

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY  
WASHINGTON BOROUGH COUNCIL MINUTES – September 21, 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: Gleba, McDonald, Cioni, Higgins, Valentine, Boyle - Present  
Housel – 8:05 p.m.

Also Present: Richard Cushing, 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.

**MINUTES:**

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

Motion made by Valentine, seconded by Gleba and approved.

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

Ayes: 5, Nays: 0  
Abstain: 1  
Motion Carried

At this time, Mayor McDonald stated that he is pleased to announce the State of NJ has awarded the Borough \$400,000 in transitional aid. This is money that the Borough will not have to raise by the taxpayers. The Mayor stated he would like to thank Senator Dougherty and Assemblymen Peterson, Cryan and DiMaio for all of their help in this process.

Councilman Cioni stated that this weekend we will be holding Volunteer Days at the Borough Park from 9:00 am – 5:00 pm both Friday and Saturday. The Kiwanis Club, Rotary Club, and Recreation Committee, along with Borough employees were notified. The Kiwanis donated \$100 and two people to help, the Business Improvement District will also be volunteering. Sherwin Williams donated paint and half off any other supplies that are needed. Councilman Cioni is looking for more volunteers. Some of the tasks to be completed are painting in the pool and pump house, weeding, spreading mulch, etc.

### **CORRESPONDENCE:**

Borough Manager Re:Post September 7<sup>th</sup> 2010 Council Meeting Questions

A motion was made by Boyle, seconded by Higgins, to receive and file the correspondence.

Ayes: 6, Nays: 0  
Motion carried.

### **Council Discussion:**

Councilman Boyle stated in regards to the abandoned properties request, Council is looking for an actual list. Manager Phelan stated he will provide them with an updated copy and stated they are dissolving the Ordinance based on lack of response and funds to act on these abandoned properties. Councilman Cioni noted the ordinance was created when there were only a few homes that were affected. Susan Sloan asked if the Borough is liable for injury. Attorney Cushing stated if a residential sidewalk is in disrepair, the Borough could be liable, but not if it's a commercial property. Councilman Cioni noted the property owner is normally responsible for the sidewalk. Attorney Cushing stated it is case law whereas the residential owner is not responsible unless alterations to the sidewalk caused the injury. Councilman Boyle asked if the Borough is required to uphold Ordinance #7-2009 in regards to safety, arson, vandalism and the real estate value of the Borough. Attorney Cushing stated yes the Governing Body would have to repeal the Ordinance. Manager Phelan stated the Borough cannot afford to do the abandoned property Ordinance in its current form. Councilman Cioni asked if a lien could be put on the property. Manager Phelan stated it cannot be done under this Ordinance. Attorney Cushing agreed that the Ordinance does not give you the right to do anything to the property other than cut the grass. Manager Phelan stated DPW has been doing this and they have been keeping track of the properties they maintain.

Councilman Boyle questioned that while he understands it's a personnel issue, can Council discuss salary issues without using names. Attorney Cushing stated salaries and policies are public records and can be discussed in public. Performance is handled in executive session. If an employee wants to discuss the issue in public, they can waive their right to a private discussion. It is the manager's prerogative normally, but Council can discuss with the manager if the employee agrees. Mayor McDonald stated there is a

procedure where the employee goes to the manager and asks to be placed on the agenda. Attorney Cushing added the request should be in writing.

Councilwoman Gleba questioned the status of the crosswalk. Manager Phelan stated the manufacturer is working on the problem. There are two sensors that are out of line. We are the only town in the state to have this type of crosswalk so there is nothing to compare it to. They have been out to replace the bulbs and have spoken on the phone several times. Councilman Higgins asked if the Borough Engineer has looked at it. Manager Phelan replied that he has. Both Councilmen Higgins and Cioni suggested looking at the cameras. Manager Phelan will look into this.

Councilman Higgins asked about raising the bid threshold and also asked if the Borough needs three written estimates for the well pump. Manager Phelan replied the bids he has received to date are between \$8,000 and \$12,000. It has nothing to do with the threshold and he has nothing in writing concerning the estimates to date. He has met with three people down at the pool. Councilwoman Gleba stated she has applied for two grants. Councilman Cioni feels the pump needs to be replaced to maintain water levels if we are to keep the pool open next summer.

Councilman Higgins asked regarding sewer payments, it stated there is usually \$450 - \$500 per quarter behind. What did we end up for the year last year? Manager Phelan stated he doesn't have that on-hand, but it's reflected on last year's budget.

## **AUDIENCE**

Mrs. Edna Detlefs, 27 Fisher Avenue

Ms. Detlefs questioned the need for the two columns listed in the FAQ's on the website regarding the forensic audit and the difference between the two. Manager Phelan replied they are the best and worst case scenarios – the minimum and maximum numbers for budgeting purposes. Mrs. Detlefs asked if the numbers were requested year by year. Manager Phelan replied they were and also broken down by cost per year for budgetary reasons. Councilwoman Gleba explained they arbitrarily came up with \$100,000, but once the proposals came in, they had better numbers to work with. Mrs. Detlefs would like the website to read that it could cost up to \$500,000, perhaps showing a \$50,000 - \$500,000 range. She also asked how much of the debt is paid each year and how much of the debt is in the tax rate. Manager Phelan stated the current fund debt is \$900,000. The sewer debt is approximately 1.25 million. She asked if everything stays static, will there be a tax increase next year. Manager Phelan stated current fund payments are increasing based on the amortization schedule and sewer is decreasing. We will have better a idea at the end of the year. He is working on it now with the CFO. Mrs. Detlefs stated she doesn't want the state running our town.

Penny Shaw, 22 School Street

Ms. Shaw stated she submitted a volunteer application three weeks ago for the recreation committee and hasn't heard anything yet. Mayor McDonald stated he did receive her application and will probably handle it within the next two weeks.

Councilman Terry Housel arrived at 8:05

Evelyn Morrison, 19 Lincoln Avenue

Ms. Morrison stated she submitted a volunteer application for the Board of Adjustment during the time that she assisted a resident with his application. As a result, a board member asked if she would be interested in being a member of the board. She has five years experience in Brevard County Planning and Zoning. One month went by and she found out the clerk doesn't have the application, but the Mayor does. She stated she was told by Mayor McDonald that he was thinking of recommending her at the end of the year since she was only here five months and also stated that by helping the resident with his Board of Adjustment application; it could be seen as a conflict of interest. Mayor McDonald stated this is untrue. Ms. Morrison stated she told a few people and they suggested bringing it to Council's attention. She did some research and found it can be decided by Council, not necessarily having the Mayor's recommendation. She contacted Community Development and found there are seven ethical violations that could have been pursued. She decided not to follow up on these. She only wants to volunteer. This is not appropriate when the Borough is starving for volunteers. Mayor McDonald stated he never said that she shouldn't have represented the resident, but rather, because she represented the resident in front of the Board of Adjustment, it could be perceived as a conflict of interest and he felt it was in the best interest to wait until the beginning of the year. Ms. Morrison stated the Board of Adjustment offered her the position after hearing her representation with the resident's application. She feels she was received very well by all members of the Board of Adjustment.

A motion was made by Cioni, seconded by Gleba, to close the audience portion of the meeting.

Ayes: 7, Nays: 0  
Motion carried.

## **ORDINANCES**

Ordinance 13-2010 AN ORDINANCE TO AMEND CHAPTER 85 OF THE CODE OF THE BROOUGH OF WASHINGTON AMENDING MUNICIPAL PARKING LOT HOURS (INTRODUCTION)

Mayor McDonald entertained a motion to introduce Ordinance #13-2010.

Ordinance 13-2010 was introduced by Councilman Housel, seconded by Councilman Cioni.

It was further moved by Housel, seconded by Cioni that the Clerk read Ordinance #13-2010 by title only.

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

Ayes: 7, Nays: 0

Abstain: 0

Motion Carried

The Clerk read Ordinance #13-2010 entitled, “AN ORDINANCE TO AMEND CHAPTER 85 OF THE CODE OF THE BOROUGH OF WASHINGTON AMENDING MUNICIPAL PARKING LOT HOURS”

Motion made by Housel, seconded by Boyle to adopt Ordinance 13-2010 on first reading.

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

Ayes: 7, Nays: 0

Abstain: 0

Motion Carried

### ***ORDINANCE # 13-2010***

#### **AN ORDINANCE AMENDING CHAPTER 85 OF THE CODE OF THE BOROUGH OF WASHINGTON AMENDING MUNICIPAL PARKING LOT HOURS**

**WHEREAS**, the Mayor and Council believe it is beneficial for the municipality to provide consistent and uniform municipal parking lot hours to provide convenience for customers, residents, and current businesses.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Washington, in the County of Warren and State of New Jersey, that Chapter 85 entitled “Vehicles and Traffic” of the Code of the Borough of Washington be amended as follows:

**Section 1.** Section 59 entitled “Names and locations of lots; hours; charges” of Article XIV entitled “Municipal Parking Lots” of Chapter 85 is hereby amended as follows:

A. Subsection B is hereby amended as follows:

B. Borough Hall Parking Lots. Parking is permitted in parking lots adjacent to the municipal building for Borough Hall business and for business at Taylor Street School. Overnight parking is prohibited from 3:00 a.m. to 6:00 a.m. except for borough employees.

B. Subsection C is hereby amended as follows:

C. Other Lots. Parking is permitted by permit purchased from the Borough of Washington for overnight parking between the hours of 3:00 a.m. and 6:00 a.m. only in the following municipal parking lots:

1. Southern Plaza, located at the eastern end of Allegar Street.
2. Western Plaza, located on the eastern side of South Lincoln Avenue, south of West Washington Avenue.
3. South Central Plaza, located on the driveway between East Washington Avenue and Allegar Street.
4. East Church Street Plaza, located on the south side of East Church Street, west of 25 East Church Street.
5. Broad Street Plaza, located on the west side of Broad Street, south of the former Public Library building.
6. North Central Plaza, located at 46-52 East Washington Avenue
7. Center Plaza, located adjacent to 64-68 East Washington Avenue (Midtown)

Permit is required to park in the above lots between the hours of 3 a.m. and 6 a.m.

**Section 2.** Section 70 of Article XIV entitled “Municipal Parking Lots” of Chapter 85 is amended as follows:

§85-70. Parking stickers for municipal lots.

Parking stickers in a form, shape and color to be designated by the Borough of Washington shall be available for purchase from the Borough Clerk for the sum of \$12 per month or \$144 for the entire year for overnight parking in municipal parking lots designated in Section 85-59 C. An overnight sticker for municipal lots shall be effective from 3:00 a.m. to 6:00 a.m. Any vehicle parking in an area requiring stickers that does not have a sticker shall be towed away at the owner’s expense and risk.

**Section 3.** All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.

**Section 4.** If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.

#### **REPORTS:**

Motion was made by Housel, seconded by Gleba to receive and file the following reports:

Issues and Details  
Managers Report  
Municipal Court Report  
Tax Collectors Revenue  
CFO Report

Councilman Boyle questioned the discrepancy between the August 2010 court report that states the Borough received \$5,954.78 and the tax collectors revenue report for the same month that states the borough received \$5,398.00. Manager Phelan will check with the court office.

Councilman Higgins questioned the energy receipts and the receipt of only one payment. Interest and cost on taxes show we received \$16,000 interest on delinquent payment.

Ayes: 7, Nays: 0  
Motion Carried

#### **COMMITTEE REPORTS:**

**DPW:** Councilman Higgins noticed the DPW was hauling salt to the salt shed. Mayor McDonald confirmed we have received a CO for the salt shed. Councilman Higgins stated the area is a nice place and everyone should stop by to see it. He asked if the oil separator for wash bay was part of the negotiations. Manager Phelan replied it is part of the project and won't hold up opening of building. Multiple quotes are needed. It was budgeted for \$15,000, but numbers are coming in lower.

**Streets Committee:** Councilman Boyle stated he met with Councilman Housel and Mayor McDonald on the September 13<sup>th</sup> and 17<sup>th</sup>. They discussed the list compiled by the Borough Manager. Councilman Boyle sees the maintenance of private roads as a safety responsibility of Council to the residents of these streets. Roads need to be plowed for emergency vehicle access. He recommends an Ordinance to maintain private roads. The roads also need to be named. Maintaining would include snow plowing and salting.

Mayor McDonald stated he is concerned with pollution to the water table and damage to lawns by salting dirt roads. Councilman Boyle stated we have maintained these roads for years. Attorney Cushing stated permission of the land owners is required to do this. Councilman Cioni asked if the Borough is held harmless for damages from the plow. Attorney Cushing stated this is an area of concern and complexity. Consent would run with the property. Councilman Cioni suggested a possible cap limit amount. Councilman Housel stated that in the 1990's the street property owners signed agreements with the Borough, but this was never voted on by Ordinance. He has copies he can provide with pictures to Council and Attorney for their review. Manager Phelan stated if Council wants to move forward with the Ordinance, he will start reaching out to the property owners now. It could be adopted in December.

A motion was made by Boyle, seconded by Housel, to adopt an Ordinance to maintain designated roads, maintenance being defined as snow and ice management. Manager Phelan will prepare a draft prior to introduction. An updated list of roads will be provided to the manager. Councilman Valentine asked if there are still roads we aren't doing anything to and shouldn't the Ordinance cover all roads. Manager Phelan and Attorney Cushing both agreed any new roads would be up to standards. Manager Phelan will ask the engineer to provide aerials and he will search the tax list.

Ayes: 6, Nays: 0  
Abstain: 1 (Higgins)  
Motion Carried

#### **Finance Committee: No Report**

**Shared Services Committee:** Councilman Boyle provided Council with a copy of Hampton's garbage proposal and Ordinance. He met with officials and found this to be a very strict program. They are intense on recycling. The Borough would need to change a few things. There would be a cost savings for the Borough. Information will be placed on the website. Councilman Cioni stated he would like a contact name and number. Councilman Higgins questioned the schools, businesses and parks. Councilman Boyle stated the Borough will be fined if downtown and special events do no recycle. Councilwoman Gleba asked what the savings would be and would the Borough receive violation revenue. Councilman Boyle stated the Borough would save \$171,000 for a full year without tipping fees. Any violation revenue would be Borough money. Mayor McDonald announced that any audience members with questions could see Councilman Boyle after the meeting. Councilman Cioni feels we will sell more garbage stickers if only one can is permitted. Councilman Boyle stated one can is equal to three bags and noted the sticker program is Borough revenue. Councilman Higgins asked if they will charge more for stickered bags. Councilman Boyle will look into this.

#### **Senior Services: No Report**



**Website Committee:** Councilman Cioni stated there will be an e-mail blast on October 1<sup>st</sup> noting the Municipal Court change. Beth Uporsky noted changes and additions to the recreation page. Volunteer Days is listed on the website. He is hoping to take pictures to post as well. The new Code Enforcement Officer's information is updated and listed.

**Sewer:** No Report

**Park Committee:** No Report

**Grant Committee:** Councilwoman Gleba stated she has not received any responses yet for the two grants she applied for the well pump. Unfortunately, we didn't get the Keep America Beautiful Graffiti Hurts grant program that Councilman Cioni applied for. They chose three towns with the greatest need. She is working with the manager on the NJBPU clean energy program. The questionnaire was submitted to the committee. The grant is due in December.

### **OLD BUSINESS:**

None

### **NEW BUSINESS**

#### Professional Performance Evaluations Discussions (JG)

Councilwoman Gleba stated at the last meeting she is interested in establishing or amending policies to evaluate professionals. She shared her internet research and sample evaluations with Council members. She asked how Council would like to proceed? Mayor McDonald suggested evaluations be done mid-term to allow for room for correction and awareness. Councilman Higgins asked if it should be done by Ordinance or policy as these are appointments. Attorney Cushing replied policy allows for easier adjustments, but it can also be done by Ordinance. Councilman Higgins and Councilman Valentine will help her establish the forms and policy.

A motion was made by Gleba, seconded by Valentine, to create a new policy for professional evaluations.

Ayes: 7, Nays: 0

Motion carried.

#### Increase to Bid Threshold Discussion

Manager Phelan stated the bidding threshold can be adjusted by the Governor every five years. This increases the amount the municipality can purchase without going to public bid. All checks and balances are in place and this provides a cushion for routine planned purchases. It doesn't supersede any policy. The bid threshold is now \$29,000 and he is looking to increase it to \$36,000. Attorney Cushing noted Council would need to approve the contract.

Mayor McDonald took a roll call.

Valentine, Cioni, Housel, Gleba, McDonald - Yes - in favor of drafting a resolution.  
Higgins, Boyle - No

Ayes: 5, Nays: 2  
Motion Carried

Manager Phelan will prepare it for the next meeting.

Shared Service Agreement offer from Washington Township Discussion (DH)

Councilman Higgins stated he received a letter from the Washington Township Mayor discussing code enforcement/construction code. Councilman Higgins noted Council already said no to this. Councilman Higgins asked how the automotive shared service request came about. Manager Phelan stated he researched it after speaking to the shared services chairman to see if it was feasible. It is a generic concept. Councilman Housel noted at the beginning of the year anything and everything is on the table regarding shared services. He would like to be sure everyone is informed of what's going on. He discussed during the early stages of the garage having a mechanic at the garage to service borough vehicles.

Resolution 165-2010 Municipal Alliance Grant Application to the County of Warren for Franklin Township and the Borough of Washington

Motion made by Cioni, seconded by Housel to approve Resolution 165-2010.

Discussion:

Councilwoman Gleba stated she received nothing from Franklin Township concerning their Resolution.

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

Ayes: 6, Nays: 1  
Motion Carried

**RESOLUTION # 165-2010**

**A RESOLUTION AUTHORIZING THE  
SUBMISSION OF A MUNICIPAL ALLIANCE  
GRANT APPLICATION TO THE COUNTY OF  
WARREN**

**THE GRANT APPLICATION SUBMISSION WILL BE  
COMBINED BETWEEN THE MUNICIPAL ALLIANCE OF  
FRANKLIN TOWNSHIP AND WASHINGTON BOROUGH  
OF WARREN COUNTY**

WHEREAS, the Warren County Department of Human Services provides Municipal Alliance grants for drug prevention and education purposes; and

WHEREAS, the Township of Franklin and the Borough of Washington desires to further the public interest by obtaining funding from the County of Warren for the Franklin Township/Washington Borough's Municipal Alliance for calendar year 2011;

NOW THEREFORE, the Mayor and Council of the Borough of Washington in the County of Warren and State of New Jersey resolves that Dorothy E. Repsher or the successor to the office of Municipal Alliance Coordinator is hereby authorized to:

- (a) Make application for such a loan and/or such grant,
- (b) provide additional application information and furnish such documents as may be required and
- (c) act as the authorized correspondent of the above named applicant; and

WHEREAS, the County shall determine if the application is complete and in conformance with the scope and intent of the Governor's Council on Alcoholism and Drug Abuse Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the County's funds in accordance with such rules, regulations and applicable statutes, and is willing to comply with the Statement of Assurance and adhere to all fiscal requirements;

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE Mayor and Council of the Borough of Washington in the County of Warren and State of New Jersey;

1. That the Municipal Alliance Committee Coordinator, Mayor, Deputy Mayor, and one other council member of the above named body or board Is hereby authorized to make application for and, in the event of grant

Award to execute and agreement and an amendment thereto with the County of Warren for 2011 Municipal Alliance Grant Funding;

2. That the applicant will provide a cash matching share in the amount of \$1,958.00 in its 2011 Municipal Budget;
3. That the applicant agrees to comply with all applicable federal, state, and Local laws, rules, and regulations in its execution of the grant.

#### Resolution 168-2010 Introduction of Resolution to Amend 2010 Municipal Budget

Resolution 168-2010 was moved on a motion made by Valentine, seconded by Housel.

#### Discussion:

Councilwoman Gleba asked why the decrease in section G? Manager Phelan explained these cover school taxes for 2010. These are all changes Council and the State made. This shows all revenues inside and outside the cap; every line item is tied to each other. The \$215,000 in reductions made by Council has an effect on all other line items. The \$400,000 in state aid is money that doesn't need to be raised by taxpayers. Councilwoman Gleba asked about the finance budget. She noted it was \$15,180 as stated by the CFO at the budget workshop meeting and is now raised to \$19,000. Councilwoman Gleba noted the July 6<sup>th</sup> minutes reflect her questioning this. Manager Phelan will speak to the CFO. Councilman Cioni suggested avoiding last minute questions. Councilman Housel agreed and feels questions can still be made public if asked beforehand and mentioned at the meeting. Manager Phelan stated this is a state approved budget which the state made changes to this morning. We received more aid than most municipalities. Based on the state aid and approval of the finance board, the municipal tax rate is 1.41. Rather than raise taxes \$0.35 the new increase will be \$0.18. Councilwoman Gleba stated she would like an updated copy of the budget. Councilman Higgins noted the public hearing is on Monday; however, the reduced numbers Council gave are not reflected here. Manager Phelan will verify the numbers with the CFO. If the budget is not approved at Monday's meeting, 4<sup>th</sup> quarter tax bills will not go out on time and the added assessment will not be applied.

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

Ayes: 4, Nays: 3  
Motion Carried

	<u>FROM</u>	<u>TO</u>
3. Miscellaneous Revenues-Section B:State Aid without Offsetting Appropriations		
Transitional Aid	0.00	400,000.00
Energy Receipts Tax		

Total Section B State Aid without Offsetting Appropriations	593,376.00	993,376.00
	<u>FROM</u>	<u>TO</u>
3. Miscellaneous Revenues - Section G: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Other Special		
Reserve for Prepaid Aschool Taxes	36,343.62	0.00
Deferred School Tax	40,613.00	0.00
Total Section G: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Other Special	141,126.62	64,170.00
Summary of Revenues:		
3. Miscellaneous Revenues		
Total Section A: Local Revenues	0.00	0.00
Total Section B: State Aid without Offsetting Appropriations	593,376.00	993,376.00
Total Section D: Interlocal Agreements	0.00	0.00
Total Section F: Public and Private Revenues	0.00	0.00
Total Section G: Special Items of General Revenue	141,126.62	64,170.00
Total Miscellaneous Revenues	1,073,640.66	1,396,684.04
Subtotal General Revenues	1,784,640.66	2,107,684.04
6. Amount to Be Raised By Taxes	5,755,349.12	5,294,709.57
7. Total General Revenues	7,539,989.78	7,402,393.61
8. General Appropriations:	<u>FROM</u>	<u>TO</u>
a. Operations Within "CAPS":		
Mayor and Council - Salaries and Wages	14,500.00	10,500.00
Mayor's Office - Other Expenses	9,298.00	7,298.00
Financial Administration - Other Expenses	15,180.00	19,180.00
General Administration - Other Expenses	35,659.00	29,659.00
Legal - Other Expenses	75,000.00	69,000.00
Forensic Audit	100,000.00	0.00
Municipal Clerk - Other Expenses	13,633.00	5,933.50
Downtown redevelopment	10,000.00	0.00
Board of Adjustment - Salaries and Wages	4,485.00	3,985.00
Board of Adjustment - Other Expenses	6,350.00	5,850.00
Shade Tree Commission - Other Expenses	15,000.00	8,000.00
Parks and Recreation - Other Expenses	50,163.00	40,172.03
Fire Safety - Other Expenses	6,810.00	4,810.00
Total Operations ( Items 8(A) Within "CAPS"	3,163,242.22	3,011,551.75
b.	5,000.00	0.00

Contingent

Total Operations Including Contingent Within "CAPS"	3,168,242.22	3,011,551.75
Salaries and Wages	1,255,604.50	1,251,104.50
Other Expenses	1,912,637.72	1,760,447.25
(E) Deferred Charges and Other Statutory Expenditures:		
Public Employes' Retirement System	131,561.00	73,886.91
Total Deferred Charges & Statutory Expenditures-Municipal Within CAPS	263,533.42	205,859.33
Total General Appropriations For Municipal Purposes Within "CAPS"	3,431,775.64	3,217,411.08
(A) Operations Excluded From "CAPS"		
Maintenance of Free Public Library		
Other expenses	60,702.00	50,664.75
PERS	0.00	58,700.00
Total Other Operations- Excluded From "CAPS"	204,317.00	252,979.75
Interlocal Municipal Service Agreements:		
Shared Police Services	2,100,000.00	2,085,000.00
Total Interlocal Municipal Service Agreements	2,100,000.00	2,085,000.00
Public and Private Programs Offset By Revenues		
Recycling Tonnage Grant	0.00	7,674.04
Total Public and Private Programs Offset By Revenues	89,122.00	96,796.04
Total Operations - Excluded From "CAPS"	2,393,439.00	2,434,775.79
Detail:		
Salaries and Wages	143,615.00	143,615.00
Other Expenses	2,249,824.00	2,291,160.79
	<u>FROM</u>	<u>TO</u>
(C) Capital Improvements - Excluded From "CAPS"		
Computer Equipment	75,000.00	37,500.00

Total Capital Improvements	75,000.00	37,500.00
(D) Municipal Debt Service - Excluded From CAPS Payment of Bond Principal		
Total Municipal Debt Service - Excluded From CAPS		
(H-2) Total General Appropriations for Municipal Purposes Excluded From "CAPS"	3,298,155.14	3,301,991.93
(O) Total General Appropriations-Excluded From "CAPS"	3,298,155.14	3,301,991.93
(L) Subtotal General Appropriations {Items (h-1) and (o)}	6,729,930.78	6,519,403.01
(M) Reserve for Uncollected Taxes	810,059.00	882,990.60
9. TOTAL GENERAL APPROPRIATIONS	7,539,989.78	7,402,393.61
SEWER UTILITY		
10. Dedicated Revenues From Sewer Utility		
Sewer Service Charges	1,989,900.00	1,990,830.00
Total Sewer Utility Revenues	2,360,100.00	2,361,030.00
11. Appropriations For Sewer Utility		
Debt Service-Interest on Bonds	31,800.00	32,730.00
Total Sewer Utility Appropriations	2,360,100.00	2,361,030.00

## **VOUCHERS**

Motion made by Housel, seconded by Higgins to approve the claims and vouchers in the amount of \$ 695,268.85.

### **Discussion:**

Councilwoman Gleba asked if the DPW can maintain the library's lawn. Manager Phelan replied they can. She also suggested switching providers in 2011 from Verizon to Broadband. Manager Phelan stated Verizon's costs were reduced, but he will look into it. Councilman Higgins asked about the Planning Board invoice from Jade Acquisitions. Manager Phelan stated that this payment is from an escrow account. Councilman Housel noted the DPW is not licensed to apply pesticides to the lawn as the lawn service can. Manager Phelan stated no fertilizers were used on municipal properties this year.

Ayes: 7, Nays: 0

Abstain: 2 (Gleba – Finelli Consulting Invoices, Higgins – Fire Department Invoices.)

Motion Carried

## **RECAP**

Manager Phelan will provide an up-to-date abandoned properties listing, research discrepancies between the court and treasurers report, prepare an Ordinance to maintain private roads, bid threshold increase resolution will be place on the next agenda, and he will speak to the CFO regarding the budget amendment.

## **COUNCIL REMARKS**

Councilman Boyle – no comments

Councilman Higgins asked when the RFP's for professionals are going out? Manager Phelan replied they have been out for 30 days and have a September 30<sup>th</sup> opening date. Regarding the vote of four for a majority, he spoke to the Basking Ridge Clerk and they don't do it that way. Per the League of Municipalities attorney, based on form of government, it is a simple majority for us. Councilman Higgins stated the Festival in the Borough will be held on October 2<sup>nd</sup>. Please come out and support the BID. Councilman Higgins stated the numbers of the audit FAQ's is misleading and would like it to read \$100,000 minimum. Add a column stating the worse case is \$500,000 and the best case is \$100,000. He thanked the Manager and Councilman Cioni for adding the questions and thanked Mr. Dell Elba for the questions supplied to the Borough.

Councilwoman Gleba stated she would like to thank the Governor and the DCA offices for their help in obtaining transitional aid. She also noted she never saw a resolution for work to be done by Stefanie Lewis. The sewer committee had recommended a resolution. Manager Phelan stated this is part of the 2011 budget process and will be done in-house.

Councilman Valentine – no comments

Councilman Cioni stated volunteers are needed at the park on Friday and Saturday from 9:00 – 5:00 if anyone is able to attend.

Councilman Housel stated the Festival in the Borough is being held on October 2<sup>nd</sup>. It will be a great time and he hopes to see everyone there.

Mayor McDonald stated he will be volunteering at the BID booth during the festival. As of October 1<sup>st</sup>, the Municipal Court will be transferring to Mansfield Township. A press



conference will tentatively be held on September 29<sup>th</sup> at 4:00 pm at the Mansfield Municipal offices. He will be attending with Senator Dougherty, as well as the Mayors from Mansfield, Oxford and Washington Township. Assemblymen Peterson and DiMaio are also invited.

### **EXECUTIVE SESSION**

A motion was made by Housel, seconded by Cioni, to enter into Executive Session to discuss contract negotiations at 9:40 pm.

Ayes: 7, Nays: 0

Motion carried.

### **RESOLUTION AUTHORIZING EXECUTIVE SESSION**

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

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

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

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

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

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

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

\_\_\_\_\_A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

\_\_\_\_\_A collective bargaining agreement, or the terms and conditions thereof (Specify contract: \_\_\_\_\_);

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

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

\_\_\_\_\_Investigations of violations or possible violations of the law;

\_\_\_\_\_X\_\_\_\_\_Pending or anticipated litigation or contract negotiation in which the public body is or may become a party; (The general nature of the litigation or contract negotiations is: Contract Negotiations – Shared Services\_\_\_\_\_ 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.

A motion was made by Higgins, seconded by Cioni, to exit Executive Session.

Ayes: 7, Nays: 0  
Motion carried.

Mayor McDonald announced there will be a meeting of the Warren County League of Municipalities on September 30<sup>th</sup> at 7:30 pm in the Washington Township Municipal Building.

Hearing no further business, a motion was made by Higgins, seconded by Cioni, to adjourn the meeting at 10:00 pm.

Ayes: 7, Nays, 0  
Motion Carried.

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Mayor Scott McDonald

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Ann Kilduff, Deputy Borough Clerk