

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY  
WASHINGTON BOROUGH COUNCIL MINUTES – May 18, 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:       Housel, Gleba, McDonald, Higgins, Valentine - Present  
                  Cioni, Boyle – 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.

**CORRESPONDENCE:**

Motion made by Higgins, seconded by Gleba to receive and file the correspondence.

1. Request for Block Party – Friday July 16 with a rain date of July 17.

Motion made by Valentine, seconded by Higgins to allow the block party.

Ayes: 5, Nays: 0  
Motion Carried

**MINUTES:**

Motion made by Higgins, seconded by Gleba to approve the minutes from the April 20, 2010 Regular Meeting.

Councilman Higgins noted one correction.

Ayes: 5, Nays: 0  
Motion Carried

## **AUDIENCE**

Ms. Penny Shaul -  
Recreation Questions

Ms. Shaul asked what the status was to the questions presented by Beth Uporsky at the last meeting. Manager Phelan stated that he met with both Ms. Uporsky and Mr. Masenior regarding the approval of opening the pool given by Council. Ms. Uporsky's questions were answered. Ms. Shaul requested clarification on the Recreation Department funds. Manager Phelan stated that Ms. Uporsky's request to allow recreation funds to be moved within sports programs was approved by Council as well. Trust fund monies are the only funds that will be moved to offset other sports programs. Manager Phelan stated that any money given to the Recreation Department can not be moved until the end of the year and only by resolution of the governing body. Manager Phelan stated that in 2009 Recreation had more money given to them for capital purchases that we decided against doing. The amount allocated that went back to Council was \$86,000. Ms. Shaul asked Manager Phelan if he would look back and see if any more transfers were done out of Recreation line items. Councilman Higgins explained that when they were a commission the town gave them a donation. Now that they are a department; they need to build the recreation trust account up. Manager Phelan will follow up with Ms. Shaul regarding any recreation transfers.

Joe Kresser - 92 Carlton Ave

Mr. Kresser asked if a person wanted to donate money to recreation how would they go about doing that. Manager Phelan stated that it would need to be specific on where the money was to go and what it was to be used for.

Joe Groff Washington Emergency Squad

Mr. Groff stated that the Emergency Squad will be holding their 75<sup>th</sup> Anniversary Parade next September. They will be using the same parade route that is used for the 4<sup>th</sup> of July celebration. Manager Phelan and Mr. Groff will work on the required paperwork.

Joe DePalma 14 State Street

Mr. DePalma stated that he has been over assessed and therefore over taxed on his property since 1997 due to an error made by the tax assessor. The property size listed on his property card in the Assessors office is completely wrong. Attorney Cushing explained the appeal process to Mr. DePalma. All assessments must be appealed by April 1. Mr. DePalma stated that someone did not do their job and I have been paying for it ever since 1997. Attorney Cushing stated that he will look into the statute further.

Chris Woykowski 24 South Prospect Street

Ms. Woykowski presented a letter to the Mayor and Council and a letter to the Borough Manager with more questions she would like answered.

Raj Rathod - Krauszers

Mr. Rathod stated that he has received fines from the town regarding the lighted signage used his business. Mayor McDonald stated that he has spoken with the manager regarding this situation and it is his understanding that because the business closed for a number of months, he is not able to use the previous signs. Manager Phelan stated that there is an appeal process. He can apply for a variance with the Board of Adjustment. Attorney Cushing stated that this governing body does not have authority to give you the permission you need to use the back lit sign. He stated that it is important that everyone is treated fairly and that Mr. Rathod will need to appeal the Board of Adjustment to overturn the Zoning Officer's decision.

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

Ayes: 5, Nays: 0  
Motion Carried

## **ORDINANCES**

Ordinance 7-2010 – AUTHORIZING THE SALE OF SURPLUS PERSONAL PROPERTY TO THE WASHINGTON BOROUGH VOLUNTEER FIRE COMPANY FOR NOMINAL CONSIDERATION (INTRODUCTION)

Mayor McDonald entertained a motion to introduce Ordinance #7-2010.

Ordinance 7-2010 was introduced by Councilman Housel, seconded by Councilman Valentine.

It was further moved by Housel, seconded by Valentine that the Clerk read Ordinance #7-2010 by title only.

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

Ayes: 3, Nays: 1  
Abstain: 1  
Motion Carried

The Clerk read Ordinance #7-2010 entitled, “AN ORDINANCE AUTHORIZING THE SALE OF SURPLUS PERSONAL PROPERTY TO THE WASHINGTON BOROUGH VOLUNTEER FIRE COMPANY FOR NOMINAL CONSIDERATION”

Motion made by Housel, seconded by Valentine to adopt Ordinance 7-2010 on first reading.

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

Ayes: 3, Nays: 1  
Abstain: 1  
Motion Carried

**BOROUGH OF WASHINGTON  
WARREN COUNTY, NEW JERSEY**

**ORDINANCE # 7 -2010**

**AN ORDINANCE AUTHORIZING THE SALE OF SURPLUS PERSONAL  
PROPERTY  
TO THE WASHINGTON BOROUGH VOLUNTEER FIRE COMPANY  
FOR NOMINAL CONSIDERATION**

**WHEREAS**, the Borough is authorized by *N.J.S.A. 40A:12-21.1* to sell personal property not needed for municipal purposes to certain organizations or associations identified in *N.J.S.A. 40A:12-21* for nominal consideration; and

**WHEREAS**, volunteer fire companies are one of the organizations identified in *N.J.S.A. 40A:12-21* to which such transfers may be made; and

**WHEREAS**, the Borough owns five (5) old-model vehicles which are not needed by the Borough, can no longer be operated and are of no practical use or value to the Borough; and

**WHEREAS**, the Washington Borough Volunteer Fire Company has indicated an interest in acquiring these vehicles for use in training its volunteers;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Washington, County of Warren that:

1. Ownership of the vehicles listed below is hereby transferred to the Washington Borough Volunteer Fire Company for \$1.00:

1999 Ford Crown Victoria

2FAFP 71W2X X1912 28

1999 Ford Crown Victoria	2FSFP 71WX8 X1752 58
1990 Ford Pick-up Truck	1FTEF 14H2L NA211 43
1986 Dodge Van	2B7FK 13C9G R7999 72
1995 Jeep Cherokee	1J4FJ 68S7S L5746 64

2. The vehicles identified above can only be used by the fire company for the purposes of providing training and not for commercial business or trade. In the event that the vehicles are not used in accordance with this limitation, ownership in the vehicles shall revert to the municipality.

This Ordinance shall take effect upon final passage and publication according to law.

### **REPORTS:**

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

1. Issues and Details
2. CFO Report April 2010
3. Tax Collector's Report April 2010
4. Managers Report

### **COMMITTEE REPORTS:**

**DPW Committee:** It was reported that they are making significant progress at the garage and weather permitting it will be completed by the end of August.

**Streets Committee:** No report

**Finance Committee:** No Report

**Shared Services Committee:** No Report

**Senior Services:** Councilman Housel reported that no one showed up at the last meeting. The next two meetings are scheduled for June 23 at 6:30 p.m. and August 25 at 6:30 p.m.

**Website Committee:** - No Report

**Sewer Committee** – Councilman Higgins reported that at the recent meeting they reviewed the Pleasant Valley Dam proposal. We need to do the phase 1 survey and the data compilation. We also need to complete phase 2 which is the hydraulic study. He stated we may not need to do phase 3. The sewer committee recommends the approval of phase 1 and phase 2 with not to exceed of \$21,000. This motion was made by Councilman Higgins, seconded by Councilwoman Gleba. – All yes.

Councilman Higgins stated they also discussed the age restrictions being lifted at the Jade Development project. Manager Phelan stated the Planning Board wants a letter from Council stating there is enough capacity. Councilman Higgins stated this was already included in the wastewater management plan; the committee recommends that we go ahead and allow it. Jade Development has also agreed to pay for any changes made to wastewater management plan. Councilman Higgins made a motion to inform the Planning Board that there is enough capacity and to have Jade Development pay for any changes to the wastewater management plan, seconded by Valentine. Housel, Valentine, McDonald, Higgins – yes, Gleba – Abstain. Motion Carried.

Councilman Higgins also reported that there is a Quick Chek going in at the old Washington Township Municipal Building. The same developer is also putting in a bank right next to Quick Chek in the Borough. They are requesting that the Quick Chek be allowed to hook in the Borough sewer system due to the fact that the bank will need to hook in because they will be located in the Borough. The developer is willing to pay for anything upgrades, etc. The Borough Engineer is suggested giving the developer preliminary approval as they will need to go before all the respective boards before final approval anyway.

Councilman Higgins made a motion to give the developer preliminary approval, there was not second.

Councilman Higgins made a motion to deny the request for preliminary approval, seconded by Housel – All yes

Park Committee – No Report

Grant Committee: Councilwoman Gleba stated the grant committee is looking into a FEMA fire dept. grant.

Cable Committee – No Report

Park – No Report

## **OLD BUSINESS:**

### **2010 Budget Discussion**

Councilwoman Gleba proposed a reduction in the Recreation Department budget based on the proposed and approved plan by Ms. Uporsky. She proposed the following reductions: \$17, 424 in parks and recreation salary, \$6,291 from the operating budget, and remove the appropriation from the current fund for the grand illumination, Easter egg hunt, and the Fourth of July activities at the park.

Councilwoman Gleba motioned to have these reductions placed in the recreation budget, seconded by Councilman Housel for discussion.

Councilman Housel asked if these reductions have been discussed with Mr. Masenior. Councilwoman Gleba stated she discussed the salary and wages but not the reduction to operating costs. Councilman Higgins stated he would like all of these reductions discussed with Mr. Masenior prior to Council approval. Councilman Housel withdrew his second on the Motion, Councilwoman Gleba withdrew her motion.

Councilman Higgins motioned to have these reductions discussed with Recreation Director Masenior and the Recreation Committee, seconded by Councilman Valentine – All yes

## **NEW BUSINESS**

### **Resolutions 102-2010 – through 105-2010**

Resolutions 102-2010 through 105-2010 were approved by a motion made by Higgins, seconded by Housel.

### **RESOLUTION #102-2010**

#### **A RESOLUTION AUTHORIZING THE RELEASE OF FUNDS FROM A SITE PLAN ESCROW ACCOUNT IN THE NAME OF REGENCY AT WASHINGTON IN TRUST BY THE BOROUGH OF WASHINGTON**

WHEREAS, Jim Majewski, Division Senior Vice President of Toll Brothers of Perryville Corporate Center III, P.O. Box 4002, Clinton, NJ 08809-4002 has requested the return of the funds remaining in the site plan escrow account for Regency at Washington, Account #7200020912; 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 Regency at Washington, Inc. for the actual account balance in the Regency at Washington site plan escrow account.

### **RESOLUTION #103-2010**

#### **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 November 17, 2009 to Robert Northfield, 10 Roosevelt Road, Maplewood, NJ 07040 in the amount of \$109.68 for taxes or other municipal liens assessed for the year 2008 in the name of Lombardo, Philip, as supposed owners, and in said assessment and sale were described as 33 Cornish Street, Block 98 Lot 6, which sale was evidenced by Certificate #09-00019; and

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 4-30-10 and before the right to redeem was cut off, as provided by law, PNC Mortgage, claiming to have an interest in said lands, did redeem said lands claimed by Robert Northfield, by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$827.00, which is the amount necessary to redeem Tax Sale Certificate #09-00019.

NOW THEREFORE BE IT RESOLVED, on this 18th day of May, 2010 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Robert Northfield, 10 Roosevelt Road, Maplewood, NJ 07040 in the amount of \$852.00 (\$827.00 Amount to Redeem plus \$25.00 premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 98 Lot 6 from the tax office records.

#### **RESOLUTION # 104-2010**

#### **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 December 4, 2008 to Park Finance LLC, PO Box 109, Cedar Knolls, NJ 07927, in the amount of \$4,563.40 for taxes or other municipal liens assessed for the year 2007 in the name of O'Keefe, William D and Madeline S, as supposed owners, and in said assessment and sale were described as 355 N Prospect Street, Block 2 Lot 6, which sale was evidenced by Certificate #08-00438; and

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 5-5-2010 and before the right to redeem was cut off, as provided by law, Attorney Alan Lowcher 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 \$17,516.37, which is the amount necessary to redeem Tax Sale Certificate #08-00438.

NOW THEREFORE BE IT RESOLVED, on this 18h day of May, 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 \$17,516.37.

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 2 Lot 6 from the tax office records.

#### **RESOLUTION #105-2010**

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

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

<b><u>BLOCK/LOT</u></b>	<b><u>PROPERTY OWNER/ PROPERTY LOCATION</u></b>	<b><u>AMOUNT TO BE REFUNDED</u></b>
11.01/5	Kalmbach, Kurt 118-120 West Washington Ave.	\$ 104.00

The former owner made an overpayment during the closing procedures on the above property location. A refund of \$104.00 should be mailed to:

Kurt Kalmbach  
32 Mt. Pleasant Road  
Columbia, NJ 07832

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

**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 Borough Treasurer is authorized to refund the above overpayment amount.

Roll Call: Housel, Higgins, Valentine, McDonald, Geba – Yes  
Gleba – abstained from Resolution 105-2010

#### **Resolution 106-2010 Approval of Leave of Absence**

Resolution 106-2010 was moved on a motion made by Higgins, seconded by Housel and adopted.

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

Ayes: 5, Nays: 0

Motion Carried

**RESOLUTION #106-2010**

**RESOLUTION GRANTING AN EXTENSION OF  
A LEAVE OF ABSENCE – F.M.L.A. FOR CHILDCARE  
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 an extension to the leave of absence previously granted per Resolution #43-2010 without pay in accordance with the Family Medical Leave Act;

WHEREAS, the employee was to return from the prior leave of absence on May 12, 2010, and submitted a written request dated May 4, 2010, for an extension of the leave to begin May 12, 2010 through June 23, 2010, without pay in accordance with the Family Medical leave Act.

NOW, THEREFORE BE IT RESOLVED, the Mayor and Council of the Borough of Washington, Warren County, New Jersey do hereby grant to Twila I. Eglinton a leave of absence in accordance with the Family Medical Leave Act without pay retroactive to the beginning date of May 12, 2010 through June 23, 2010, with an anticipated return to work date of June 24, 2010, from her full-time position as Clerk.

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 May and June be inadequate to take the full monthly deductions for pension and contributory insurance.

**Resolution 110-2010 Cancellation of Receivable for Bond Ordinance 11-2008**

Resolution 110-2010 was moved on a motion made by Housel, seconded by Gleba and adopted.

Roll Call: Housel, Gleba, McDonald, Valentine – yes  
Higgins – abstain

Ayes: 4, Nays: 0  
Abstain: 1  
Motion Carried

**RESOLUTION # 110 -2010**  
**A RESOLUTION AUTHORIZING CANCELLATION OF ACCOUNTS**  
**RECEIVABLE FOR BOND ORDINANCE -2008-11, PURCHASE OF FIRE TRUCK**

**WHEREAS**, it was originally anticipated that cost of the Fire Truck will be \$1,000,000;  
and

**WHEREAS**, \$500,000 was anticipated to be received in Grants; and

**WHEREAS**, appropriated amounts were authorized by the Governing Body of the  
Borough of Washington; and

**WHEREAS**, only \$500,000 were expended for the purchase by the Borough

**NOW, THEREFORE, BE IT RESOLVED**, by the governing body of the Borough of  
Washington, in the County of Warren, State of New Jersey as follows:

The governing body hereby authorizes cancellation of the \$500,000 of accounts  
receivable for the Bond Ordinance 2008-11 and appropriate Improvement Authorization  
for this project.

**Resolutions 111 – 2010 through 113-2010**

Resolutions 111-2010 through 113-2010 were moved on a motion made by  
Housel, seconded by Higgins and adopted.

Roll Call: Housel, Higgins. Gleba, Valentine, McDonald

Ayes: 5, Nays: 0  
Motion Carried

Gleba – No on Resolution 111-2010

**RESOLUTION # 111 -2010**

**RESOLUTION AUTHORIZING SALE OF SURPLUS PROPERTY TO  
THE TOWNSHIP OF WASHINGTON FOR NOMINAL CONSIDERATION**

**WHEREAS**, N.J.S.A. 40A:11-36(2) permits a municipality by resolution to sell personal property not needed for public use to another contracting unit without advertisement or auction; and

**WHEREAS**, the Borough has several old police cars and police vehicle equipment which are not needed by the Borough, can no longer be operated and are of no practical use or value to the Borough are no longer ; and

**WHEREAS**, the Township of Washington is interested in acquiring these old vehicles and equipment in order to salvage these vehicles for workable replacement parts and equipment; and

**WHEREAS**, the Borough desires to sell the vehicles and equipment to the Township of Washington for nominal consideration.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Washington, County of Warren that:

3. Ownership of the vehicles and equipment listed below is hereby transferred to the Township of Washington for \$1.00:

2003 Ford Crown Victoria	2FAFP 71W13 X2204 99
2001 Ford Frown Victoria	2FAFP 71W21 X1182 99
12 used tires (Police)	
4 Backseat Dividers for Police Cars	

4. The vehicles and equipment identified above can only be used by the Township of Washington for the purposes of providing training and not for commercial business or trade. In the event that the vehicles are not used in accordance with this limitation, ownership in the vehicles shall revert to the municipality.

#### **RESOLUTION # 112-2010**

#### **RESOLUTION AUTHORIZING SALE OF SURPLUS PROPERTY TO THE WARREN HILLS REGIONAL SCHOOL DISTRICT FOR NOMINAL CONSIDERATION**

**WHEREAS**, N.J.S.A. 40A:11-36(2) permits a municipality by resolution to sell personal property not needed for public use to another contracting unit without advertisement or auction; and

**WHEREAS**, the Borough has acquired through impoundment by the Borough police over a period of years approximately 25 old bicycles which are in need of repair; and

**WHEREAS**, the Borough has no use for these bicycles; and

**WHEREAS**, the Warren Hills Regional School District is interested in acquiring the bicycles for a school project in which they will be repaired and donated to underprivileged children; and

**WHEREAS**, the Borough desires to sell the bicycles to Warren Hills Regional School District for nominal consideration to facilitate this project.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Washington, Warren County, New Jersey, that it hereby authorizes the sale of the bicycles to the Warren Hills Regional School District for \$1.00.

#### **RESOLUTION # 113-2010**

#### **RESOLUTION AUTHORIZING SALE OF SURPLUS PROPERTY TO THE WARREN COUNTY TECHNICAL SCHOOL FOR NOMINAL CONSIDERATION**

**WHEREAS**, N.J.S.A. 40A:11-36(2) permits a municipality by resolution to sell personal property not needed for public use to another contracting unit without advertisement or auction; and

**WHEREAS**, in August, 2009 the Borough entered into a Shared Services Agreement with the Township of Washington for the provision of Police Services; and

**WHEREAS**, as a result of this Shared Services Agreement approximately twenty-five (25) old Borough police uniforms are still in the Borough's possession; and

**WHEREAS**, the Borough has no use for the uniforms any longer; and

**WHEREAS**, the once of the courses of education provided by the Warren County Technical School is entitled the "Law and Public Safety Program" which examines the roots of the modern day Criminal Justice Practitioner and study the history of the profession and its vital part of society; and

**WHEREAS**, this program, which operates in cooperation with the County Sheriff's office, County Prosecutor's office, State Police, and local law enforcement, have law and public safety personnel educate students on various functions of law and public safety; and

**WHEREAS**, as part of this program students receive uniforms, which in part are provided through donations; and

**WHEREAS**, the Warren County Technical School is interested in acquiring the Borough's old police uniforms for their Law and Public Safety Program; and

**WHEREAS**, the Borough desires to sell the uniforms to the Warren County Technical School for nominal consideration to facilitate this program.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Washington, Warren County, New Jersey, that it hereby authorizes the sale of the old Borough police uniforms to the Warren County Technical School for \$1.00.

#### **Resolution 114-2010 Sale of Surplus Property via Public Auction**

Resolution 114-2010 was moved on a motion made by Housel, seconded by Gleba and adopted.

Roll Call:       Housel, Gleba, McDonald, Valentine  
                      Higgins – Abstain

Ayes: 4, Nays: 0

Abstain: 1

Motion Carried

**BOROUGH OF WASHINGTON  
WARREN COUNTY, NEW JERSEY**

**RESOLUTION # 114 -2010**

**RESOLUTION AUTHORIZING SALE OF SURPLUSPROPERTY VIA PUBLIC  
AUCTION**

**WHEREAS**, *N.J.S.A.* 40A:11-36 permits a municipality sell personal property not needed for public use to via public auction; and

**WHEREAS**, the Borough owns one (1) old-model fire truck which is not needed by the Borough, can no longer be operated and is of no practical use to the Borough.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Washington, Warren County, New Jersey, that it hereby authorizes the auction of the fire truck listed below via public auction in accordance with the Local Public Contracts Law.

1975 Mack Aerialscope

CF611FAP1768

I do hereby certify that the foregoing is a correct and true copy of a Resolution adopted by the Borough Washington at a meeting duly held on

**Resolution 115-2010 Certification of Local Tax for Washington Borough School Board**

Resolution 115-2010 was moved on a motion made by Valentine, seconded by Higgins and adopted.

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

Ayes: 5, Nays: 0

Motion Carried

**BOROUGH OF WASHINGTON  
COUNTY OF WARREN  
RESOLUTION NO.  
115-2010**

**RESOLUTION OF THE BOROUGH COMMITTEE OF THE BOROUGH OF  
WASHINGTON, WARREN COUNTY, NEW JERSEY IN REGARD TO  
CERTIFICATION OF THE LOCAL TAX LEVY FOR THE WASHINGTON  
BOROUGH SCHOOL DISTRICT**

**WHEREAS**, the Board of Education of the Washington Borough School District presented to the voters, at the annual School Election held on April 20, 2010, a question concerning the tax levy requirements for the said Board of Education for current expenses and capital outlay, designated as the General Fund, in the amount of \$4,036,547.00; and

**WHEREAS**, the voters of Washington Borough rejected the current expense and capital outlay budget designated as the General Fund, by a vote of 232 Yes votes and 345 No votes; and

**WHEREAS**, the same Washington Borough School Board of Education transmitted an official copy of the rejected current expense and capital outlay budget designated as the General Fund and documentation to the Borough Committee of the Borough by April 22, 2010; and

**WHEREAS**, the Mayor and Borough Committee of the Borough of Washington have reviewed information on the current expense and capital outlay budget, designated as the General Fund as submitted by the said Board of Education; and

**WHEREAS**, careful consideration has been given to the information received from the Board of Education, with a view toward providing a thorough and efficient system of education in the school system of the Washington Borough School District.

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

1. The tax levy amount of \$4,036,547 on the ballot was rejected by the voters for the General Fund (base budget);

The Mayor and Borough Committee has determined that the rejected General Fund is below the maximum T & E budget and that a reduction of \$131,655.00 will not adversely affect the Board of Education's ability to meet the thoroughness and efficiency standard as set forth in N.J.A.C. 6:19-5.5(a)(3). Therefore, the Mayor and Borough Committee hereby reduce the General Fund tax levy by \$131,655.00. It is recommended that such reductions come from the following line-item accounts:

Account No.	Account	Reduction
11-212-100-101	Special Education Instruction Multiple Disabilities Salaries	45,425.00

11-000-217-100	Undist. Expend Other Support Students Extra Service Salaries	43,133.00
11-000-291-270	Unallocated Benefits Employee Benefits	43,097.00

In consideration of these reductions, the tax levy will be adjusted as follows:

\$4,036,547.00	presented to the voters
\$ 131,655.00	above reductions
\$3,904,892.00	certified tax levy amount

2. The Mayor and Borough Committee hereby certifies that the amount of the tax levy herein above certified by this Municipal Government for the General fund (base budget) is sufficient to provide a thorough and efficient system of education for the Washington Borough School District.
3. The aforementioned tax levy herein certified by the Borough of Washington for the base budget exceeds the local share required by the Comprehensive Educational Improvement and Financing Act of 1996.
5. The Borough Clerk of the Borough of Washington is directed to certify no later than Wednesday, May 19, 2010, to the Warren County Board of Taxation, the Warren County Superintendent of Schools, the Washington Borough School District Board of Education, the Washington Borough Tax Assessor, the Division of Local Finance of the Department of the Treasury of the State of New Jersey, and to any other parties required by law to receive such certification, that the amount of \$3,904,892.00 is necessary to be raised by taxation for General Fund revenues (District tax levy); a proportionate amount of which shall be included in the taxes to be raised, levied and collected in this Borough for current expense and capital outlay, designated as General Fund set forth herein, for the Washington Borough School District; and copies of this Resolution, to be executed by the Mayor and Borough Clerk, shall be forwarded by the Township Clerk of the persons and/or departments named herein, for certification purposes.



**Resolution 116-2010 Providing for Temporary Emergency Appropriations.**

Resolution 116-2010 was moved on a motion made by Housel, seconded by Valentine and adopted.

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

Ayes: 5, Nays: 0

Motion Carried

**RESOLUTION 116-2010**

**A RESOLUTION PROVIDING FOR EMERGENCY TEMPORARY  
APPROPRIATIONS FOR CURRENT FUND**

**WHEREAS**, there will be an additional delay in the adoption of the 2010 Borough of Washington, County of Warren, New Jersey, Local Municipal Budget; and

**WHEREAS**, a temporary budget in the amount of 26.25% of the total appropriations in the 2009 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance was adopted in January 2010; and

**WHEREAS**, if additional funds are not budgeted the public welfare will be adversely affected; and

**WHEREAS**, it is the recommendation of the Chief Financial Officer this emergency temporary appropriation be authorized

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Washington, County of Warren, New Jersey, that in accordance with N.J.S.A. 40A:4-20, an emergency temporary appropriation be and same is hereby made for in the amount of \$1,477,565.66 and that said emergency temporary appropriation shall be provided in full in the 2010 budget.

**CURRENT FUND**

**Account Number**

**Account Description**

0-01-20-100-000-010 GENERAL ADMIN SW

21,230.83

0-01-20-100-000-020	GENERAL ADMIN OE	9,617.08
0-01-20-110-000-012	MAYOR & COUNCIL Part Time	3,625.00
0-01-20-110-000-020	MAYOR & COUNCIL OE	2,324.50
0-01-20-120-000-010	CLERK SW	17,472.75
0-01-20-120-000-020	CLERK OE	3,408.37
0-01-20-130-000-010	FINANCIAL ADMIN SW	21,769.00
0-01-20-130-000-020	FINANCIAL ADMIN OE	1,920.00
0-01-20-145-000-010	TAX COLLECTION SW	24,514.00
0-01-20-145-000-020	TAX COLLECTION OE	1,540.00
0-01-20-150-000-010	TAX ASSESSMENT SW	9,419.25
0-01-20-150-000-020	TAX ASSESSMENT OE	5,625.00
0-01-20-155-000-020	LEGAL OE	16,586.83
0-01-20-165-000-028	ENGINEERING Contractual Services	11,900.00
0-01-20-170-000-020	DOWNTOWN REDEV OE	2,500.00
0-01-21-180-000-012	PLANNING BOARD Part Time	936.50
0-01-21-180-000-020	PLANNING BOARD OE	1,904.96
0-01-21-185-000-012	BOARD OF ADJ Part Time	954.58
0-01-21-185-000-020	BOARD OF ADJ OE	1,587.50
0-01-22-195-000-010	LOCAL CODE ENF SW	13,757.25
0-01-22-195-000-020	LOCAL CODE ENF OE	468.75
0-01-22-195-001-020	P.E.O.S.H.A	163.34
0-01-23-210-000-000	LIABILITY INSURANCE	37,500.67
0-01-23-220-000-000	GROUP HEALTH INSURANCE	61,580.74
0-01-23-225-000-000	UNEMPLOYMENT INSURANCE	5,000.00
0-01-25-240-000-010	POLICE DEPT SW	54,989.46
0-01-25-240-000-020	POLICE DEPT OE	600,000.00
0-01-25-252-000-012	EMERGENCY MGMT Part Time	753.75
0-01-25-252-000-020	EMERGENCY MGMT OE	250.00
0-01-25-255-000-020	FIRE DEPT OE	8,950.00
0-01-25-265-000-010	FIRE & SAFETY CODE ENF SW	5,633.50
0-01-25-265-000-020	FIRE & SAFETY CODE ENF OE	1,702.50
0-01-25-265-001-073	FIRE HYDRANTS Fire Hydrant Charges	16,958.33
0-01-25-275-000-028	MUNICIPAL PROSECUTOR	5,200.00
0-01-26-290-000-010	STREETS & ROADS SW	100,000.00
0-01-26-290-000-020	STREETS & ROADS OE	50,000.00
0-01-26-305-000-028	SOLID WASTE COLLECTION Contractual Services	61,466.67
0-01-26-310-000-010	BUILDINGS & GROUNDS SW	3,015.00
0-01-26-310-000-020	BUILDINGS & GROUNDS OE	7,204.00
0-01-26-313-000-010	SHADE TREE COMMISSION SW	234.75
0-01-26-313-000-020	SHADE TREE COMMISSION OE	5,103.75
0-01-27-340-000-012	ANIMAL CONTROL Part Time	2,531.00
0-01-28-370-000-012	RECREATION SW - Part-Time	9,533.17
0-01-28-370-000-020	RECREATION OE	12,540.83
0-01-29-390-000-010	MUNICIPAL LIBRARY SW	35,371.67
0-01-29-390-000-020	MUNICIPAL LIBRARY OE	15,466.08

0-01-30-420-000-299	CELEBRATION OF PUBLIC EVENTS	100.00
0-01-31-430-000-299	ELECTRICITY	12,500.00
0-01-31-435-000-075	TRAFFIC LIGHTS Street Lighting	21,000.00
0-01-31-435-000-100	TRAFFIC LIGHTS Traffic Lights	2,000.00
0-01-31-440-000-000	TELEPHONE	8,333.33
0-01-31-445-000-000	WATER	1,700.00
0-01-31-446-000-000	NATURAL GAS	7,000.00
0-01-31-447-000-000	HEATING OIL	2,083.33
0-01-31-460-000-000	GASOLINE & DIESEL	2,700.00
0-01-31-465-000-000	SOLID WASTE DISPOSAL	41,700.00
0-01-36-472-000-000	SOCIAL SECURITY	14,889.41
0-01-43-490-000-010	MUNICIPAL COURT SW	34,290.50
0-01-43-490-000-020	MUNICIPAL COURT OE	1,685.25
0-01-43-495-000-027	PUBLIC DEFENDER - Legal Services	1,500.00
0-01-45-925-000-000	NOTES - INTEREST	51,872.48
		-
	<b>Total</b>	<b>\$1,477,565.66</b>

## RESOLUTION

### A RESOLUTION PROVIDING FOR EMERGENCY TEMPORARY APPROPRIATIONS FOR SEWER UTILITY

**WHEREAS**, there will be an additional delay in the adoption of the 2010 Borough of Washington, County of Warren, New Jersey, Local Municipal Budget; and

**WHEREAS**, a temporary budget in the amount of 26.25% of the total appropriations in the 2009 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance was adopted in January 2010; and

**WHEREAS**, if additional funds are not budgeted the public welfare will be adversely affected; and

**WHEREAS**, it is the recommendation of the Chief Financial Officer this emergency temporary appropriation be authorized

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Washington, County of Warren, New Jersey, that in accordance with N.J.S.A. 40A:4-20, an emergency temporary appropriation be and same is hereby made for in the amount of \$288,909.42 and that said emergency temporary appropriation shall be provided in full in the 2010 budget.

0-05-55-501-000-010	SEWER OPERATING S&W	18,249.81
0-05-55-502-000-020	SEWER OPERATING OE	269,263.50
0-05-55-541-000-000	Sewer - Social Security	1,396.11
<b>Total</b>		<b>288,909.42</b>

#### **Resolution 117-2010 Requesting approval from DOT for a Stop-Line Relocation**

Resolution 117-2010 was moved on a motion made by Gleba, seconded by Housel and adopted.

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

Ayes: 6, Nays: 0  
Motion Carried

**RESOLUTION # 117-2010**

**RESOLUTION REQUESTING APPROVAL FROM THE N.J. DEPARTMENT  
OF TRANSPORTATION FOR STOP-LINE RELOCATION**

WHEREAS, in 2009 the Borough of Washington took ownership of a new ninety-five (95) foot ladder truck for use by the Washington Borough Volunteer Fire Department; and

WHEREAS, based on the turning radius of this new apparatus, it was discovered that the amount of clearance at the intersection of Rt. 57 and Belvidere Avenue was restricted due to the current locations of the painted stop-lines; and

WHEREAS, pursuant to an investigation conducted by the Borough Engineer, it has been determined that the stop-lines at the above-referenced location should be relocated in order to ensure safe and proper clearance when the apparatus makes turns at the intersection.

NOW, THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Washington hereby authorizes the Borough Engineer to request approval from the Department of Transportation for the relocation of the stop-lines at the intersection noted above, and provide the N.J. Department of Transportation any information they request in order for them to make a final determination.

BE IT FURTHER RESOLVED that certified copies of this resolution are forwarded to the Borough Engineer and the Washington Borough Volunteer Fire Department.

**VOUCHERS:**

Manager Phelan stated that the bill on page 11 to be paid to Washington Township should be pulled. This will be discussed in Executive Session:

A motion to pay the claims and vouchers excluding the Washington Township invoice in the amount of 1,029,840.91 was moved by Housel, seconded by Valentine and approved.

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

Ayes: 5, Nays: 0

Motion Carried

## **RECAP**

Manager Phelan will answer the questions submitted by Ms. Woykowski, he will look into summons issued to Krauzers. Manager Phelan will move forward with the Pleasant Valley Mill Dam project phase 1 and 2. He will move forward with certifying to the Planning Board that we do have the capacity for the Jade Development project to move forward with the age restriction proposal in front of the Planning Board and advise that any waste water treatment plans will be amended at their expense. He will also inform the developer for Quick Chek that they have been denied preliminary approval to hook into the Borough sewer system. Councilman Valentine motioned to make this a permanent denial for Quick Chek, seconded by Housel. All yes

## **COUNCIL REMARKS**

Councilman Housel – Stated that he is still working on the resolution requesting a school merger.

Councilman Valentine – Reported that he has been discussing with Recreation Director Masenior about approaching the county to see if there are any county historical preservation funds available for the grandstands at the Borough Park.

Councilwoman Gleba – Councilwoman Gleba motioned to not proceed with placing the question on the ballot about joining the Warren County Library system, seconded by Higgins.

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

Councilman Higgins – Stated he would like to make a motion that the forensic audit be discussed at the next meeting, seconded by Gleba.

Roll Call:      Higgins, Gleba, Housel, McDonald – yes  
                     Valentine - No

Councilwoman Gleba requested that a proclamation be prepared for Ms. Mary Finnegan regarding all of the hard work she has done surrounding the community garden project. Council agreed and Mayor McDonald stated that Councilman Cioni also requested a proclamation be done for Mr. Dave Hackney regarding all of the work he does with little league. Council concurred.

## **EXECUTIVE SESSION**

### **RESOLUTION 109-2010**

### **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; 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: Washington Township Police Agreement \_\_\_\_\_ 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 \_\_\_\_\_ 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.

Hearing no further business to come before Council, it was moved by Higgins, seconded by Valentine that the meeting be adjourned at 10:45 p.m.

Ayes: 5, Nays: 0.  
Motion carried.



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Mayor Scott McDonald

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Kristine Blanchard, RMC Borough Clerk