

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – February 2, 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: Boyle, Cioni, McDonald, Gleba, Higgins, Valentine - Present
Housel – 8:30 p.m.

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

Mayor McDonald led everyone in the flag salute.

Mayor McDonald read the following Statement into the Record:

“The requirements of the ‘Open Public Meetings Law, 1975, Chapter 231 have been satisfied in that adequate notice of this meeting has been published in the Star Gazette and posted on the Bulletin Board of Borough Hall stating the time, place and purpose of the meeting as required by law.

MINUTES

Motion made by Higgins, seconded by Gleba to approve the minutes from the regular meeting of January 19, 2010.

The clerk noted two corrections by Councilman Boyle and Councilwoman Gleba.

Ayes: 6, Nays: 0
Motion Carried

COMMUNICATIONS

Motion made by Higgins, seconded by Cioni to receive and file the following communications:

1. Lopatcong Township Re: Freeze on Open Space Tax
2. Board of Adjustment Re: Escrow Accounts
3. Township of Lumberton Re: Suspending Membership in NJ League of Municipalities

Councilman Higgins motioned to prepare a resolution for the next Council meeting to freeze the open space tax, seconded by Councilman Cioni.

Ayes: 6, Nays: 0
Motion Carried

A resolution will be prepared for the next meeting.

AUDIENCE:

Mayor McDonald entertained comments and questions from the audience members for items not listed on the agenda

Christina Woykowski 24 South Prospect

Ms. Woykowski stated that a few of the resolutions adopted by the Governing Body at the annual reorganization meeting are not budget friendly nor are they community friendly. She inquired as to why the Governing Body approved a blanket scope of services for Municipal Engineer that empowers the Borough Manager to spend \$45,000 without getting Councils approval. She stated by voting on this resolution you overrode an Ordinance that took almost two years to put into place. She also stated the resolution passed for requiring a scope of services is overridden for this year as well with this award of contract resolution. Manager Phelan explained the resolution awarded Suburban Engineers a contract in terms with their proposal. The terms and conditions in the Request for Proposals outline what Suburban can do. Anything above and beyond the proposal would require a scope of services. This contract award is for general engineering in the amount of \$45,000. Attorney Cushing stated that all bills are presented to Council for approval prior to being paid including general engineering services. Ms. Woykowski asked if up to \$45,000; there is no scope of services. Manager Phelan stated yes. Ms. Woykowski stated she would like the resolutions to be amended in a language that is clear. Ms. Woykowski also stated that the resolution voted on by Council for the Municipal Attorney contained the language of the higher proposal. Manager Phelan stated that the language in the resolution is required as per the Pay to Play law. Ms. Woykowski stated that she feels the resolutions contain information that is unclear and inaccurate. She stated she would like the resolutions amended and the minutes be reflected as to the changes; she also requests that the bill list be placed on the website after it is approved.

Bob Smolar 244 W. Warren Street

Mr. Smolar stated he had a request for the Governing Body not to raise the municipal taxes. He stated he has the general tax rates for Warren County; Washington Borough is the second highest in the county. He stated according to the Annual Debt Statement the total gross debt is 27 million which includes school, sewer, and other bonds and notes. He stated he sees foreclosures happening in the borough; he knows that families are choosing whether or not to feed their families or pay their property taxes. He suggested that the Council consider asking the schools to consolidate. Mayor McDonald stated that at Councilman Housel's suggestion the council will consider a resolution urging the schools in the Borough to consider this. Mr. Smolar also suggested Council refinance the debt.

Mayor McDonald explained that is being looked into as well. Mayor McDonald also explained that he had met with Assemblyman Peterson recently and there is a strong chance that there will not be extraordinary aid this year for municipalities. Mayor McDonald also said that Assemblyman Peterson is familiar with the situation in Washington Borough and will do everything he can to assist. Mr. Smolar stated that his plea with the Governing Body is to keep taxes as low as possible. Councilwoman Gleba stated that she had requested previously that the Borough Manager look into more shared services with the Borough schools such as janitorial services for the municipal buildings.

Marv Gunter 155 South Lincoln

Mr. Gunter stated that the borough is 27 million in debt and Council is considering the elimination of services. He stated that we have a manager who has no vested interest in the borough that he manages. He requested a forensic accounting of the borough. We keep paying taxes and are getting deeper in debt. Mayor McDonald stated that had been discussed but will cost \$35,000. Mr. Gunter stated he is willing to pay that money to find out where 27 million went.

Simone De Poe 25 West Warren Street

Ms. De Poe stated she would like to know where the money went and why the borough is 27 million dollars in debt. She would like the governing body to solicit proposals for a forensic audit.

Rich Maguire 234 West Washington

Mr. Maguire stated he is here to represent Washington Celebrates America. With the help of Mrs. Higgins, the group was able to find a company willing to do the fireworks on the Fourth of July at half the cost. The Fourth of July is on a Sunday this year and Mr. Maguire is seeking approval from Council to hold the festivities on Sunday. There were no objections from Council.

Rick Feldman 19 Prosper Way.

Mr. Feldman stated that it is obvious over the last two meetings that Council does not know how we can fix this community. He asked if Council knew for a fact that they saved money with the police department merger. Council has done nothing for the community but raise taxes over and over again and then cut services such as the frequency of garbage pickup, police services, recreation, court services, reducing library hours, and lay offs. We recently learned of thousands of dollars being transferred out of the sewer fund to fund the current fund without anyone knowing why. Mr. Feldman stated Council should be questioning the countless errors that are made. Council must be held accountable. Mr. Feldman also noted that there have been no grants applied for by the Recreation Director and the Borough Manager. Mayor McDonald stated that \$550,000 in extraordinary aid last year was a grant. Mr. Feldman stated that the citizens deserve better and deserve their services.

Rachel Semonche 263 Carlton Avenue

Ms. Semonche stated that the Dean of Rutgers University wrote an article in the Sunday edition of Parade stating that consolidation is not about reducing the budget but about maximizing efficiency. There is little evidence that there is a cost savings. Most costs remain flat or go up over time.

Terri Finnegan 23 Youmans Avenue

Mr. Finnegan stated that it is important that we follow the procedures that are in place for the governments that we have. The Borough of Washington is a Council Manager form of government under the Faulkner Act. There are specific duties of the Borough Manager consisting of at least once a year the manager must make annual report of his work to the citizens. He stated that over the past fifteen years he has never seen an annual report from the Borough Manager. Manager Phelan stated he is aware of the statute and his annual report is in draft form and will be ready for the community shortly. Mr. Finnegan also stated that the statute calls for the manager to be a resident of this community unless council should decide otherwise. The people of this community do not think it is a good idea to have the manager not live in the borough; there is no vested interest in the community. The problems we face must be shared by the Borough Manager.

Joe Kresser 92 Carlton Ave

Mr. Kresser stated that at the last meeting Council discussed the sewer charges and sewer surplus. Manager Phelan stated that is correct and the law stated that you are permitted to use surplus in sewer to fund current operating; however he stopped that practice in 2009. Mr. Kresser asked if the manager can give us information on what year we used all of our surplus in sewer. Manager Phelan stated that all of the audits and financial statements are available on the website and he would be happy to explain them to Mr. Kresser when he is available. Attorney Cushing stated that when the sewer system was created there was a surplus that was created at the same time. Over the years, there is always pressure to keep the tax rates down. It was decided to borrow from sewer surplus to offset the municipal budget. Councilman Higgins stated that \$329,000 has been used from sewer surplus since 2006 and he would like to know where that money went.

Councilman Housel arrived at 8:30 p.m.

Councilman Higgins stated that we received a report from the borough's financial advisor. The sewer usage rate was raised in 2006 from \$43.00 to \$45.00. Currently, if we raised the sewer payment to \$46.00 we would have \$45,000 in surplus; if we raise sewer \$52.00 that will take care of the \$290,000 debt and starts adding to surplus. Mr. Kresser stated that it scares me that you would use that money somewhere else. Manager Phelan stated that transferring sewer funds to offset the current fund is legal. Councilman Higgins stated that Council wants to know when and how it was transferred, was it

transferred by resolution or during the budget process and what budgets did this happen in. Manager Phelan stated that all of it happened in 2005 and it was never replenished.

Mark Devoe 136 W. Washington

Mr. Devoe asked if Council was considering the consolidation of the DPW departments with Washington Township. Mayor McDonald stated that he had discussed this with the Mayor of Washington Township; however the topic did not come up again. Mr. Devoe stated that you are laying off borough employees; you give the manager a raise and a contract but you are laying off employees.

Simone De Poe 25 W Warren Street

Ms. De Poe stated that our taxes are through the roof. When I moved here sewer fees were included in the taxes. She is quite concerned and very disappointed in this town council.

Christina Woykowski 24 South Prospect

Ms. Woykowski stated at the last meeting Council said we should make suggestions to the budget. How can we make suggestions if we don't see the budget. When will we get a copy? I do not see cuts being made on the professional side – I see the prices going up. Council should consider having one meeting a month; and having the second meeting a workshop meeting that does not require professionals to attend therefore saving money. Ms. Woykowski also stated that the CFO of the municipality should have also been named treasurer. This was done last year through the manager's office and counsel. Manager Phelan stated that the CFO is not here on a daily basis therefore did not want to be named treasurer. Ms. Stasyshan stated that she did not know she was appointed treasurer. Manager Phelan stated he had spoken with the CFO regarding this; she is the department head.

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

Ayes: 7, Nays: 0
Motion carried

Councilman Higgins stated the Council should consider receiving proposals for a forensic audit. Councilman Higgins motioned to solicit proposals for a forensic audit to go back five years, seconded by Cioni.

Ayes: 7, Nays: 0
Motion Carried

Councilman Higgins noted that the Department of Criminal Justice may do it for free.

ORDINANCES

Ordinance 2-2010 AN ORDINANCE ESTABLISHING RECREATION DEPARTMENT PROGRAM FEES. (Introduction)

Mayor McDonald entertained a motion to introduce Ordinance #2-2010.

Ordinance 2-2010 was introduced by Councilman Cioni, seconded by Councilman Valentine.

It was further moved by Cioni, seconded by Valentine that the Clerk read Ordinance #2-2010 by title only.

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

Ayes: 7, Nays: 0

Motion Carried

The Clerk read Ordinance #2-2010 entitled, “AN ORDINANCE
ESTABLISHING RECREATION DEPARTMENT PROGRAM FEES”

Council Discussion: Manager Phelan explained that this ordinance allows for a minimum and a maximum fee to be set for each recreation activity. Council will then be able to adopt by resolution each year the fees they would like to set for the activities. Councilman Boyle stated the senior citizen fees should be taken out; council concurred. Councilman Boyle also asked if this ordinance will go back to the recreation committee for review. Manager Phelan stated yes.

Motion made by Cioni, seconded by Valentine to adopt on first reading and publish the ordinance as required by law.

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

Ayes: 7, Nays: 0

Motion Carried

AN ORDINANCE ESTABLISHING RECREATION DEPARTMENT PROGRAM FEES

BE IT ORDAINED by the Borough Council of the Borough of Washington, in the County of Warren, and State of New Jersey as follows:

SECTION 1. The Borough of Washington Recreation Department (“Recreation Department”) is authorized to recommend fees for participation in its programs/events in accordance with the following schedule.

SECTION 2. The Recreation Director, or his/her designee, will schedule dates, times and locations for the following programs/events. The fee for participation in the program/event for each registrant shall be within the following parameters:

Recreation Program/Event		Minimum	Maximum
Girl's Softball: Ages 2nd thru 8th Grade			
	Borough Residents	\$35	\$100
	Non-Borough Residents	\$40	\$100
Karate/Self-Defense - Ages 5 thru 12			
	Borough Residents	\$35	\$100
	Non-Borough Residents	\$40	\$100
Easter Egg Hunt: Ages 3 to 6th Grade	No Charge		
Swim Team: Ages 5 to 18			
	Borough Residents	\$50	\$150
	Non-Borough Residents	\$100	\$260
Swim Lessons: Ages 2 1/2 and Up			
	Borough Residents	\$40	\$100
	Non-Borough Residents	\$60	\$100
Pool Membership			
	Borough Residents		
	Individual	\$75	\$125
	Family	\$150	\$200
	Senior Citizen	\$0	\$0
	Non-Borough Residents		
	Individual	\$125	\$175
	Family	\$240	\$290
	Senior Citizen	\$0	\$0
Soccer: Ages 5 to 8th Grade			
	Ages 5, 6 & 7	\$35	\$50
	Ages 8 and up	\$45	\$100
Field Hockey: Ages 2nd to 6th Grade			
	Borough Residents	\$35	\$100

	Non-Borough Residents	\$40	\$100
Men's Basketball	Team Sponsor	\$400	\$600
	Borough Residents	\$50	\$75
	Non-Borough Residents	\$60	\$85
	High School Students	\$35	\$50
Movies in the Park	No Charge		
Youth Basketball: Ages 3rd to 8th Grade			
	Borough Residents	\$40	\$100
	Non-Borough Residents	\$50	\$120
Street Hockey: Ages K to 8th Grade			
	Borough Residents	\$35	\$100
	Non-Borough Residents	\$45	\$100
Grand Illumination Ceremony	No Charge		
Holiday House Decorating Contest	No Charge		
Baseball Field Usage Fee	Daily Fee	\$45	\$60
	4 or more days per season	\$175	\$225
	Lighting at park(per night, additional cost)	\$45	\$55
Late Fees (Apply after last sign-up date for each activity)		\$5	\$15

SECTION 3. By no later than March first of each year the Recreation Director shall evaluate the costs and expenses for operating each Program/Event and make a recommendation to the Mayor and Council and Manager as to the amount to be charged for participation in the Program/Events presented by the Recreation Department, which shall be within the range of fees established by this ordinance. The Borough Council shall review the Recreation Program/Event Fee recommendations made by the Recreation Director in order to establish the current year Recreation Program Fee Schedule, which shall be adopted by the Mayor and Council via resolution annually.

SECTION 4. All ordinances and resolutions inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistencies.

SECTION 5. This ordinance shall take effect immediately after final passage, approval and publication of notice thereof as required by law.

Public Hearing March 2, 2010 7:30 p.m. Council Chambers

REPORTS:

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

1. Issues and Details
2. Fire Prevention Report
3. Zoning/Code Enforcement Report

Ayes: 7, Nays: 0
Motion Carried

COUNCIL COMMITTEE APPOINTMENTS

Council concurred that the redevelopment committee be dissolved.
The following committee appointments were made:

Grant Committee – Gleba – Committee Chair, Cioni, Valentine
Senior Services – Housel – Committee Chair
Streets Committee – Boyle – Committee Chair, McDonald, Housel
DPW Garage – Housel – Committee Chair, Boyle, McDonald
Website Committee – Cioni – Committee Chair, Gleba, McDonald
Sewer Committee– Higgins - Committee Chair, Housel
Shared Services Committee – Boyle - Committee Chair McDonald, Higgins
Finance Committee – Cioni – Committee Chair, Higgins, Boyle
Park Committee – Cioni – Committee Chair, Gleba, McDonald
Cable Committee – Gleba – Committee Chair, Higgins, McDonald

Mrs. Sloan asked if council receives cable for free. Councilwoman Gleba stated that Council does not receive free cable; the only group receiving free services from Comcast is the schools.

Council agreed that all committees will be listed on the website and advertised for community involvement.

COMMITTEE REPORTS:

Redevelopment Committee: No Report

DPW Garage: No Report

Sewer Committee: No Report

Streets Committee: No Report

Finance Committee: No Report

Shared Services Committee: Councilman Boyle stated a Shared Services meeting was held Saturday. Council will need to consider several items from the committee. The Warren Morris Council of Governments may apply for a Regional Coordination Grant to cover the cost of the Council of Governments dues which are \$600.00. The Council of Governments will also consider having a shared housing liaison. Next meeting Wednesday, March 31 7:30 p.m. in Independence.

Senior Services: No Report

Website Committee: - No Report

Concession Stand Committee – No Report

Recreation Report – No Report

Park Committee – Councilman Cioni reported the committee met last week; minor changes have been made to the agreement including scope of work and what the BID's responsibility is. The property owners received the phase I environmental survey. Our municipal engineer reported on the environmental survey for Council. Councilman Cioni read the following report for Council.

Suburban Consulting Engineers, Inc. (SCE) has reviewed the *Phase I Environmental Site Assessment Report* for the referenced property (the Site) prepared by Windward Environmental Solutions (Windward) January 2010 on behalf of the owner, Jorg Wein. SCE had recommended such an assessment be conducted to protect the BID and the Borough from any environmental liabilities that could arise from the acquisition of this property. The report addressed the likelihood of potential, Recognized Environmental Concerns (RECs) at the property and nearby sites in general accordance with the governing technical criteria (ASTM 1527 D). The Phase I ESA identified the Site, historic environmental conditions, business operations, and adjacent site characteristics using standard ASTM recommended sources and methods, including a review of previous reports for the Borough owned lots comprising the new municipal parking lot, and the former dry cleaning facility (Modern Valet). As the report notes, the former building that occupied the Site burned down in 2005 and the remnants were subsequently razed and the Site leveled.

Windward concluded that there were no RECs on the Site or nearby properties that pose an imminent or other threat to the Site from an environmental perspective, with the exception of the regional groundwater contamination associated with the USEPA's Pohatcong Valley Groundwater Contamination issues, which affect groundwater quality beneath the Borough as a whole, and surrounding areas. They note that the soils near what was the former heating oil UST at the Site were tested and did not indicate potential petroleum-related contamination, and that other sites of environmental concern identified

by their database searches were too distant and/or downgradient to pose an environmental concern to the Site. Windward also considers the historic fill sealed below the recent parking lot per the NJDEP's requirements to be a non-issue. However, SCE believes that the rear and sides of the facility could contain some quantity of historic fill similar in composition to what was recently encountered on the parking lot site. Further, there did not appear to be any information relative to what the former foundation area was backfilled with; in light of New Jersey's "clean fill" certification requirements, and if the foundation remnants still exist. This remains unaddressed.

In light of our recent experience with the adjoining properties, SCE recommends further evaluation of the historic fill and backfill material by the current owner prior to finalizing property transfer. This can be accomplished through discussion with the owner, followed by a limited (1-day) field assessment using a small Geoprobe® drilling rig to visually evaluate the fill materials and selectively analyze core samples for historic fill compounds.

Councilman Higgins stated it was through our engineer that the recommendation for the phase I study be done; now he is saying that we need more work done. Manager Phelan stated that phase I studies usually include the recommendations that Andrew suggested in his letter. The property owners hired a firm that did not include these items. Councilman Higgins stated that Mr. Van Cleef moved dirt in there after the building burned down. Manager Phelan asked Council if they want the fill addressed or are you satisfied with the phase I study. Mayor McDonald stated he would like to see the drilling completed. Manager Phelan stated the drilling will cost the property owners not the borough. Councilwoman Gleba asked if the BID is aware of this. Manager Phelan stated it will be discussed with them tomorrow. Councilman Higgins stated that the borough should check with Mr. Van Cleef on the fill that was placed there. Councilman Higgins asked Mr. Bescherer, Code Enforcement Official if there were documents certifying the fill that was placed on the site. Mr. Bescherer stated there were no official documents in his records.

Councilman Housel motioned to have the Borough Manager Contact the BID and property owners to request the Geoprobe® drilling be completed, seconded by Valentine.

Ayes: 7, Nays: 0
Motion Carried

OLD BUSINESS:

Shared Services Municipal Court

Judge Edward Palmer stated he wanted to discuss some items with Council prior to Council taking a vote. He stated that to his knowledge no discussion has taken place with Administrative Office of the Courts. He stated an interlocal agreement must receive approval from the Administrative Office. Judge Palmer stated that the Assignment Judge

that covers Somerset, Hunterdon, and Warren Counties does not want any more than three courts involved in any agreements. Currently, Mansfield Township has three courts. Councilwoman Gleba stated that the Council is aware of the issue. Manager Phelan stated that it was explained to us that if our Council agrees to the idea in concept we can adopt an agreement pending their approval. Judge Palmer stated that Council should take into consideration the employee contracts and the contracts with their professionals prior to making any decision. Judge Palmer explained that the Administrative Office of the Courts will also take into consideration that you will still need the same number of people to run the court as you have now even if you transfer the court to Mansfield. Manager Phelan stated that staffing is dictated by Mansfield. If Mansfield feels that they need more people in the court they will pay for it. The numbers before Council are fixed for the entire length of the contract.

Judge Palmer stated that this court still needs to function until the time a decision is made. Manager Phelan stated no operational changes will be made pending AOC approval. Councilman Higgins questioned if Council should wait until we receive approval from the AOC. Manager Phelan stated that if everyone is agreeable and approves the concept, he can draft a letter to the AOC and wait for a response before Council moves forward.

Mark Devoe asked how much of a savings will this be for the Borough. Manager Phelan stated \$120,000. Councilwoman Gleba explained that Council has solid numbers. The cost savings is \$120,000 for a full year. The borough spends \$220,000 to operate a court here.

Kay Stasyshan – CWA Union Shop Steward

Councilman Higgins, Councilman Housel, and Mayor McDonald excused themselves from this portion of the meeting as it relates to union matters. Councilman Boyle chaired this portion of the meeting.

Ms. Stasyshan explained to Council she represents the CWA Union and has information for Council regarding legislation concerning shared service agreements. Any employee terminated shall be given a terminal leave payment. This equates to \$16,000 for one employee and \$7,000 for another. Manager Phelan stated he is aware of the legislation and the costs associated are being considered.

Mayor McDonald, Councilman Higgins, and Councilman Housel re-joined the meeting. Mayor McDonald resumed chairing the meeting.

Mayor McDonald asked Council how they would like to proceed. Councilman Higgins motioned sending a letter to the AOC along with samples of the resolution and interlocal agreement for their consideration, seconded by Councilman Cioni.

Ayes: 7, Nays: 0

Motion Carried

At this time Council recessed for ten minutes.

Council reconvened, Mayor McDonald did not return to the meeting.

Deputy Mayor Housel called the meeting back to order.

At this time Manager Phelan asked Council what they would like to do with the other two pieces of correspondence received. Councilman Cioni motioned to have an ordinance drafted to require escrow fees for Board of Adjustment applicants, seconded by Higgins. Attorney Cushing explained this will be used to pay engineer costs and attorney fees. Most towns require escrow deposits by applicants. It is probably worthwhile to have.

Ayes: 6, Nays: 0

Motion Carried

Manager Phelan inquired about the Township of Lumberton resolution. Attorney Cushing stated the League of Municipalities does a lot of good; they are your lobbyists and have good information.

Council concurred not to move forward with this.

VOUCHERS:

Motion made by Cioni, seconded by Gleba to pay the vouchers and claims in the amount of \$1,446,429.03.

Council Discussion: Councilman Boyle asked if there are chemical costs associated with running the sewer plant. Manager Phelan stated that Veolia pays these costs as part of their contract. Councilman Higgins asked about the water bills. Manager Phelan stated that the water bills have dropped at the park. The engineer will take a look and see if he can determine what happened in the previous month. Councilman Higgins asked if the school payment was a partial payment. Manager Phelan stated no, this is the full payment. Councilman Higgins also asked about the payment for Port Colden Mall, Manager Phelan stated this payment is coming out of an established escrow account.

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

Ayes: 6, Nays: 0 – Councilwoman Gleba abstained from the payment to Finelli Consulting.

Motion Carried

NEW BUSINESS

Resolution 38-2010 Establishing Sewer Connection Fees

Resolution 38-2010 was moved on a motion by Higgins, seconded by Boyle and adopted.

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

Ayes: 6, Nays: 0

Motion Carried

RESOLUTION # 38-2010 **OF THE MAYOR AND COUNCIL OF THE** **BOROUGH OF WASHINGTON, WARREN** **COUNTY, NJ ESTABLISHING SEWER** **CONNECTION FEES**

WHEREAS, Stephanie Lewis, Municipal Capital Management has completed the analysis of the Sewer Utility debts structure and has recommended that the Sewer Connection Fee be adjusted to \$3,922.06; and

WHEREAS, a public hearing was advertised for February 2, 2010; and

WHEREAS, said public hearing was held in Council Chambers on February 2, 2010 at 7:30 p.m.

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 the sewer connection fee be increased to \$3,922.06.

BE IT FURTHER RESOLVED THAT this change will be effective immediately upon passage of this resolution.

Resolution 39-2010 Release of Escrow - Rossi

Resolution 39-2010 was moved on a motion made by Higgins, seconded by Boyle and adopted.

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

Ayes: 6, Nays: 0

Motion Carried

RESOLUTION # 39-2010

**A RESOLUTION AUTHORIZING THE RELEASE OF
FUNDS FROM AN ESCROW ACCOUNT ESTABLISHED
IN THE NAME OF ROSSI IN TRUST BY THE BOROUGH
OF WASHINGTON**

WHEREAS, Ezio Rossi applied for a site plan on Block 80 Lot 13, Route 31 South; and

WHEREAS, funds were posted in escrow to cover the cost of professional review of this application; and

WHEREAS, Municipal Engineer Andrew S. Holt, P.E. has determined after reviewing the site that the escrow account money can be released.

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 the Municipal Treasurer is hereby authorized to issue a check to Ezio Rossi, 55 Longview Way, Palm Coast, FL 32137 for developers' escrow account #7200020857 for the actual account balance in the Rossi escrow account.

Resolution 40-2010 Release of Escrow – Edmark LLC

Resolution 40-2010 was moved on a motion made by Higgins, seconded by Cioni and adopted.

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

Ayes: 6, Nays: 0

Motion Carried

RESOLUTION # 40-2010

**A RESOLUTION AUTHORIZING THE RELEASE OF
FUNDS FROM AN ESCROW ACCOUNT ESTABLISHED
IN THE NAME OF EDMARK 57, LLC TRUST BY THE
BOROUGH OF WASHINGTON**

WHEREAS, EdMark 57, LLC (formerly Clock Tower Square) applied for a site plan on Block 72 Lot 24.04, 290 East Washington Avenue; and

WHEREAS, funds were posted in escrow to cover the cost of professional review of this application; and

WHEREAS, Municipal Engineer Andrew S. Holt, P.E. has determined after reviewing the site that the escrow account money can be released.

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 the Municipal Treasurer is hereby authorized to issue a check to EdMark 57, LLC, c/o Edward Rossi, 20 Red Jacket Lane, Pittstown, NJ 08867 for developers' escrow account #7200020837 for the actual account balance in the EdMark escrow account.

Resolution 42-2010 Agreement with Highlands Council for Participation in the Water Use and Conservation Management Grant Pilot Program

Resolution 42-2010 was moved on a motion made by Cioni, seconded by Valentine and adopted.

Council Discussion: Manager Phelan stated that the engineer has agreed to not be paid until the borough receives payment from the Highlands Council. The borough received a grant not to exceed \$5,000 anything over \$5,000 the engineer will not be paid. Councilman Boyle noted that this study means that if we want to look for water sources we need to abide by the Highlands Council's rules.

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

Ayes: 4, Nays: 2
Motion Carried

RESOLUTION # 42-2010
EXECUTION OF AGREEMENT BETWEEN THE BOROUGH OF WASHINGTON AND THE NEW JERSEY HIGHLANDS COUNCIL FOR PARTICIPATION IN THE WATER USE AND CONSERVATION MANAGEMENT GRANT PILOT PROGRAM

WHEREAS, on August 18, 2009, the Mayor and Council determined that it is in the best interest of the Borough to apply for a \$5,000 grant under the Water Use and Conservation Management Plan Pilot Project in conjunction with the Highlands Council; and

WHEREAS, the Borough has been advised by the N.J. Highlands Council that we have been selected to participate in the pilot program, which entitles the Borough to receive grant funding in the amount of \$5,000 to offset all associated costs.

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 the Mayor and Clerk are hereby authorized to sign the grant agreement and any additional documentation associated with the grant award.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the New Jersey Highlands Council, Borough Engineer and Chief Financial Officer.

Resolution 43-2010 Leave of Absence Twila Eglinton

Resolution 43-2010 was moved on a motion made by Higgins, seconded by Cioni and adopted.

Ayes: 6, Nays: 0
Motion Carried

RESOLUTION #43-2010

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

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

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

WHEREAS, Twila I. Eglinton has requested a leave of absence with pay due beginning February 11, 2010, for pregnancy- disability leave and plans to utilize all accumulated unused sick leave, two personal days and two vacation days for a paid leave of absence through March 3, 2010;

WHEREAS, the employee is not able to perform her duties due to pregnancy disability and has also requested an additional period of family leave for child care and will have exhausted all sick leave benefits and other paid leave as of the close of business on March 3, 2010, and has requested a temporary Leave of Absence Without Pay beginning March 4, 2010.

NOW, THEREFORE BE IT RESOLVED, the Borough of Washington Common Council does hereby grant to Twila I. Eglinton a leave of absence with pay from February 11, 2010 through March 3, 2010 and a temporary leave of absence, without pay, for the period beginning March 4, 2010, with an anticipated return to work date of May 12, 2010, from her full-time position as Clerk with the Washington Public Library.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the Division of Pensions and Benefits in order to allow the employee to

retain her non-contributory insurance benefits during the Leave of Absence Without Pay, should the earnings in the months of March and April be inadequate to take the full monthly deductions for pension and contributory insurance.

Councilman Cioni asked if Council would be considering a sewer fee resolution at the next meeting. Manager Phelan stated yes; the resolution will be blank for Council to consider the new sewer fee. The financial advisor has offered to answer any questions council may have at no cost. It will be prudent to work with the advisor, the CFO and the Engineer to project out for the next ten years.

RECAP

Manager Phelan will reach out to the Board of Education regarding a shared service agreement for janitorial services. He will obtain a price for a forensic audit. He will send a letter to the AOC regarding the potential court merger with Mansfield Township. He will also reach out to the BID regarding the Geoprobe® and have an ordinance drafted for the escrow fees for the Board of Adjustment.

COUNCIL REMARKS

Councilwoman Gleba asked when the sewer billing is brought in house can the citizens pay at borough hall. Manager Phelan stated yes. She reminded Council she will not be in attendance at the next council meeting. She would like to see goals and a five year capital plan posted on the website along with an organizational chart.

Councilman Higgins – Councilman Higgins explained that the CFO position was separated from the Tax Collector's position; the treasurer's position stayed. It was an internal policy decision at that time. He also requested that the \$89,000 dedicated to fix the issues on Gardner's Court. Manager Phelan stated that interfunds are allowed.

Councilman Boyle – Asked if the Council recordings are going to be on the website what will the official minutes of the meeting be. Attorney Cushing stated that the Clerk's minutes are the official minutes of the meeting. He stated that he is strongly against raising sewer rates because there is a lot of information missing. Manager Phelan stated that the problem needs to be fixed now; interfunds are the reason why there is no surplus.

Councilman Valentine – Stated he was glad all these people were here today. It is a good learning experience and it is good to see community participation.

Councilman Cioni – Stated he sent out a draft agreement for the park. If there are any questions they can be directed to him. If there are no comments he will bring it to Council on the 2/16/10 meeting. park review the draft – direct them to me? If no comments he will bring it to council on the 2/16. Manager Phelan stated we should bring it to Council pending responses from the BID and Joe Baumann. Council agreed to have the manager

prepare an ordinance for the downtown park pending confirmation from the BID and Joe Bauman.

Hearing no further business to come before Council, it was moved by Higgins, seconded by Boyle that the meeting be adjourned at 11:45 p.m.

Ayes: 6, Nays: 0.
Motion carried.

Mayor Scott McDonald

Kristine Blanchard, RMC Borough Clerk