

BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – March 16, 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, Gleba, McDonald, Valentine - Present
Higgins – Absent
Housel – 8:30 p.m.

Also Present: Lorraine Staples, Esq. Municipal Attorney
Richard Phelan, Borough Manager
Ann Kilduff, Deputy Borough Clerk

Mayor McDonald led everyone in the flag salute.

Mayor McDonald read the following Statement into the Record:

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

PROCLAMATIONS:

Mayor McDonald presented the following proclamations:

PROCLAMATION OF THE
BOROUGH OF WASHINGTON

WHEREAS, the Washington Borough Volunteer Fire Department had a need to replace a 1975 MAC Aerial Scope; and

WHEREAS, the Washington Borough Volunteer Fire Department, through careful use and maintenance, was able to have the existing apparatus in service for all these years; and

WHEREAS, The Washington Borough Volunteer Fire Department notified the Borough of Washington of the funding opportunities through FEMA for the purchase of a new 95 foot Mid Mount Aerial Platform Fire Truck; and

WHEREAS, the Washington Borough Fire Department applied for and received a grant from FEMA in the amount of \$375,000.00 needed to offset the purchase of the replacement aerial truck; and

BE IT PROCLAIMED, the Governing Body of the Borough of Washington would like to formally thank the Washington Borough Volunteer Fire Department for their efforts in obtaining these funds to offset the cost of the replacement apparatus; and

BE IT FURTHER PROCLAIMED that this Proclamation be duly embossed, signed by the Mayor, publicly presented to Chief Kurt Klausfelder on March 16, 2010, and forever recorded in the official records of the Borough of Washington as an everlasting tribute to the Washington Borough Volunteer Fire Department by an appreciative and thankful community.

Presented on this sixteenth day of March, 2010.

PROCLAMATION OF THE BOROUGH OF WASHINGTON

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called **ARBOR DAY**, was first observed with the planting of a more than a million trees in Nebraska; and

WHEREAS, **Arbor Day** is observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our Borough increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever their planted, are a source of joy and spiritual renewal; and

NOW, THEREFORE, I, Scott McDonald, Mayor of the Borough of Washington do hereby proclaim **Friday, April 30, 2010** as

ARBOR DAY

In the **BOROUGH OF WASHINGTON**, I urge all citizens to support efforts to protect our trees and woodlands to support our Borough's rural forestry program; and

FURTHER, I urge all citizens to plant trees to gladden hearts and promote the well-being of present and future generations.

Dated this 16th day of March, 2010

PRESENTATION – SUSTAINABLE JERSEY

Representatives from Sustainable NJ, an organization that promotes the reduction of green house gasses, as part of the NJ Clean Energy program, presented a slide show, showing the benefits of clean energy programs available to residents. Ms. Williams explained the incentives and rebates for each of their programs including: Energy Star Products, Warm & Cool Advantage Program, Refrigerator and/or Freezer Program and the NJ Energy Star Program. Brochures were left for any resident interested. Sustainable NJ helps municipalities gain certification points and incentives.

Councilman Boyle asked about out of pocket expenses and if the money received is earmarked. Ms. Williams replied there is no out of pocket expenses and monies received from the State are not earmarked, but it is hoped that the money will be put back into clean energy. Councilman Valentine suggested Ms. Williams speak with the BID Director to help raise awareness and also putting a link on the Borough's website. Councilman Cioni mentioned the Community Garden will be opening on April 24th and that may be a good opportunity to raise awareness as well.

Mayor McDonald opened the discussion up to the public. Susan Sloan questioned the installation of products in houses. Ms. Williams replied they make sure there are no safety issues and the product is efficient.

Mayor McDonald thanked Ms. Williams for her time and presentation. A motion was made by Boyle, seconded by Valentine, to apply for Sustainable NJ Status. All council members were in favor. Motion carried. Ms. Williams provided Mayor McDonald with a copy of the application. Councilman Boyle suggested designating a contact person. Mayor McDonald feels we need a green team.

MINUTES:

A motion was made by Cioni, seconded by Valentine to approve the minutes of February 16, 2010 and March 2, 2010.

Several corrections were noted by the Clerk.

Roll Call: Gleba, Cioni, McDonald, Valentine, Boyle – Yes
Gleba – Abstained from 2/16/10

Ayes: 5

Nays: 0

Abstain: 1 (2/16/10)

Motion Carried

COMMUNICATIONS

1. BID – Mike Schmidt Memorial Car Show
2. Superior Court of NJ – Inter-local Services

Motion made by Gleba, seconded by Boyle to receive and file the communications.

Ayes: 5, Nays 0
Motion Carried

Motion made by Valentine, seconded by Cioni to approve the rain date of the Mike Schmidt Memorial Car Show.

Ayes: 5, Nays: 0
Motion Carried

Councilwoman Gleba asked about the Court Shared Services. Manager Phelan replied that although we will not be joining with Mansfield, he is still looking into any possibilities. Mayor McDonald stated he has called on Assemblymen DiMaio, Peterson and Dougherty asking for assistance with this service. Council discussed upgrades that would be needed to the courtroom if the court was to remain as is. Manager Phelan will be reaching out to other communities.

AUDIENCE

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

Bob Smolar of W. Warren Street

Mr. Smolar asked that taxes not be raised. He is pleased the Borough is considering refinancing its debt. He is concerned about the tax rate which is the 2nd highest in Warren County. He is impressed with the finance information on the website and feels a solution could be refunding the bonds. Mr. Smolar noted the 2008 bonds increase in 2016. He appreciates that the Borough is looking for solutions to our problems.

Joe Kresser of 92 Carlton Avenue

Mr. Kresser thanked the Borough for the quick tree removal after the recent storm. Mr. Kresser asked if the Borough could sell the three police cars that are sitting at the sewer treatment plant. Mayor McDonald stated the cars will be sold for parts. Manager Phelan noted there are other items that will be sold as well. Cars with zero value will be donated to the fire academy.

Bob Dell Elba of 86 W. Stewart Street

Mr. Dell Elba stated he would like to see a list of things to be sold. Manager Phelan stated one will be attached to the ordinance which he is hoping will be ready within the next month.

ORDINANCES

Ordinance 3-2010 AN ORDINANCE FIXING THE SALARY AND WAGES OF CERTAIN MUNICIPAL OFFICIALS AND REPEALING PORTIONS OF THE PRIOR INCONSISTENT SALARY AND WAGE ORDINANCES FOR THE YEARS BEGINNING JANUARY 1, 2010
Introduction

Mayor McDonald entertained a motion to introduce Ordinance #3-2010.

Ordinance 3-2010 was introduced by Councilman Cioni, seconded by Councilman Valentine.

It was further moved by Cioni, seconded by Valentine that the Clerk read Ordinance #3-2010 by title only.

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

Ayes: 5, Nays: 0
Motion Carried

The Clerk read Ordinance #3-2010 entitled, "AN ORDINANCE FIXING THE SALARY AND WAGES OF CERTAIN MUNICIPAL OFFICIALS AND REPEALING PORTIONS OF THE PRIOR INCONSISTENT SALARY AND WAGE ORDINANCES FOR THE YEARS BEGINNING JANUARY 1, 2010"

Manager Phelan stated the police chief is coming off. Two part-time jobs are being created to replace one full time. The municipal recycling coordinator receives no stipend now. He is preparing for an opportunity for pay if mandated by the State. Recreation titles are changing from salaried to hourly rates.

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

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

Ayes: 5, Nays: 0
Motion Carried

ORDINANCE #3-2010

**AN ORDINANCE FIXING THE SALARY AND WAGES
OF CERTAIN MUNICIPAL OFFICIALS AND REPEALING
PORTIONS OF PRIOR INCONSISTENT SALARY AND WAGE ORDINANCES FOR THE YEARS
BEGINNING JANUARY 1, 2010**

SECTION 1. The annual salaries, wages and salary and wage ranges for the municipal officials and employees of the Borough of Washington hereinafter named shall be as follows:

SCHEDULE A - FULL-TIME CLASSIFIED

POSITION TITLE

SALARY OR WAGE RANGE

Delete [] the following title:

[Police Chief

\$72,500 - \$98,794 AN]

SCHEDULE B - PART-TIME CLASSIFIED

Add the following titles:

Code Enforcement Officer

\$7.25 - \$30.00 Hr.

Municipal Recycling Coordinator

\$1,000 - \$3,000 AN

Zoning Officer

\$7.25 - \$30.00 Hr.

SCHEDULE C - UNCLASSIFIED SERVICE

Tax Collector

\$41,532 - \$66,918 AN
or \$15.00-\$30.00 Hr.

SCHEDULE D - UNCLASSIFIED SERVICE

(TEMPORARY OR SEASONAL)

Assistant Recreation Supervisor(s) (Swim Team)

\$7.25 - \$25.00 Hr.

Recreation Supervisor Swimming (Swim Team)

\$7.25 - \$25.00 Hr.

Sports Official Basketball

\$7.25 - \$25.00 Hr.

SECTION 2. The rates contained herein shall become effective January 1, 2010.

SECTION 3. 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.

Ordinance 4-2010 AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND ESTABLISH A CAP BANK. Introduction

Mayor McDonald entertained a motion to introduce Ordinance #4-2010.

Ordinance 4-2010 was introduced by Councilman Cioni, seconded by
Councilman Valentine.

It was further moved by Cioni, seconded by Valentine that the Clerk read Ordinance #4-2010 by title only.

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

Ayes: 5, Nays: 0
Motion Carried

The Clerk read Ordinance #4-2010 entitled, “AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND ESTABLISH A CAP BANK”

Councilman Boyle noted this was defeated last year. Manager Phelan stated it allows for spending appropriation to go up to 3.5%. Mrs. Sloan asked the value and purpose of this ordinance. Manager Phelan stated it is to create a type of credit for future years as appropriated in case the money is never spent to avoid raising it in the future. Mr. Dell Elba asked the deadline for this. Manger Phelan stated the CAP rate needs to be introduced prior to the introduction of the budget. The CAP can be adopted at the same time as the budget

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

Roll Call: Cioni, McDonald, Valentine
Gleba – Abstained
Boyle – No
Motion Failed

Councilman Housel arrived at the meeting.

REPORTS:

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

1. Issues and Details
2. Fire Prevention
3. Zoning/Code Enforcement
4. CFO Report
5. Tax Collectors Report

Ayes: 5, Nays: 0

Abstain – 1 (Housel)
Motion Carried

COMMITTEE REPORTS:

Redevelopment Committee: No Report

DPW Garage: No Report

Sewer Committee: No Report

Streets Committee: Councilman Boyle stated he held a Streets Committee meeting on March 10th. Mayor McDonald and Councilman Higgins were in attendance. No public were present. He will provide Manager Phelan with a copy of the 2010 plowing program. His main concern is the repair and maintenance of the roads and suggested getting a priority list and 5 year plan. He has a letter from a previous Borough Manager concerning keeping roads maintained.

Finance Committee: Councilman Cioni stated financial documents have been posted on the website. He will post the 2009 audit once it is complete. Councilman Cioni stated the finance committee wants to create a top 20 list of questions from citizens and/or council relating to the past or present in regards to the budget, sewer, etc. The questions would be presented to the auditor and CFO and FAQ's would then be posted on the website. He asked the citizens and Council to call or email him with their questions and would like to have this completed within the next month. Questions would be revisited every fiscal year. Chairman Boyle asked if the pocket park will go forward. Chairman Cioni believes it will. The property owners, BID and Council are all in support of it; however, it may take a little longer than first anticipated

Shared Services Committee: Councilman Boyle stated he held a Shared Services meeting on March 4th. Mayor McDonald and one resident were in attendance and he will provide Council with a copy of his notes. He will correspond via email rather than a meeting due to the low attendance.

Senior Services: Councilman Housel received a letter from Warren County Senior Services regarding the availability of the 211 information system and how 911 works. This information will be placed on the website.

Website Committee: - No Report

Concession Stand Committee – No Report

Recreation Report – No Report

Park Committee – Councilman Cioni spoke to Sandy Cerami regarding the status of clean-up in the pocket park. Site remediation needs to be done. Per Sandy's e-mail, property owners are willing to pay up to a certain amount for clean-up. This is currently on hold until the contamination is removed.

Grant Committee - Councilwoman Gleba stated the grant committee will meet with council reps and create a document for the website that will be posted within the next few weeks. They meet the 4th Wednesday of the month with their first meeting being April 28th. They have categorized grant findings to be researched and are working with the manager and engineer on an environmental grant with American Water.

OLD BUSINESS:

None

NEW BUSINESS

Resolution 68-2010 Redemption of Tax Sale Certificate

Resolution 68-2010 was moved on a motion made by Cioni, seconded by Gleba and adopted.

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

Ayes: 6, Nays: 0

Motion Carried

RESOLUTION # 68-2010

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 October 25, 2007 to Park Finance LLC, PO Box 109, Cedar Knolls, NJ 07927, in the amount of \$2,561.73 for taxes or other municipal liens assessed for the year 2006 in the name of Mueller, Elizabeth L, as supposed owners, and in said assessment and sale were described as 80 Park Avenue, Block 83 Lot 4, which sale was evidenced by Certificate #07-00435; and

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 2-19-2010 and before the right to redeem was cut off, as provided by law, Elizabeth Mueller claiming to have an interest in said lands, did redeem said lands claimed by Park Finance, LLC, by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$21,647.98, which is the amount necessary to redeem Tax Sale Certificate #07-00435.

NOW THEREFORE BE IT RESOLVED, on this 16th day of March, 2010 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Park Finance, LLC, PO Box 109, Cedar Knolls, NJ 07927 in the amount of \$29,747.98.

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 83Lot 4 from the tax office records.

Resolution 69-2010 Authorizing Overpayment to 2010 Taxes

Resolution 69-2010 was moved on a motion made by Housel, seconded by Gleba and adopted.

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

Ayes: 6, Nays: 0

Motion Carried

RESOLUTION #69-2010

A RESOLUTION AUTHORIZING APPLYING 2009

OVERPAYMENT TO 2010 TAXES

WHEREAS, according to the Tax Collector's records, an overpayment exists from a previous year's quarter on the following property due to a prior year tax appeal overpayment being applied to the 2009 taxes and Spencer Savings, the mortgage company paying the original taxes that had been billed on the 3rd quarter 2009 taxes;

<u>BLOCK/LOT</u>	<u>NAME OF OWNER/ PROPERTY LOCATION</u>	<u>QUARTER</u>	<u>AMOUNT</u>
23/18	2 West Washington, LLC c/o Mulligan 2 W Washington Avenue	2009 3R	7,427.28

WHEREAS, the Tax Collector's office has received a request from Spencer Savings concerning this overpayment and that the overage be applied to the 2nd Quarter 2010 taxes.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey to hereby authorize the Tax Collector to apply the overpayment to the 2nd Quarter 2010 taxes.

Resolution 71-2010 Resolution Authorizing an Assignment of Developers Agreement

Resolution 71-2010 was moved on a motion made by Housel, seconded by Valentine.

**RESOLUTION 71-2010
ASSIGNMENT OF
DEVELOPER'S AGREEMENT**

THIS ASSIGNMENT is made on March 16, 2010,

Among **REGENCY AT WASHINGTON I, LLC** ("Assignors"), **JADE ACQUISITION, LLC** ("Assignee"), and the **BOROUGH OF WASHINGTON** ("Borough").

WHEREAS, The Assignors and the Borough executed a Developer's Agreement dated December 5, 2006 (annexed hereto as Exhibit "A"); and

WHEREAS, Assignors desire to assign their interest in the Developer's Agreement to **Jade Acquisition, LLC** and be released from any further obligation under the Developer's Agreement; and

WHEREAS, the Assignor has assigned to the Assignee the right to the release of the existing cash bond; and

WHEREAS, the Borough Engineers have inspected the development and reviewed the existing Developer's Agreement and made certain recommendations as to the obligations of the Assignee pursuant to a letter addressed to the Borough of Washington dated December 29, 2009 from Suburban Consulting Engineers, a copy of which is attached hereto as Exhibit "B"; and

WHEREAS, the Borough is agreeable to the assignment.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL

COVENANTS CONTAINED HEREIN, the parties agree as follows:

1. Assignors hereby assign to the Assignee and Assignee hereby accepts from Assignors, all of the Assignors' right, title and interest into and under the attached Developer's Agreement.

2. Assignee agrees to meet all obligations of Assignors under the Developer's Agreement, as well as all of the obligations set forth in the Engineer's letter dated December 29, 2009, attached hereto as Exhibit "B" commencing as of the date of execution hereof.

3. Assignors are hereby released of any further obligation accruing after the execution hereof and henceforth the Borough of Washington shall look solely to Assignee for performance of the terms and conditions of the Developer's Agreement.

4. That upon the posting of a new Performance Bond by the Assignee, as approved by the Borough Attorney and Borough Engineer, as well as the additional required cash bond pursuant to Exhibit "B" attached hereto, the Borough shall release to Assignee the existing bond and cash deposit.

5. All of the terms and conditions of the Developer's Agreement shall continue in full force and effect.

IN WITNESS WHEREOF, the said parties have caused this Agreement to be signed by their proper corporate officers and have caused their proper seal to be affixed the day and year first above written.

Resolution 72-2010 Defer Local District School Taxes

Resolution 72-2010 was moved on a motion made by Housel, seconded by Gleba and adopted.

Council Discussion:

Manager Phelan stated the school operates on a fiscal year and the Borough operates on a calendar year. Since we are six months off, we need the prior year's school portion so payments can be made. It comes from two different municipal budget years. It is a standard financial procedure so as not to disrupt the operation of the school or municipality.

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

Ayes: 6, Nays: 0

Motion Carried

RESOLUTION # 72-2010 TO DEFER LOCAL DISTRICT SCHOOL TAXES

WHEREAS, the Local District School Tax for the year July 1, 2009 through June 30, 2010 was raised in the 2009 Tax Levy in the sum of \$3,999,715.00; and

WHEREAS, the statutes permit the deferral of such School Tax up to 50% of the School Tax Levy or \$1,966,586.02

NOW, THEREFORE BE IT RESOLVED, , by the Borough Council of the Borough of Washington, County of Warren, that the Deferred School Tax for the Local District School purpose be 50% of the Tax Levy or the sum of \$1,966,586.02 as of December 31, 2009.

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

Resolution 73-2010 Liquor License Transfer

Resolution 73-2010 was moved on a motion made by Cioni, seconded by Valentine and adopted.

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

Ayes: 6, Nays: 0

Motion Carried

RESOLUTION 73-2010

**A RESOLUTION AUTHORIZING THE PERSON-TO-PERSON TRANSFER OF
PLENARY RETAIL DISTRIBUTION LICENSE 2121-44-008-006 WASHINGTON
DISCOUNT LIQUORS FROM HARISH B. KOTHARI TO PINAL MANUBHAI
PATEL**

WHEREAS, an application has been filed for a Person-to-Person transfer of Plenary Retail Distribution License Number 2121-44-008-006, heretofore issued to Harish B. Kothari;

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term;

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated there under, as well as pertinent local ordinances and conditions consistent with Title 33;

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business;

NOW, THERFORE, BE IT RESOLVED that the Borough of Washington does hereby approve, effective March 16, 2010, the transfer of the aforesaid Plenary Retail Distribution License to Pinal Manhubhai Patel within the Borough of Washington, Warren County, New Jersey, and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Pinal Manhubhai Patel effective March 16, 2010.

VOUCHERS:

Motion made by Housel, seconded by Boyle to pay the vouchers and claims in the amount of \$1,456,166.56.

Roll Call: Valentine, Cioni, Housel, McDonald, Boyle
Gleba – Yes - Abstained from Finelli Consulting.

Ayes: 6, Nays: 0
Motion Carried

RECAP

Manager Phelan will hear from Mayor McDonald regarding the Arbor Day Presentation at Taylor Street School. He will move forward with the application to obtain Sustainable NJ status. He will pass along the resident's recommendations regarding refunding to the CFO and prepare an ordinance for the sale of items.

COUNCIL REMARKS

Councilman Boyle stated per the Township Police Chief, the DARE program will run from March 17th thru May 7th. He asked if there was any activity regarding the pedophile free zone. Attorney Staples stated she is not aware of any. Councilman Boyle asked the manager if he has been attending the BID meetings on a regular basis. Manager Phelan stated he missed the first two but had spoken to the Mayor and worked it out.

Councilman Gleba asked if the pool fees could be amended at the next meeting. It was stated it is not eligible to be amended until April 6th. She appreciates the debt schedule being placed on the website and would also like to see YTD reports on the website as well.

Councilman Valentine thanked the public for attending the meeting.

Councilman Housel stated he likes to see the public present as well.

Mayor McDonald thanked council for their support of Sustainable NJ. He feels this program will be very beneficial to the community.

Audience member, Mr. Kresser, questioned the status of the DPW garage. Manager Phelan stated he is waiting for Bond Council's response. Mr. Kresser would like information posted on the website so the public can attend the meeting. Councilman Housel offered to give residents a tour of the current garage if anyone is interested.

Mrs. Sloan stated she was disappointed with the Sustainable NJ presentation. Mayor McDonald stated there are various companies working with them and noted additional information has been left in the back of the room for anyone interested. Councilman Valentine stated rebates are available through the State no matter where the item is purchased. The goal of Sustainable NJ is to make people aware of energy efficient products.

Rick Feldman of 19 Prosper Way questioned the status of the RFP for the forensic audit. Manager Phelan stated he presented the numbers to Council at the last meeting and has not heard back from everyone in order to budget for it. Councilman Boyle would like to see hard numbers before voting. Councilman Valentine asked where the money from the audit would come from. Manager Phelan stated it would raise taxes 2.5 cents. Mr. Dell Elba asked if the RFP was requested earlier. Manager Phelan stated an audit is done every year by law and explained the differences between a forensic and State Comptroller's audit. Manager Phelan asked if council would like him to add \$100,000 to the budget for the forensic audit. Council was not in favor of raising taxes but would like to see it in the budget as a line item. Mrs. Sloan asked how the huge debt is being addressed. Manager Phelan stated he will be going to Trenton for a waiver, although they may not let us approve our budget with the line item in there.

Mr. Feldman asked if the budget is being introduced on Monday. Manager Phelan replied that it is. In order to be compliant with state law, the budget needs to be

introduced before the end of March. The public hearing will be held at the second meeting in April.

Manager Phelan stated council had asked for the cost for ballot referendum in November regarding the County Library vs. ours. The fee would be \$10,000 for a special election and no cost at a general election. He asked Council if they would like him to prepare a question for the ballot, with Council having the final say to the wording on the ballot. Councilwoman Gleba would like someone from the county discuss the pros and cons at a meeting. Councilman Valentine agreed. Councilman Boyle suggested the question be formed and can be debated afterwards. Councilman Housel feels it will be more expensive to join the County. Manager Phelan feels it will save the Borough money and suggested contacting the County Library and have them come to a meeting. He will prepare a question in the meantime. Council agreed.

EXECUTIVE SESSION

Resolution 70-2010 was moved on a motion made by Cioni, seconded by Valentine and adopted.

Ayes: 6 Nays: 0
Motion Carried

Resolution 70-2010

RESOLUTION AUTHORIZING EXECUTIVE SESSION

WHEREAS, the Open Public Meetings Act; *N.J.S.A. 10:4-6 et seq.*, declares it to be the public policy of the State to insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

WHEREAS, the Open Public Meetings Act also recognizes exceptions to the right of the public to attend portions of such meetings; and

WHEREAS, the Mayor and Council find it necessary to conduct an executive session closed to the public as permitted by the *N.J.S.A. 40:4-12*; and

WHEREAS, the Mayor and Council will reconvene in public session at the conclusion of the executive session;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey that they will conduct an executive session to discuss the following topic(s) as permitted by *N.J.S.A. 40:4-12*:

_____A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public (Provision relied upon: _____);

_____A matter where the release of information would impair a right to receive funds from the federal government;

_____A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

_____A collective bargaining agreement, or the terms and conditions thereof (Specify contract: _____);

_____A matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed;

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

_____Investigations of violations or possible violations of the law;

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

_____Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: _____

_____ OR _____ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.);

_____Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is: _____ OR disclosure of such information at this time would violate the employee(s) privacy rights; therefore this

information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

_____Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit;

BE IT FURTHER RESOLVED that the Mayor and Council hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Borough Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Borough or any other entity with respect to said discussion. That time is currently estimated to be: **___Approx. Six Months___** (estimated length of time) OR upon the occurrence of _____;

BE IT FURTHER RESOLVED that the Mayor and Council, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

Hearing no further business to come before Council, it was moved by Housel, seconded by Cioni that the meeting be adjourned at 9:45 p.m.

Ayes: 6, Nays: 0.
Motion carried.

Mayor Scott McDonald

Ann Kilduff, Deputy Borough Clerk