNSHIP = 26
	BOROUGH = 9
	OXFORD = 3
MOTOR VEHICLE STOPS/COMPLAINTS	383
MOTOR VEHICLE SUMMONS	TOWNSHIP = 81
<i>*Court failed to provide paperwork*</i>	BOROUGH = *UNK
	OXFORD = *UNK
CRIMES TO ANOTHER'S PROPERTY	57
CDS /ALCOHOL INCIDENTS	27
DOMESTIC/FAMILY ISSUES	94
ALARMS	68
EMS/FIRE CALL	146
OTHER TYPES	2,221
PATROL MILE (APPROX.)	21,243

WASHINGTON TOWNSHIP POLICE
DEPARTMENT

MONTHLY REPORT
2010

ACTIVITY	NOVEMBER
POLICE DISPATCHED INCIDENTS	2,843
TOTAL CRIMINAL INVESTIGATIONS	TOWNSHIP = 41
	BOROUGH = 61
	OXFORD = 19
TOTAL CRIMINAL ARREST	TOWNSHIP = 22
	BOROUGH = 18
	OXFORD = 2
TOTAL MOTOR VEHICLE CRASHES	TOWNSHIP = 28
	BOROUGH = 10
	OXFORD = 5
MOTOR VEHICLE STOPS/COMPLAINTS	375
MOTOR VEHICLE SUMMONS	TOWNSHIP = 119
	BOROUGH = 167
	OXFORD = 23
CRIMES TO ANOTHER'S PROPERTY	42
CDS /ALCOHOL INCIDENTS	23
DOMESTIC/FAMILY ISSUES	68
ALARMS	54
EMS/FIRE CALL	120
OTHER TYPES	2,118
PATROL MILE (APPROX.)	20,142

RESOLUTION # 215-2010

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

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

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on September 16, 2010 to Lionheart Holdings, LLC, PO Box 3059 Memorial Station, Montclair, NJ 07042, in the amount of \$3,480.09 for taxes or other municipal liens assessed for the year 2009 in the name of Giordano, Dominick P and Cindly L, as supposed owners, and in said assessment and sale were described as 26 Lenape Trail, Block 101.01 Lot 24, which sale was evidenced by Certificate #10-00043; and

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 12-09-10 and before the right to redeem was cut off, as provided by law, Wells Fargo Home Mortgage claiming to have an interest in said lands, did redeem said lands claimed by Lionheart Holdings, LLC by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$10,200.60, which is the amount necessary to redeem Tax Sale Certificate #10-00043.

NOW THEREFORE BE IT RESOLVED, on this 21st day of December 2010 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Lionheart Holdings, LLC, PO Box 3059 Memorial Station, Montclair, NJ 07042 in the **amount of \$15,800.60** (this amount consists of \$10,200.60 + \$5,600.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 101.01 Lot 24 from the tax office records.

The above Resolution was moved by _____, seconded by

_____, voted and carried this 21st day of December, 2010.

Roll Call: Ayes:

Nays:

Abstentions:

Kristine Blanchard, RMC
Borough Clerk

cc: Kay F. Stasyshan, Tax Collector
Paula Drake, Accounts Payable Clerk

RESOLUTION # 216-2010

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

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

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on September 16, 2010 to Stonefield Inv Fund I, LLC, 21 Robert Pitt Drive #202, Monsey, NY 10952, in the amount of \$466.79 for taxes or other municipal liens assessed for the year 2009 in the name of Parker, Monica, as supposed owners, and in said assessment and sale were described as 81 Flower Avenue, Block 66.01 Lot 14, which sale was evidenced by Certificate #10-00022; and

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 12-09-10 and before the right to redeem was cut off, as provided by law, Corelogic Tax Services, LLC claiming to have an interest in said lands, did redeem said lands claimed by Stonefield Inv Fund I, LLC by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,006.20, which is the amount necessary to redeem Tax Sale Certificate #10-00022.

NOW THEREFORE BE IT RESOLVED, on this 21st day of December 2010 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Stonefield Inv Fund I, LLC, 21 Robert Pitt Drive #202, Monsey, NY 10952 in the **amount of \$1,006.20**.

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 66.01 Lot 14 from the tax office records.

The above Resolution was moved by _____, seconded by

_____, voted and carried this 21st day of December, 2010.

Roll Call: Ayes:

Nays:

Abstentions:

Kristine Blanchard, RMC
Borough Clerk

cc: Kay F. Stasyshan, Tax Collector
Paula Drake, Accounts Payable Clerk

Resolution 217-2010
RESOLUTION AUTHORIZING THE BOROUGH'S WASTE WATER ENGINEER TO
MOVE FORWARD WITH GEOGRAPHIC INFORMATION SYSTEM MAPPING OF
THE BOROUGH'S SANITARY SEWER AND STORM SEWER COLLECTION
SYSTEM

WHEREAS, the Borough Council of the Borough of Washington has a desire to move forward with Geographic Information System Mapping of the Borough's Sanitary Sewer and Storm Sewer Collection System; and

WHEREAS, Resolution 78-2009, also known as the "Scope of Services Resolution" states in part that "Before the start of any project, a scope of services shall be presented to the Mayor and council, by the respective professional(s) including variables and cause and effect, and estimated costs with sufficient details so the Mayor and council can make an informed decision whether to consider this project at all and if so, which direction to take"; and

WHEREAS, attached to this resolution is a proposal from the Borough's Waste Water Engineer outlining the scope of the proposed project; and

WHEREAS, the Borough's Waste Water Engineer was awarded a contract via Resolution 11-2010, to which there is a sufficient balance of funds to pay for Phase 1 of the project as recommended in the attached memorandum from the Borough Manager.

NOW THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Washington hereby authorizes the Borough's Waste Water Engineer to proceed with Phase 1 of the project in as stated in the Borough Managers memorandum.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Suburban Consulting Engineers.



RICHARD D. PHELAN

BOROUGH MANAGER

MEMORANDUM

TO: Mayor and Council

CC: Councilman-Elect Jewell
Councilman-Elect Torres
Kristine Blanchard

FROM: Richard Phelan 

DATE: December 9, 2010

SUBJECT: Sanitary Sewer/Storm Sewer Geographic Information System Project

In the Borough's continued effort to improve our technological footprint, I have asked the Engineer to provide me with a cost to begin expanding the Geographic Information System (GIS) that we use to manage our assets. For those who are not aware, GIS integrates hardware, software, and data for capturing, managing, analyzing, and displaying all forms of geographically referenced information. In short, it allows us to keep track of selected assets and overlay them onto the tax map. This can be done with anything from street signs to water/sewer infrastructure, which allows us to understand, visualize and interpret data in ways that reveal relationships and trends. In our instance, we could use GIS to further assist us with current and future Inflow and Infiltration (I & I) issues related to our sanitary and storm water system.

With this in mind, I contacted the Borough's Waste Water Engineer to inquire about moving this concept forward within the Sewer Department. Specifically, asset inventory and location of sewer and storm water collection systems which could be overlaid on the Borough Tax Maps for planning and engineering purposes. The winter months are an ideal time to complete this work as you do not need to worry about excessive vegetative growth in wooded areas.

Taking the above into account, after reviewing the proposal, I recommend that we proceed with Task # 1, 2A & 2B in 2010 (Phase 1) which would equate to \$8,920, and complete the project with Items 3 & 4 on 2011 (Phase 2), which would equate to \$5,700. As of this memo, there is a sufficient balance of funds on the existing contract with Suburban Consulting Engineers for 2010. In 2011, the remaining part of the project, and associated cost, would be part of their 2011 contract.

I thank you in advance for your consideration of this request.



November 9, 2010

Via E-Mail (rphelan@washingtonboro-nj.org) and Hand Delivery

Borough of Washington
100 Belvidere Avenue
Washington, New Jersey 07882

Attn: Mr. Richard Phelan
Borough Manager

Re: Borough of Washington, County of Warren, State of New Jersey
Sanitary Sewer and Storm Sewer Geographic Information System
Our File No.: SCE-506421

Dear Mr. Phelan:

Suburban Consulting Engineers, Inc. (SCE) is pleased to submit our proposal for professional engineering services to prepare the initial phase of the development of a Geographic Information System (GIS) for the Borough of Washington's sanitary and storm sewer infrastructure.

SCE is very familiar with the development and use of GIS for utilities, having recently prepared the Township of Parsippany's water and sanitary sewer system GIS. This project included training water and sewer department staff, offering assistance throughout the project, coordinating with the Township MIS Director, and has also included an ongoing aspect of system maintenance and updates. As such, SCE possesses an intimate knowledge of utility GIS, and we expect to be able to deliver an equally capable system for the Borough's use.

It is our understanding that the Borough is seeking to create a GIS database of the sanitary sewer and stormwater collection system which, when completed, will provide sub-meter accuracy of sewer collection system facilities, will be populated with data gathered by the Borough sources and will easily integrate with other existing GIS system layers, including that of the water utility, Highlands or County agencies. The proposed Scope of Services is as follows:

Scope of Services

I. Meetings

- SCE will meet with Borough representatives, who are identified as stakeholders and informational sources in the creation of the GIS. These include the MIS Supervisor, and Sewer system operator(s), and any other municipal staff and officials. It is anticipated that one overall coordination kickoff meeting will occur.



II. Field Data Gathering

- SCE will dispatch a crew with GPS and vehicle to survey the Borough's sewerage and stormwater collection systems for the purpose of field locating all manhole and inlet structures known to exist from available mapping. It is understood that Borough Sewer Department personnel will be available to assist in identifying the location of these structures. Data collection will be referenced in NAD83 coordinate system.
- In order to effectively complete this task, SCE will be using a high quality GIS Instrument for the field data gathering, compatible with most Trimble GeoExplorer Series instruments, with centimeter accuracy.
- It is anticipated that this field data gathering effort will occur during winter months, when obstructions due to foliage will be reduced.

III. GIS and Database Creation

- SCE will develop the layers (geodatabase features for structures and pipes) and background mapping from available sources for the newly obtained geo-referenced infrastructure points. This system shall be compatible with AutoCAD and other similar formats for plotting, file management, and reference mapping.
- System connectivity will be achieved by creating line work within the geodatabase between field located structures.
- The database prepared will facilitate the linking of data to the georeference facilities, including memos, materials, repairs, dates, names, addresses, and any other fields and data sources anticipated by the Borough. SCE will utilize the County's database and other similar project references as a benchmark in creating the database, and build on and customize them for this project. These fields and data sources, once defined and selected by the Borough, will be the basis for the final system deliverable. However, future adaptation, expansion, and refinements are possible, but are not included in this scope of work.
- It is anticipated that the GIS interface will be a visual basic graphical user interface (GUI). The training will address the use of the ArcView for queries, using basic functions of the ESRI software, along with a user friendly and customized GUI application.

IV. Computer Support

- SCE will work with the Borough and assist in the Borough's GIS software installation if the Borough elects to invest in the ESRI software.
- SCE will create and install an SQL database and graphic management systems to enable sewer department users to place newly located GPS data points, reference and incorporate other data and graphical files, and utilize other Borough files within the GIS.



Fee Proposal

SCE offers to provide the above-described services in accordance with our annual services agreement as Borough Sewer Engineer at the prevailing rates. We estimate the following effort necessary to complete these tasks:

Tasks	Est. manhours	Est. Fee
1) Kickoff meeting and project set-up	8	\$ 1,000
2A) Sanitary sewer system field data gathering (550 manhole structures)	48	\$ 5,280
2B) Stormwater system field data gathering (250 inlet structures)	24	\$ 2,640
3 & 4) GIS database creation & computer support	60	\$ 5,700
TOTAL	140	\$14,620

Fee Structure

SCE will utilize the following fee structure amounts for all tasks where fee is estimated and for any additional work authorized by the Client that is not included in the scope of this proposal:

- Principal Engineer/Planner \$125/hr.
- Project Manager \$115/hr.
- Project Engineer \$110/hr.
- Senior Engineer \$95/hr.
- Engineer \$85/hr.
- Project Environmentalist \$110/hr.
- Senior Environmentalist \$95/hr.
- Environmentalist \$85/hr.
- Project Planner \$110/hr.
- Principal Land Surveyor \$110/hr.
- Land Surveyor \$95/hr.
- Senior Designer \$80/hr.
- Designer \$70/hr.
- Technician \$65/hr.
- Inspector \$70/hr.
- Drafting Services \$50/hr.
- Public meetings as expert witness at \$200/hr, with \$400 per meeting minimum charge



- Research \$50/hr.
- Secretarial/Clerical \$40/hr.
- Survey
 - Robotic/GPS Operator \$110/hr.
 - Party Chief \$70/hr.
 - Instrument Operator \$40/hr.
- Courier \$50/hr.
- Any actual disbursements or unusual expenses which we incur on your behalf, such as filing fees, delivery charges, travel, parking and toll charges will be included as expense charges in your invoices.
 - Large black and white document printing charges will be billed at \$1 per square foot.
 - Large color document printing charges will be billed at \$15 per 24"x36" sheet; \$6 per 18"x24" sheet; \$1.25 per 11"x17" sheet.
 - Large document binding and sealing charges will be billed at \$0.25 per square foot.
 - Large volume black and white photocopy events will be billed at \$0.15 per copy with a minimum photocopy charge of \$10.00 per event.
 - Large volume color photocopy events will be billed at \$0.30 per copy with a minimum photocopy charge of \$10.00 per event.
 - Mileage will be billed at \$0.50 per mile.
 - Approved subcontracted services will be billed at actual cost plus 15 percent.

Project Schedule

SCE is prepared to conduct the services above in accordance with the Borough's desired schedule, to be established at the initial planning/kickoff meeting. The time sensitive item is the field data gathering, which as noted above, should be scheduled after foliage is down to reduce the risk of inaccurate and incomplete data.

Thank you for the opportunity to offer our services on this project. If this proposal meets with your approval, please sign below and return one copy to my office. We shall consider an appropriately executed copy of this letter as our formal authorization to proceed. All rates, terms and conditions will be in accordance with our annual services agreement as Borough Sewer Engineer at the prevailing rates. Please note that the fees stated in this proposal are valid for thirty (30) days from the date of this correspondence.



If you have any questions regarding this proposal, please do not hesitate to contact me.

Very truly yours,
Suburban Consulting Engineers, Inc.

By: 

Andrew S. Holt, PE, PP, CME, Vice President

Accepted this _____ Day of _____ 20____

By: _____

(Printed Name and Title)

Resolution 202-2010
Resolution Supporting Participation
In the Sustainable Jersey™ Municipal Certification Program

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, The Borough of Washington strives to save tax dollars, assure clean land, air and water, improve working and living environments as steps to building a sustainable community that will thrive well into the new century; and

WHEREAS, The Borough of Washington hereby acknowledges that the residents of Washington Borough desire a stable, sustainable future for themselves and future generations; and

WHEREAS, The Borough of Washington wishes to support a model of government which benefits our residents now and far into the future by exploring and adopting sustainable, economically-sound, local government practices; and

WHEREAS, by endorsing a sustainable path the Borough of Washington is pledging to educate itself and community members further about sustainable activities and to develop initiatives supporting sustainable local government practices; and

WHEREAS, as elected representatives of Washington Borough, we have a significant responsibility to provide leadership which will seek community-based sustainable solutions to strengthen our community:

NOW THEREFORE BE IT RESOLVED, that to focus attention and effort within Washington Borough on matters of sustainability, the Governing Body wishes to pursue local initiatives and actions that will lead to Sustainable Jersey Municipal Certification.

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Washington that we do hereby authorize _____ to serve as The Borough of Washington's agent for the Sustainable Jersey Municipal Certification process and authorize the [him/her] to complete the Municipal Registration on behalf Washington Borough

RESOLUTION NO. 218-2010

**RESOLUTION MEMORIALIZING THE ESTABLISHMENT
OF RECREATION FEES FOR 2011**

WHEREAS, the Borough Manager/Recreation Director provided the Mayor and Council with a proposed fee schedule for pool and park activities; and

WHEREAS, in that fees were reviewed to determine whether they are fair to the public and fairly reflect the reasonable cost of public facilities, taking into account such municipal expenses as wages and benefits, insurance, utility costs, maintenance and repair costs and other unpredictable costs incurred by the Borough to operate the Borough's recreational facilities; and

WHEREAS, the Mayor and Council have reviewed the attached fee schedule as proposed by the Borough Manager/Recreation Director and wish to memorialize the approval of the 2011 fee schedule, a copy of which fee schedule is attached to this resolution and will be posted on the Borough website.

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

The 2011 Recreation Fee Schedule, in the form attached to this resolution, is hereby approved.



RICHARD D. PHELAN

BOROUGH MANAGER

MEMORANDUM

TO: Mayor & Council

CC: Councilman-Elect Torres
Councilman-Elect Jewell
Kristine Blanchard

FROM: Richard Phelan 

DATE: December 8, 2010

SUBJECT: 2011 Recreation Fee Schedule

In order to stay in compliance with Ordinance 2-2010, I have attached my recommendation for the 2011 Recreation Fee Schedule. This issue was discussed at the December 7, 2011 Recreation Advisory Committee meeting, to which the members present agreed that the Borough's recreation-related fees need to be increased.

Taking this into account, I ask that Council please consider this request so we may begin planning for the 2011 recreation season sooner rather than later.

**Washington Borough Recreation Department
2011 Fee Schedule**

Borough Resident Non-Borough Resident

Girl's Softball	\$60 per participant	\$75 per participant
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Karate/Self-Defense	\$60 per participant	\$75 per participant
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Swim Team**	\$75 per participant	\$125 per participant
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**All Swim Team participants are also required to become members of the Borough Pool and pay the appropriate pool membership fees in addition to participant fees. Pool membership can be done on an "Individual" or "Family" basis at the participant's discretion.

Swim Lessons	\$70 per participant	\$90 per participant
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Pool Membership		
Family	\$200	\$290
Individual	\$125	\$175
Senior	Free	\$25

Youth Soccer	\$60 per participant	\$75 per participant
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Field Hockey	\$60 per participant	\$75 per participant
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Men's Basketball	\$85 per participant	\$95 per participant
Team sponsor (In addition to participant costs as applicable)	\$500	\$500

Youth Basketball	\$60 per participant	\$75 per participant
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Street Hockey	\$60 per participant	\$75 per participant
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Miscellaneous Fees

Late Fee (Applies to all participants that sign up after applicable deadline)	\$15 per participant	\$15 per participant
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Field Usage Fee (In addition to participant costs as applicable)		
Daily Fee	\$60	\$60
4 or more days per season	\$225	\$225
Lighting at park	\$55 per night	\$55 per night

Resolution 219-2010

RESOLUTION OF THE BOROUGH OF WASHINGTON, COUNTY OF WARREN
AND STATE OF NEW JERSEY REQUESTING THE WARREN COUNTY
FREEHOLDERS PLACE A FREEZE ON THE COLLECTION OF OPEN SPACE TAX
FOR THE YEAR 2011

WHEREAS, in the November election in 1993 the voters of the County of Warren approved by a non-binding referendum to raise property taxes by a rate of \$.02 per \$100 of equalized real property valuation to provide dedicated revenue for land acquisition. Again in 1999 a similar referendum was asked of the citizens of Warren County to increase the tax by an additional \$.02 allowing the Freeholders to collect \$.04 per \$100 of assessed property value. In 2002 another \$.02 was approved by the voters allowing the Freeholders to collect \$.06 per \$100 of assessed property value; and

WHEREAS, the Borough of Washington has since 2003 paid the County of Warren an open space tax that has totaled to date approximately \$2,130,000.00; and

WHEREAS, in addition to the Borough of Washington, Warren Counties 21 other municipalities have also paid Open Space Tax; and

WHEREAS, the County of Warren has established The Agriculture Development Board, The Board of Recreation Commissioners and The Municipal and Charitable Conservancy Trust Fund Committee all of whom have a primary purpose of funding projects in accordance with N.J.S.A. 40:12-15.1 et seq.; and

WHEREAS, over the years these boards have provided funding for eligible projects such as acquisition of open space, recreation, farmland and historic preservation; and

WHEREAS, although the Borough of Washington supports the conservation of open space, the protection of our natural resources and the necessity of preserving our historic sites, it is the state of the economy compounded by the State of New Jersey's budget deficit that every municipal government will be faced with a difficult budget process due to uncertain municipal aid, decreasing revenues and increasing mandates.

NOW, THEREFORE, BE IT RESOLVED, by copy of the Resolution to each Warren County Municipality the Borough of Washington requests the Warren County Freeholders to provide relief to each municipality by placing a freeze on the collection of the Open Space Tax for the year 2011.

CERTIFICATION

I, Kristine D Blanchard, Municipal Clerk of the Borough of Washington, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Council at a meeting held on Tuesday, December 21, 2010.

SHARED SERVICE AGREEMENT
BETWEEN THE BOROUGH OF WASHINGTON AND
THE WASHINGTON BUSINESS IMPROVEMENT DISTRICT
REGARDING SNOW REMOVAL

THIS AGREEMENT, made this 21st day of December 2010, between the BOROUGH OF WASHINGTON, a municipal corporation in the County of Warren, State of New Jersey, having its principal offices at 100 Belvidere Ave., Washington, New Jersey, 07882, (hereinafter referred to as the "Borough") and the WASHINGTON BUSINESS IMPROVEMENT DISTRICT, a not-for-profit corporation of the State of New Jersey, having its principal offices at 21 Belvidere Ave., Washington, NJ 07882 (hereinafter referred to as the "BID"), and

WHEREAS, the BID has approached the Borough for assistance in providing snow removal services to certain sidewalks located within the Downtown Business District, and

WHEREAS, the Borough has the equipment, supplies and manpower to be able to assist the BID with snow removal without impairing its ability to provide snow removal as required in the rest of the Borough; and

WHEREAS, the BID will reimburse the Borough for snow removal services provided; and

WHEREAS, the sharing of the cost of snow removal services will benefit both the Borough and the BID by increasing the efficiency of snow removal and decreasing the costs; and

WHEREAS, both parties have approved the Agreement; and

WHEREAS, the Agreement shall be known as the WASHINGTON BOROUGH – WASHINGTON BUSINESS IMPROVEMENT DISTRICT SNOW REMOVAL SHARED SERVICE AGREEMENT;

NOW, THEREFORE, IN CONSIDERATION of the promises, covenants, terms and conditions set forth, it is mutually agreed as follows:

1. The Borough agrees to remove snow that has accumulated near the curb on the following sidewalks located within the Downtown Business District, as outlined in "Exhibit A":
 - a. Route 57 East and West from School Street to Lincoln Ave.
 - b. Broad Street from Allegar Street to Rt. 57
 - c. Belvidere Ave. from Rt. 57 to Church Street
2. The above-referenced sidewalks will only be cleared of accumulated snow when the following conditions have been met:
 - a. The Borough must receive a minimum of twenty-four (24) hours advance notice of the BID's intention to utilize Borough services. Said notice must come directly from the BID Executive Director (or designee) to the Borough Manager.
 - b. Accumulated snow will not be removed at any location until the Borough has completed the removal of snow on all other public property located within the Borough. At a minimum, the accumulated snow will not begin to be removed from the sidewalks referenced in this agreement until forty-eight (48) hours after the snow fall has ceased, weather permitting.
3. **The Borough's actions pursuant to the terms of this Agreement do not relieve any property owner from responsibility for clearing sidewalks of snow and ice. The ultimate responsibility for**

such snow/ice control/removal on all of the sidewalks referenced in this Agreement remains on the property owner as dictated in Chapter 75 of the Borough Code of the Borough of Washington, as amended.

4. For the 2010 – 2011 winter season, the BID agrees to pay the Borough \$118.00 per hour for labor, equipment, and materials.
 - a. The Borough will issue a monthly bill to the BID for any services rendered during the month.
 - b. The hourly service fee charged in the Agreement may be adjusted on a yearly basis to account for increases in cost attributable to labor, equipment or materials. Under no circumstances will the Borough increase the hourly rate without adequate justification and notice to the BID so it can properly allocate additional funds. Should an increase be required, sufficient documentation will be supplied to the BID to support the hourly rate change.
5. The Borough's maintenance workers will be considered employees of the Borough at all times when providing services pursuant to the terms of this Agreement whether on Borough, BID or Private property. The Borough will provide workers compensation, liability and motor vehicle insurance for its employees.
6. This Agreement shall become effective on December 21, 2010 and shall continue in effect for a period of twelve (12) months, expiring on December 20, 2011, unless either party to this Agreement gives thirty days (30) written notice of its intention to terminate its participation in the Agreement. This Agreement may be extended for an additional twelve (12) month period upon passage of a resolution by the Borough and BID respectively.
7. This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the Borough of Washington and the Washington Business Improvement District have caused this Agreement to be signed and attested to by their respective officers and their respective seals to be affixed hereto the day and year first above written.

ATTEST:

**WASHINGTON BUSINESS
IMPROVEMENT DISTRICT**

Marian Bredin, BID Secretary

Sandi Cerami, BID Executive Director

ATTEST:

BOROUGH OF WASHINGTON

Kristine Blanchard, Borough Clerk

Scott McDonald, Mayor

RESOLUTION #221-2010

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF WASHINGTON,
WARREN COUNTY, ASSIGNING A LABOR LIEN ON BLOCK 71 LOT 3**

WHEREAS, Section 91-1 of the Code of the Borough of Washington (the Code) provides that weeds and vegetable growths in excess of one foot in height are a public nuisance; and

WHEREAS, Section 91-3 that the Borough can cause such nuisance to be abated; and

WHEREAS, Section 91-4 provides that the costs of the abatement done under Section 91-3 be charged to the property owner as a labor lien on the property.

WHEREAS, the Zoning Code Enforcement Officer of the Borough has certified, per the attached, that the owner of the property of the property at 107 Harding Drive, identified on the tax maps of the Borough as Block 71 Lot 3 was in violation of Section 91-1 of the Code so that it was necessary for the Borough to take action to cut and bag the grass; and

WHEREAS, the Zoning Code Enforcement Officer has certified that the Borough incurred costs of \$708.00 to correct the violation.

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 under the provisions of Section 75-70 et seq the Tax Collector is hereby authorized and directed to place a lien in the amount of \$708.00 on the property at 107 Harding Drive, identified on the tax maps of the Borough as Block 71 Lot 3.

The above Resolution was moved by _____, seconded by

_____, voted and carried this 21st day of December, 2010.

Roll Call: Ayes:

 Nays:

 Abstentions:

Kristine Blanchard, RMC
Borough Clerk

CC: Kay F. Stasyshan, Tax Collector
Block/Lot File

RESOLUTION #222-2010
RESOLUTION FOR REDEMPTION OF TAX SALE CERTIFICATE
as per N.J.S.A.54: 5

KNOW ALL PERSONS BY THESE PRESENTS, THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on September 16, 2010 to Borough of Washington, 100 Belvidere Avenue, Washington, NJ 07882 in the amount of \$450.42 for taxes or other municipal liens assessed for the year of 2009 and in the name of Ritter, Theresa as supposed owners, and in said assessment and sale were described as 142 Belvidere Avenue, Block 30 Lot 4, which sale was evidenced by Certificate #10-00015.

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 12-06-2010 and before the right to redeem was cut off, as provided by law, Chase/FARETS claiming to have an interest in said lands, did redeem said lands claimed by Borough of Washington, and last above mentioned, by paying to the Collector of Taxes of said taxing district of Washington Borough the amount of \$500.82, which is the amount necessary to redeem Tax Sale Certificate #10-00015.

NOW THEREFORE BE IT RESOLVED, on this 21st day of December, 2010 by the Mayor and Council of the Borough of Washington, County of Warren authorizes the Mayor to sign Certificate #10-00015 for cancellation.

BE IT FUTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 30 Lot 4 from the tax office records.

The above Resolution was moved by _____,
seconded by _____, voted and carried this 21st day of December, 2010

Roll Call: Ayes:

 Nays:

 Abstentions:

Kristine Blanchard, RMC
Borough Clerk

cc: Kay F. Stasyshan, Tax Collector

RESOLUTION # 223-2010

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

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

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on September 16, 2010 to US Bank Cust Empire Tax Fund I, TLSG; 2 Liberty Place, 50 South 16th Street 1950, Philadelphia, PA 19102, in the amount of \$20,729.21 for taxes or other municipal liens assessed for the year 2009 in the name of Barton, John M, as supposed owners, and in said assessment and sale were described as 108 Route 31 South, Block 84 Lot 2, which sale was evidenced by Certificate #10-00029; and

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 11-29-10 before the right to redeem was cut off, as provided by law, John M Barton claiming to have an interest in said lands, did redeem said lands claimed by US Bank Cust Empire Tax Fund I by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$41,060.62, which is the amount necessary to redeem Tax Sale Certificate #10-00029.

NOW THEREFORE BE IT RESOLVED, on this 21st day of December 2010 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 Empire Tax Fund I, TLSG; 2 Liberty Place, 50 South 16th Street Ste 1950, Philadelphia, PA 19102, in the amount of **\$41,060.62**.

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 84 Lot 2 from the tax office records.

The above Resolution was moved by _____, seconded by

_____, voted and carried this 21st day of December, 2010.

Roll Call: Ayes:

Nays:

Abstentions:

Kristine Blanchard, RMC
Borough Clerk

cc: Kay F. Stasyshan, Tax Collector
Paula Drake, Accounts Payable Clerk

RESOLUTION #224-2010

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 John LaFlamme, in the amount of \$173.84 for taxes or other municipal liens assessed for the year 2007 in the name of Pedersen, Alan and Martina, as supposed owners, and in said assessment and sale were described as 264 East Washington Avenue, Block 70 Lot 7 C0264, which sale was evidenced by Certificate #08-00452; and

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 11-30-10 and before the right to redeem was cut off, as provided by law, Alan Pedersen, claiming to have an interest in said lands, did redeem said lands claimed by John LaFlamme, by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$3,488.17, which is the amount necessary to redeem Tax Sale Certificate #08-00452.

NOW THEREFORE BE IT RESOLVED, on this 21st day of December, 2010 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to John LaFlamme, 9 Lisa Ct, Oxford, NJ 07863 in the amount of **\$3,488.17**.

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 70 Lot 7 C0264 from the tax office records.

The above Resolution was moved by _____, seconded by

_____, voted and carried this 21st day of December, 2010.

Roll Call: Ayes:

Nays:

Abstentions:

Kristine Blanchard, RMC
Borough Clerk

cc: Kay F. Stasyshan, Tax Collector
Paula Drake, Accounts Payable Clerk

BOROUGH OF WASHINGTON

Purchase Order Listing By Budget Account

BILL LIST 12/21/10

P.O. Type: All
 Format: Detail with Line Item Notes
 Range: 0-05-55-000-000-000
 Rcvd Batch Id Range: First to Last
 Department Page Break: No

Print Alpha Capital/Trust, Alpha Grant, & Revenue Accts: N
 Held: N Aprv: Y Void: N
 Bid: Y State: Y Other: Y
 Received Date Range: 12/07/10 to 12/31/10
 Include Non-Budgeted: Y

Budget Account	Description	Amount	Stat/Chk	Enc Date	First Rcvd	Chk/Void	Invoice	PO Type
P.O. Id	Item Description				Date	Date		
Fund: SEWER OPERATING FUND								
0-05-55-502-000-028	SEWER OPERATING Contractual SVCS							
10-00010 15 SUBCON	SUBURBAN CONSULTING ENGINEERS SEWER GENERAL ENGINEERING	710.00	A		01/05/10	12/14/10	15307	C
	Tracking Id: 2780 Professional Services - Engineering (Exempt)						Contract No: CO-00005	
	SERVICES FOR 11/7/10-11/20/10							
10-01090 4 USFILT	VEOLIA WATER NOV 2010 SEWER OPER. & MAINT	58,774.09	A		10/22/10	12/14/10	56614	B
	Tracking Id: 3712 water & Wastewater Operations (Non-Exempt)							
10-01090 5 USFILT	VEOLIA WATER OCT 2010 MEADOWS DEVELOPMENT	203.72	A		10/22/10	12/14/10	56614	B
	Tracking Id: 3712 water & Wastewater Operations (Non-Exempt)							
		59,687.81						
0-05-55-502-000-071	SEWER OPERATING Utilities-Electricity							
10-01091 3 USFILT	VEOLIA WATER OCT ELECTRICITY-SEWER PLANT	9,336.32	A		10/22/10	12/14/10	56615	B
	Tracking Id: 3611 Utilities - Electric (Exempt)							
	Department Total:	69,024.13						
	CAFR Total:	69,024.13						
	Fund Total: SEWER OPERATING FUND	69,024.13						
	Year Total:	69,024.13						

Total P.O. Items: 4 Total List Amount: 69,024.13 Total Void Amount: 0.00

Fund Description Fund Budget Total

SEWER OPERATING FUND 0-05 69,024.13

Total of All Funds: 69,024.13

BOROUGH OF WASHINGTON
Purchase Order Listing By Budget Account

BILL LIST 12/21/10

Print Alpha Capital/Trust, Alpha Grant, & Revenue Accts: N
 Open: N Rcvd: Y Paid: Y
 Held: N Aprv: Y Void: N
 Bid: Y State: Y Other: Y
 Include Non-Budgeted: Y

Received Date Range: 12/07/10 to 12/31/10

Department Page Break: No

P.O. Type: All
 Format: Detail with Line Item Notes
 Range: 0-05-55-000-000 to 0-05-55-999-999-999
 Rcvd Batch Id Range: First to Last

Budget Account	Description	Item Description	Amount	Stat/Chk	Enc Date	First Rcvd	Chk/Void	Date	Invoice	PO Type
Fund: SEWER OPERATING FUND										
0-05-55-502-000-028	SEWER OPERATING Contractual Svcs									
10-00010 15 SUBCON	SUBURBAN CONSULTING ENGINEERS SEWER GENERAL ENGINEERING		710.00	A		01/05/10	12/14/10		15307	C
	Tracking Id: 2780 Professional Services - Engineering (Exempt)					Contract No: C0-00005				
	SERVICES FOR 11/7/10-11/20/10									
10-01090 4 USFILT	VEOLIA WATER	NOV 2010 SEWER OPER. & MAINT	58,774.09	A		10/22/10	12/14/10		56614	B
	Tracking Id: 3712	Water & Wastewater Operations (Non-Exempt)								
10-01090 5 USFILT	VEOLIA WATER	OCT 2010 MEADOWS DEVELOPMENT	203.72	A		10/22/10	12/14/10		56614	B
	Tracking Id: 3712	Water & Wastewater Operations (Non-Exempt)								
			59,687.81							
0-05-55-502-000-071	SEWER OPERATING Utilities-Electricity									
10-01091 3 USFILT	VEOLIA WATER	OCT ELECTRICITY-SEWER PLANT	9,336.32	A		10/22/10	12/14/10		56615	B
	Tracking Id: 3611	Utilities - Electric (Exempt)								
	Department Total:		69,024.13							
	CAFR Total:		69,024.13							
	Fund Total: SEWER OPERATING FUND		69,024.13							
	Year Total:		69,024.13							

Total P.O. Items: 4 Total List Amount: 69,024.13 Total Void Amount: 0.00

Fund Description	Fund	Budget Total
SEWER OPERATING FUND	0-05	69,024.13
Total of All Funds:		===== 69,024.13

BILL LIST 12/21/10

P.O. Type: All
 Format: Detail with Line Item Notes
 Range: 0-05-55-000-000-000 to 0-05-55-999-999-999
 Rcvd Batch Id Range: First to Last
 Received Date Range: 12/07/10 to 12/31/10
 Department Page Break: No

Print Alpha Capital/Trust, Alpha Grant, & Revenue Accts: N
 Open: N Rcvd: Y Paid: Y
 Held: N Aprv: Y Void: N
 Bid: Y State: Y Other: Y
 Include Non-Budgeted: Y

Budget Account	Description	Item Description	Amount	Stat/Chk	Enc Date	First Rcvd Date	Chk/Void Date	Invoice	PO Type
Fund: SEWER OPERATING FUND									
0-05-55-502-000-028	SEWER OPERATING Contractual Svcs								
10-00010	15 SUBCON SUBURBAN CONSULTING ENGINEERS SEWER GENERAL ENGINEERING		710.00	A		01/05/10	12/14/10	15307	C
	Tracking Id: 2780 Professional Services - Engineering (Exempt)					Contract No: C0-00005			
10-01090	4 USFILT VEOLIA WATER	NOV 2010 SEWER OPER. & MAINT	58,774.09	A		10/22/10	12/14/10	56614	B
	Tracking Id: 3712 Water & Wastewater Operations (Non-Exempt)								
10-01090	5 USFILT VEOLIA WATER	OCT 2010 MEADOWS DEVELOPMENT	203.72	A		10/22/10	12/14/10	56614	B
	Tracking Id: 3712 Water & Wastewater Operations (Non-Exempt)								
			59,687.81						
0-05-55-502-000-071	SEWER OPERATING Utilities-Electricity								
10-01091	3 USFILT VEOLIA WATER	OCT ELECTRICITY-SEWER PLANT	9,336.32	A		10/22/10	12/14/10	56615	B
	Tracking Id: 3611 Utilities - Electric (Exempt)								
	Department Total:		69,024.13						
	CAFR Total:		69,024.13						
	Fund Total: SEWER OPERATING FUND		69,024.13						
	Year Total:		69,024.13						

Total P.O. Items: 4 Total List Amount: 69,024.13 Total Void Amount: 0.00

Item Description	Fund	Budget Total
MEMBER OPERATING FUND	0-05	69,024.13
Total of All Funds:		=====
		69,024.13

BOROUGH OF WASHINGTON
Purchase Order Listing By Budget Account

BILL LIST 12/21/10

P.O. Type: All
Print Alpha Capital/Trust, Alpha Grant, & Revenue Accts: N
Format: Detail with Line Item Notes
Range: 0-05-55-000-000 to 0-05-55-999-999-999
Rcvd Batch Id Range: First to Last
Received Date Range: 12/07/10 to 12/31/10
Department Page Break: No

Open: N Rcvd: Y Paid: Y
Held: N Aprv: Y Void: N
Bid: Y State: Y Other: Y
Include Non-Budgeted: Y

Budget Account	Description	Item Description	Amount	Stat/Chk	Enc Date	First Rcvd	Chk/Void	Date	Invoice	PO Type
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Fund:	SEWER OPERATING FUND									
0-05-55-502-000-028	SEWER OPERATING Contractual Svcs									
10-00010	15 SUBCON SUBURBAN CONSULTING ENGINEERS SEWER GENERAL ENGINEERING		710.00	A		01/05/10		12/14/10	15307	C
	Tracking Id: 2780 Professional services - Engineering (Exempt)								Contract No: C0-00005	
10-01090	4 USFILT VEOLIA WATER		58,774.09	A		10/22/10		12/14/10	56614	B
	Tracking Id: 3712 water & wastewater Operations (Non-Exempt)									
10-01090	5 USFILT VEOLIA WATER		203.72	A		10/22/10		12/14/10	56614	B
	Tracking Id: 3712 water & wastewater Operations (Non-Exempt)									
			59,687.81							
0-05-55-502-000-071	SEWER OPERATING Utilities-Electricity									
10-01091	3 USFILT VEOLIA WATER		9,336.32	A		10/22/10		12/14/10	56615	B
	Tracking Id: 3611 Utilities - Electric (Exempt)									
	Department Total:		69,024.13							
	CAFR Total:		69,024.13							
	Fund Total: SEWER OPERATING FUND		69,024.13							
	Year Total:		69,024.13							

Total P.O. Items: 4 Total List Amount: 69,024.13 Total Void Amount: 0.00

Fund Description	Fund	Budget Total
SEWER OPERATING FUND	0-05	69,024.13
Total of All Funds:		===== 69,024.13

BILL LIST 12/21/10

P.O. Type: All
 Format: Detail with Line Item Notes
 Range: 0-05-55-000-000-000 to 0-05-55-999-999-999
 Rcvd Batch Id Range: First to Last
 Received Date Range: 12/07/10 to 12/31/10
 Department Page Break: No

Budget Account	Description	Item Description	Amount	Stat/Chk	Enc Date	First Rcvd Date	Chk/Void Date	Invoice	PO Type
Fund: SEWER OPERATING FUND									
0-05-55-502-000-028	SEWER OPERATING Contractual Svcs								
10-00010 15 SUBCON	SUBURBAN CONSULTING ENGINEERS SEWER GENERAL ENGINEERING		710.00	A		01/05/10	12/14/10	15307	C
	Tracking Id: 2780 Professional Services - Engineering (Exempt)							Contract No: C0-00005	
	SERVICES FOR 11/7/10-11/20/10								
10-01090 4 USFILT	VEOLIA WATER	NOV 2010 SEWER OPER. & MAINT	58,774.09	A		10/22/10	12/14/10	56614	B
	Tracking Id: 3712 Water & wastewater Operations (Non-Exempt)								
10-01090 5 USFILT	VEOLIA WATER	OCT 2010 MEADOWS DEVELOPMENT	203.72	A		10/22/10	12/14/10	56614	B
	Tracking Id: 3712 Water & wastewater Operations (Non-Exempt)								
			59,687.81						
0-05-55-502-000-071	SEWER OPERATING Utilities-Electricity								
10-01091 3 USFILT	VEOLIA WATER	OCT ELECTRICITY-SEWER PLANT	9,336.32	A		10/22/10	12/14/10	56615	B
	Tracking Id: 3611 Utilities - Electric (Exempt)								
	Department Total:		69,024.13						
	CAFR Total:		69,024.13						
	Fund Total: SEWER OPERATING FUND		69,024.13						
	Year Total:		69,024.13						

Total P.O. Items: 4 Total List Amount: 69,024.13 Total Void Amount: 0.00

Fund Description	Fund	Budget Total
SEWER OPERATING FUND	0-05	69,024.13
Total of All Funds:		===== 69,024.13

BILL LIST 12/21/10

P.O. Type: All
 Format: Detail with Line Item Notes
 Range: 0-05-55-000-000-000 to 0-05-55-999-999-999
 Rcvd Batch Id Range: First to Last
 Received Date Range: 12/07/10 to 12/31/10
 Department Page Break: No

Print Alpha Capital/Trust, Alpha Grant, & Revenue Accts: N
 Open: N Rcvd: Y Paid: Y
 Held: N Aprv: Y Void: N
 Bid: Y State: Y Other: Y
 Include Non-Budgeted: Y

Budget Account	Description	Amount	Stat/Chk	Enc Date	First Rcvd	Chk/Void	PO Type
P.O. Id Item Vendor	Item Description				Date	Date	Invoice
Fund: SEWER OPERATING FUND							
0-05-55-502-000-028	SEWER OPERATING Contractual Svcs						
10-00010 15 SUBCON	SUBURBAN CONSULTING ENGINEERS SEWER GENERAL ENGINEERING	710.00	A		01/05/10	12/14/10	15307
	Tracking Id: 2780 Professional Services - Engineering (Exempt)				Contract No: C0-00005		
	SERVICES FOR 11/7/10-11/20/10						
10-01090 4 USFILT	VEOLIA WATER NOV 2010 SEWER OPER. & MAINT	58,774.09	A		10/22/10	12/14/10	56614
	Tracking Id: 3712 Water & Wastewater Operations (Non-Exempt)						
10-01090 5 USFILT	VEOLIA WATER OCT 2010 MEADOWS DEVELOPMENT	203.72	A		10/22/10	12/14/10	56614
	Tracking Id: 3712 Water & Wastewater Operations (Non-Exempt)						
		59,687.81					
0-05-55-502-000-071	SEWER OPERATING Utilities-Electricity						
10-01091 3 USFILT	VEOLIA WATER OCT ELECTRICITY-SEWER PLANT	9,336.32	A		10/22/10	12/14/10	56615
	Tracking Id: 3611 Utilities - Electric (Exempt)						
	Department Total:	69,024.13					
	CAFR Total:	69,024.13					
	Fund Total: SEWER OPERATING FUND	69,024.13					
	Year Total:	69,024.13					

Total P.O. Items: 4 Total List Amount: 69,024.13 Total Void Amount: 0.00

Fund Description	Fund	Budget Total
SEWER OPERATING FUND	0-05	69,024.13
Total of All Funds:		===== 69,024.13

BOROUGH OF WASHINGTON
Purchase Order Listing By Budget Account

BILL LIST 12/21/10

P.O. Type: All
Format: Detail with Line Item Notes
Range: 0-05-55-000-000 to 0-05-55-999-999-999
Rcvd Batch Id Range: First to Last
Department Page Break: No

Print Alpha Capital/Trust, Alpha Grant, & Revenue Accts: N
Open: N Rcvd: Y Paid: Y
Held: N Aprv: Y Void: N
Bid: Y State: Y Other: Y
Include Non-Budgeted: Y

Received Date Range: 12/07/10 to 12/31/10

Budget Account	Description	Item Description	Amount	Stat/Chk	Enc Date	First Rcvd	Chk/Void	Date	Invoice	PO Type
Fund: SEWER OPERATING FUND										
0-05-55-502-000-028	SEWER OPERATING Contractual Svcs									
10-00010 15 SUBCON	SUBURBAN CONSULTING ENGINEERS SEWER GENERAL ENGINEERING		710.00	A		01/05/10	12/14/10		15307	C
	Tracking Id: 2780 Professional Services - Engineering (Exempt)								Contract No: C0-00005	
	SERVICES FOR 11/7/10-11/20/10									
10-01090 4 USFILT	VEOLIA WATER	NOV 2010 SEWER OPER. & MAINT	58,774.09	A		10/22/10	12/14/10		56614	B
	Tracking Id: 3712	water & wastewater Operations (Non-Exempt)								
10-01090 5 USFILT	VEOLIA WATER	OCT 2010 MEADOWS DEVELOPMENT	203.72	A		10/22/10	12/14/10		56614	B
	Tracking Id: 3712	water & wastewater Operations (Non-Exempt)								
			59,687.81							
0-05-55-502-000-071	SEWER OPERATING Utilities-Electricity									
10-01091 3 USFILT	VEOLIA WATER	OCT ELECTRICITY-SEWER PLANT	9,336.32	A		10/22/10	12/14/10		56615	B
	Tracking Id: 3611	utilities - Electric (Exempt)								
	Department Total:		69,024.13							
	CAFR Total:		69,024.13							
	Fund Total: SEWER OPERATING FUND		69,024.13							
	Year Total:		69,024.13							

Total P.O. Items: 4 Total List Amount: 69,024.13 Total Void Amount: 0.00

und Description	Fund	Budget Total
EMER OPERATING FUND	0-05	69,024.13
Total of All Funds:		=====
		69,024.13

BILL LIST 12/21/10

P.O. Type: All
 Format: Detail with Line Item Notes
 Range: 0-05-55-000-000 to 0-05-55-999-999-999
 Rcvd Batch Id Range: First to Last
 Department Page Break: No

Print Alpha Capital/Trust, Alpha Grant, & Revenue Accts: N
 Open: N Rcvd: Y Paid: Y
 Held: N Aprv: Y Void: N
 Bid: Y State: Y Other: Y
 Include Non-Budgeted: Y

Received Date Range: 12/07/10 to 12/31/10

Budget Account Description P.O. Id Item Vendor Amount Stat/Chk Enc Date Date Chk/Void Invoice PO Type

Fund: SEWER OPERATING FUND

0-05-55-502-000-028 SEWER OPERATING Contractual SVCS
 10-00010 15 SUBCON SUBURBAN CONSULTING ENGINEERS SEWER GENERAL ENGINEERING 710.00 A 01/05/10 12/14/10 15307
 Tracking Id: 2780 Professional Services - Engineering (Exempt)
 SERVICES FOR 11/7/10-11/20/10
 10-01090 4 USFILT VEOLIA WATER NOV 2010 SEWER OPER. & MAINT 58,774.09 A 10/22/10 12/14/10 56614
 Tracking Id: 3712 Water & Wastewater Operations (Non-Exempt)
 10-01090 5 USFILT VEOLIA WATER OCT 2010 MEADOWS DEVELOPMENT 203.72 A 10/22/10 12/14/10 56614
 Tracking Id: 3712 Water & Wastewater Operations (Non-Exempt)

59,687.81

0-05-55-502-000-071 SEWER OPERATING Utilities-Electricity
 10-01091 3 USFILT VEOLIA WATER OCT ELECTRICITY-SEWER PLANT 9,336.32 A 10/22/10 12/14/10 56615
 Tracking Id: 3611 Utilities - Electric (Exempt)

Department Total: 69,024.13
 CAFR Total: 69,024.13
 Fund Total: SEWER OPERATING FUND 69,024.13
 Year Total: 69,024.13

Total P.O. Items: 4 Total List Amount: 69,024.13 Total Void Amount: 0.00

Fund Description	Fund	Budget Total
SEWER OPERATING FUND	0-05	69,024.13
Total of All Funds:		<u>69,024.13</u>

BILL LIST 12/21/10

P.O. Type: All
 Format: Detail with Line Item Notes
 Range: 0-05-55-000-000 to 0-05-55-999-999-999
 Rcvd Batch Id Range: First to Last
 Received Date Range: 12/07/10 to 12/31/10
 Department Page Break: No
 Print Alpha Capital/Trust, Alpha Grant, & Revenue Accts: N
 Held: N Rcvd: Y Paid: Y
 Aprv: Y Void: N
 Bid: Y State: Y Other: Y
 Include Non-Budgeted: Y

Budget Account	Description	Item Description	Amount	Stat/Chk	Enc Date	First Rcvd	Chk/Void	Date	Invoice	P0	Type
Fund: SEWER OPERATING FUND											
0-05-55-502-000-028	SEWER OPERATING Contractual Svcs										
10-00010 15	SUBCON SUBURBAN CONSULTING ENGINEERS	SEWER GENERAL ENGINEERING	710.00	A		01/05/10	12/14/10		15307		C
	Tracking Id: 2780	Professional Services - Engineering (Exempt)							Contract No: C0-00005		
	SERVICES FOR 11/7/10-11/20/10										
10-01090 4	USFILT VEOLIA WATER	NOV 2010 SEWER OPER. & MAINT	58,774.09	A		10/22/10	12/14/10		56614		B
	Tracking Id: 3712	water & wastewater Operations (Non-Exempt)									
10-01090 5	USFILT VEOLIA WATER	OCT 2010 MEADOWS DEVELOPMENT	203.72	A		10/22/10	12/14/10		56614		B
	Tracking Id: 3712	water & wastewater Operations (Non-Exempt)									
			59,687.81								
0-05-55-502-000-071	SEWER OPERATING Utilities-Electricity										
10-01091 3	USFILT VEOLIA WATER	OCT ELECTRICITY-SEWER PLANT	9,336.32	A		10/22/10	12/14/10		56615		B
	Tracking Id: 3611	Utilities - Electric (Exempt)									
	Department Total:		69,024.13								
	CAFR Total:		69,024.13								
	Fund Total: SEWER OPERATING FUND		69,024.13								
	Year Total:		69,024.13								

Total P.O. Items: 4 Total List Amount: 69,024.13 Total Void Amount: 0.00

Fund Description	Fund	Budget Total
SEWER OPERATING FUND	0-05	69,024.13
Total of All Funds:		<u>69,024.13</u>

BOROUGH OF WASHINGTON
Purchase Order Listing By Budget Account

BILL LIST 12/21/10

P.O. Type: All
Format: Detail with Line Item Notes
Range: 0-05-55-000-000 to 0-05-55-999-999-999
Rcvd Batch Id Range: First to Last
Department Page Break: No

Print Alpha Capital/Trust, Alpha Grant, & Revenue Accts: N
Open: N Rcvd: Y Paid: Y
Held: N Aprv: Y Void: N
Bid: Y State: Y Other: Y
Include Non-Budgeted: Y

Received Date Range: 12/07/10 to 12/31/10

Budget Account Description Item Description Amount Stat/Chk Enc Date Date Chk/Void Invoice PO Type

Fund: SEWER OPERATING FUND

0-05-55-502-000-028	SEWER OPERATING Contractual Svcs												
10-00010 15 SUBCON	SUBURBAN CONSULTING ENGINEERS SEWER GENERAL ENGINEERING	710.00	A	01/05/10	12/14/10			15307					C
	Tracking Id: 2780 Professional Services - Engineering (Exempt)							Contract No: C0-00005					
10-01090 4 USFILT	VEOLIA WATER												
	SERVICES FOR 11/7/10-11/20/10												
10-01090 4 USFILT	VEOLIA WATER	58,774.09	A	10/22/10	12/14/10			56614					B
	Tracking Id: 3712 water & wastewater Operations (Non-Exempt)												
10-01090 5 USFILT	VEOLIA WATER	203.72	A	10/22/10	12/14/10			56614					B
	Tracking Id: 3712 water & wastewater Operations (Non-Exempt)												

59,687.81

0-05-55-502-000-071	SEWER OPERATING Utilities-Electricity												
10-01091 3 USFILT	VEOLIA WATER	9,336.32	A	10/22/10	12/14/10			56615					B
	Tracking Id: 3611 Utilities - Electric (Exempt)												

Department Total: 69,024.13
CAFR Total: 69,024.13
Fund Total: SEWER OPERATING FUND 69,024.13
Year Total: 69,024.13

Total P.O. Items: 4 Total List Amount: 69,024.13 Total Void Amount: 0.00

Fund Description	Fund	Budget Total
SEWER OPERATING FUND	0-05	69,024.13
Total of All Funds:		69,024.13

BILL LIST 12/21/10

P.O. Type: All
 Print Alpha Capital/Trust, Alpha Grant, & Revenue Accts: N
 Open: N Rcvd: Y Paid: Y
 Held: N Aprv: Y Void: N
 Bid: Y State: Y Other: Y
 Received Date Range: 12/07/10 to 12/31/10
 Include Non-Budgeted: Y
 Department Page Break: No

Budget Account	Description	Item Description	Amount	Stat/Chk	Enc Date	First Rcvd Date	Chk/Void Date	Invoice	PO Type
Fund: SEWER OPERATING FUND									
0-05-55-502-000-028	SEWER OPERATING Contractual Svcs								
10-00010 15 SUBCON	SUBURBAN CONSULTING ENGINEERS SEWER GENERAL ENGINEERING		710.00	A		01/05/10	12/14/10	15307	C
	Tracking Id: 2780 Professional Services - Engineering (Exempt)							Contract No: CO-00005	
	SERVICES FOR 11/7/10-11/20/10								
10-01090 4 USFILT	VEOLIA WATER	NOV 2010 SEWER OPER. & MAINT	58,774.09	A		10/22/10	12/14/10	56614	B
	Tracking Id: 3712	Water & wastewater Operations (Non-Exempt)							
10-01090 5 USFILT	VEOLIA WATER	OCT 2010 MEADOWS DEVELOPMENT	203.72	A		10/22/10	12/14/10	56614	B
	Tracking Id: 3712	Water & wastewater Operations (Non-Exempt)							
			59,687.81						
0-05-55-502-000-071	SEWER OPERATING Utilities-Electricity								
10-01091 3 USFILT	VEOLIA WATER	OCT ELECTRICITY-SEWER PLANT	9,336.32	A		10/22/10	12/14/10	56615	B
	Tracking Id: 3611	utilities - Electric (Exempt)							
	Department Total:		69,024.13						
	CAFR Total:		69,024.13						
	Fund Total: SEWER OPERATING FUND		69,024.13						
	Year Total:		69,024.13						

Total P.O. Items: 4 Total List Amount: 69,024.13 Total Void Amount: 0.00

Fund Description	Fund	Budget Total
SEWER OPERATING FUND	0-05	69,024.13
Total of All Funds:		=====
		69,024.13