

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY  
WASHINGTON BOROUGH COUNCIL MINUTES – March 1, 2011**

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

Roll Call: McDonald, Jewell, Higgins, Valentine, Boyle, Torres - Present  
Gleba – 7:35 pm

Also Present: Kristine Blanchard, Borough Clerk

Mayor McDonald led everyone in the flag salute.

Mayor McDonald read the following Statement into the Record:

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

**MINUTES:**

Mayor McDonald entertained a motion to approve the minutes of the Regular meeting of February 15, 2011.

Motion made by Higgins, seconded by Valentine.

Roll Call: Higgins, Boyle, McDonald, Valentine, Jewell, Torres

Ayes: 6, Nays: 0  
Abstain: 0  
Motion Carried

**EXECUTIVE SESSION MINUTES:**

Mayor McDonald entertained a motion to approve the Executive Session minutes of February 15, 2011.

Motion made by Higgins, seconded by Jewell and approved.

Ayes: 6, Nays: 0  
Motion Carried

## **CORRESPONDENCE**

None

## **AUDIENCE**

Mayor McDonald opened the audience portion of the meeting.

Bob Del Elba 86 W. Stewart

Mr. Del Elba stated he had trouble accessing tonight's agenda from the Borough Website. Borough Clerk Blanchard stated she had confirmation that the agenda was posted by the website company however; will look into this.

Motion made by Jewell, seconded by Valentine to close the audience portion of the meeting.

Councilwoman Gleba arrived at 7:35 p.m.

## **ORDINANCES**

### **ORDINANCE 1-2011 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMIT AND TO ESTABLISH A CAP BANK (INTRODUCTION)**

Mayor McDonald entertained a motion to introduce Ordinance #1-2011.

Ordinance 1-2011 was introduced by Councilman Valentine, seconded by Councilwoman Gleba.

It was further moved by Valentine, seconded by Gleba that the Clerk read Ordinance #1-2011 by title only.

Roll Call: Gleba, Valentine, Torres, Jewell, McDonald – Yes  
Higgins, Boyle - No  
Ayes: 5, Nays: 2  
Abstain: 0  
Motion Carried

The Clerk read Ordinance #1-2011 entitled, "AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMIT AND TO ESTABLISH A CAP BANK."

Discussion: The CFO explained the purpose of this Ordinance to Council. She stated that this Ordinance does not allow us to raise this money in the taxes; this is simply a way to set aside this appropriation in the event something unforeseen happens; for example a severe winter. Councilman Boyle stated he has never supported this ordinance. The CFO stated this is an insurance policy; if an unforeseen event happens and this is not adopted, the Borough would not have the money to pay for the unforeseen event.

Motion made by Torres, seconded by Gleba to adopt Ordinance 1-2011 on first reading.

Roll Call: Torres, McDonald, Valentine, Jewell, Gleba –Yes  
Boyle, Higgins - No

Ayes: 5, Nays: 2  
Abstain: 0  
Motion Carried

**Ordinance 1-2011**  
**CALENDAR YEAR 2011**  
**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION**  
**LIMITS**  
**AND TO ESTABLISH A CAP BANK**  
**(N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Borough Council of the Borough of Washington in the County of Warren finds it advisable and necessary to increase its CY 2011 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Borough Council hereby determines that a 1.5 % increase in the budget for said year, amounting to \$ 45,778.62 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS** the Borough Council hereby determines that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Borough Council of the Borough of Washington, in the County of Warren, a majority of the full authorized membership of

this governing body affirmatively concurring, that, in the CY 2011 budget year, the final appropriations of the Borough of Washington shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$ 110,126.84, and that the CY 2011 municipal budget for the Borough of Washington be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

### **INTRODUCTION OF 2011 MUNICIPAL BUDGET:**

Resolution 57-2011 Introduction of 2011 Municipal Budget was moved on a motion made by Gleba, seconded by Valentine.

Discussion: Council requested workshop budget meetings be scheduled for March 10<sup>th</sup> and 11<sup>th</sup> from 7:00 to 9:00 p.m. and on March 12<sup>th</sup> from 4:00 to 6:00 p.m. All Departments that had an increase will attend the March 10<sup>th</sup> workshop.

Roll Call: Gleba, Valentine, Jewell, Torres, McDonald, Higgins, Boyle

Ayes: 7, Nays: 0

Motion Carried

### **REPORTS:**

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

1. Managers Reports (redacted version)
2. DPW Report
3. Washington Township Police Report
4. Annual Fire Department Report
5. Municipal Court

6. Issues/Details

Ayes: 7, Nays: 0  
Motion Carried

**COMMITTEE REPORTS:**

Councilman Higgins reported that the Audit Committee had met and there was a question as to how we arrived at the \$100,000 budget for the forensic audit. Mayor McDonald stated that was the amount in last year's budget and since that it was we budgeted last year, Director Neff of the DLGS stated that was the amount he would approve in 2011. The Borough needs state approval due to the memorandum of understanding signed and agreed to when the Borough accepted the transitional aid last year. Councilman Higgins stated the Ordinance calls for a full forensic audit. He would like something in writing from the Attorney stating whether or not this petition/ordinance is binding.

Councilman Torres reported the Subcommittee Committee surveys are on the website.

**OLD BUSINESS**

Recreation Commission Ordinance Discussion

Several changes to the draft Recreation Commission Ordinance were noted by the Borough Clerk and will be given to the Manager. Councilman Higgins stated he would like clarification on the definition of Borough Officers as stated in section 3-55.2. Councilman Jewell stated that a term of 5 years may be to long. Borough Clerk Blanchard stated that the terms may be statutory and will double check.

Councilman Torres stated he had gathered quite a few ordinances and bylaws from other municipalities. These will be scanned and emailed to Council for their review.

**NEW BUSINESS**

**Resolution 55-2011 Redemption of Tax Certificate**

Resolution 55-2011 was moved on a motion made by Higgins, seconded by Jewell and adopted.

Ayes: 7, Nays: 0

Motion Carried

**RESOLUTION #55-2011**

**A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE**

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

**KNOW ALL PERSONS BY THESE PRESENTS, THAT, WHEREAS**, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on September 16, 2010 to US Bank Cust CCTS Capital, LLC, TLGS; 2 Liberty Place, 50 South 16<sup>th</sup> Street Ste 1950, Philadelphia, PA 19102, in the amount of \$203.06 for taxes or other municipal liens assessed for the year 2009 in the name of Hummer, Glenn A, as supposed owners, and in said assessment and sale were described as 58 West Stewart St, Block 14 Lot 11, which sale was evidenced by Certificate #10-00011; and

**WHEREAS**, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 2-16-11 and before the right to redeem was cut off, as provided by law, Statebridge Company, LLC, claiming to have an interest in said lands, did redeem said lands claimed by US Bank Cust CCTS Capital, LLC, by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$3,212.59, which is the amount necessary to redeem Tax Sale Certificate #10-00011.

**NOW THEREFORE BE IT RESOLVED**, on this 1<sup>st</sup> day of March, 2011 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to US Bank Cust CCTS Capital, LLC, TLGS; 2 Liberty Place, 50 South 16<sup>th</sup> Street Ste 1950, Philadelphia, PA 19102 in the amount of **\$3,212.59**.

**BE IT FURTHER RESOLVED**, that the Tax Collector is authorized to cancel this lien on Block 14 Lot 11 from the tax office records.

**Resolution 58-2011 Authorizing Budget Transfers for 2010 Appropriation Reserves**

Resolution 58-2011 was moved on a motion made by Valentine, seconded by Gleba and adopted.

Ayes: 7, Nays: 0  
Motion Carried

**RESOLUTION 58-2011**

**AUTHORIZING BUDGET TRANSFERS**

**FOR FISCAL YEAR 2010 APPROPRIATIONS RESERVES**

**WHEREAS**, N.J.S.A. 40A: 4-58 provides for appropriations transfers during the first three (3) months of the appropriation year, when it has been determined that it is necessary to expend for any of the purposes specified in the budget an amount in the

excess of the sum appropriated therefore and where it has been further determined that there is an excess in any appropriation reserve over and above the amount deemed to be necessary to fulfill the purpose of such appropriation reserves.

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

CURRENT FUND

Transfer From:		Transfer To;	
Administration		Land Use Administration.	
Administrator		Board of Adj.	
Salaries and Wages	2,500.00	Other Expenses	2,500.00
Mayor and Council		Planning Board	
Salaries and Wages	500.00	Other Expenses	100.00
		Utilities	
		Gasoline	400.00
Total	3,000.00		3,000.00

**Resolution 59-2011 Authorizing Issuance of Tax Anticipation Notes not to Exceed \$2,000,000.00 for Fiscal Year 2011**

Motion made by Valentine, seconded by Gleba and adopted.

Roll Call: Gleba, Valentine, McDonald, Jewell, Torres, Boyle – Yes  
Higgins – No

Ayes: 6, Nays: 1  
Motion Carried

**Resolution 59-2011**

**RESOLUTION AUTHORIZING THE ISSUANCE OF  
TAX ANTICIPATION NOTES NOT TO EXCEED  
\$2,000,000.00 FOR FISCAL YEAR 2011 OF THE  
BOROUGH OF WASHINGTON IN THE COUNTY OF  
WARREN, NEW JERSEY**

BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY, AS FOLLOWS:

Section 1. Section 1. In anticipation of the collection of taxes for the Fiscal Year 2011 levied or to be levied in such year or in anticipation of other revenue of such year, and for the purposes provided for in the budget or for which taxes are levied or to be levied for such year, Tax Anticipation Notes of 2011 of the Borough of Washington, New Jersey, are hereby authorized to be issued at one time or from time to time in the aggregate principal amount not to exceed \$2,000,000.00 (at any one time outstanding) pursuant to the Local Budget Law of the State of New Jersey, constituting Chapter 169 of the Pamphlet Laws of 1960 of the State of New Jersey and codified at N.J.S.A. 40A:4-1 et. seq. (the “Local Budget Law”).

Section 2. The following matters in connection with said notes are hereby determined:

TITLE:	Tax Anticipation Notes of Fiscal Year 2011 (each additional series, if any, shall be designated with a corresponding alphabetical letter)
DATE, NUMBER, DENOMINATION AND PLACE OF PAYMENT:	As may be determined by the Borough Chief Financial Officer
MATURITY:	As may be determined by the Borough Chief Financial Officer
INTEREST RATE:	As may be determined by the Borough Chief Financial Officer
FORM:	Substantially in the form attached hereto

Section 3. The borrowing power of the Borough on Tax Anticipation Notes for the fiscal Year 2011 is \$2,041,430.11 as determined by a certificate of the Borough Chief Financial Officer filed in the office of the Borough Clerk, such certificate being as follows:

CERTIFICATE

I, Natasha S. Turchan, Borough Chief Financial Officer of the Borough of Washington, in the County of Warren, New Jersey does HEREBY CERTIFY as follows:

1. The gross borrowing power in respect of Tax Anticipation Notes of Fiscal Year 2011, being 30% of the tax levy of the next preceding fiscal year for all purposes, plus 30% of the amount of miscellaneous revenues realized in cash during the next preceding fiscal year is \$2,041,430.11.



2. The amount of notes outstanding in anticipation of the collection of taxes of the 2011 fiscal year, except such notes as will be renewed by or paid from the proceeds of the notes to be issued, is \$0.
3. The net borrowing power, being the excess of the first over the second of the two above amounts is \$2,041,430.11.

IN WITNESS WHEREOF, I have hereunder set my hand  
this \_\_\_<sup>th</sup> day of April 2011.

/s/ Natasha S. Turchan  
Chief Financial Officer

Section 4. The Borough Chief Financial Officer signing such notes is hereby authorized and directed to determine all matters in connection therewith not determined by this or a subsequent resolution and his signature upon said notes shall be conclusive evidence that all such matters have been so determined in manner and effect consistent with the form and substance of such notes. The Borough Chief Financial Officer is hereby authorized to sell said Tax Anticipation Notes of 2011 at public or private sale at not less than par and to deliver the same to the purchasers thereof upon receipt of the purchase price plus accrued interest from the dates of the notes to the date of delivery thereof and payment therefor.

Section 5. Said notes shall be general obligations of the Borough and the full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on said obligations, and, unless otherwise paid or payment provided for, taxes shall be levied in an amount sufficient to pay the principal of and interest on said obligations as the same shall become due and payable.

Section 6. The Borough Chief Financial Officer is authorized and directed to report in writing to this Borough Committee at the meeting next succeeding the date when the sale of any of said notes pursuant to this resolution is made, such report to include the amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser, and such report shall be entered in full in the minutes of such meeting.

Section 7. This resolution shall take effect immediately.

### **VOUCHERS**

Mayor McDonald entertained a motion to approve the payments and vouchers in the amount of \$1,093,702.26.

Motion made by Gleba, seconded by Higgins.

Roll Call: Torres, McDonald, Valentine, Boyle, Higgins, Jewell, Gleba – Yes  
Higgins – abstain from Fire Department vouchers  
Jewell – abstain from EMS and Fire Department vouchers  
Gleba – abstain from Finelli Consulting Engineers vouchers

Ayes: 7 Nays: 0

Abstain: 3 (Higgins – Fire, Jewell – EMS, Fire, Gleba – Finelli)

### **RECAP**

The Borough Clerk will check on the status of the agenda on the website. She will also inform the Borough Manager of the changes made to the draft Recreation Ordinance, reach out to the Municipal Attorney for an opinion on the forensic audit ballot question, inform Department Heads of the budget workshop meeting. She will inform the Manager of the tree on Rt. 57 that was hit.

### **COUNCIL REMARKS**

Councilman Valentine stated that Saturday's finance workshop was very good. He would like to see these done more often.

Councilman Higgins noted he would like a status update on the crosswalk lights downtown. He also informed everyone of the Fire Departments Beefsteak dinner and Comedy Show April 9.

Councilman Jewell mentioned the handicapped sign at 31 Belvidere Avenue was knocked down.

Councilman Boyle stated he would like a status update on the hiring of a Recreation Secretary and the fire truck. He would also like an update to the Gardners Court situation.

Mayor McDonald stated he will be participating in the Mayors Book Club at the Taylor St. School. This is a program that will allow Taylor Street School to receive \$1000.00 when the children read 1,000 books. He will be reading to the children at Taylor St. School this week.

At this time, motion made by Jewell, seconded by Higgins to enter Executive Session for contract negotiation after a five minute recess.

Ayes: 7, Nays:

Motion Carried

Council entered Executive Session at 8:55 p.m.

**EXECUTIVE SESSION**

**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;

**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: Shared Service Library \_\_\_\_\_ 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 Personnel \_\_\_\_\_ 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. ;

**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 Boyle, seconded by Higgins, to exit Executive Session at 9:10 p.m.

Ayes: 7, Nays: 0  
Motion carried.

Hearing no further business, a motion was made by Boyle, seconded by Valentine, to adjourn the meeting at 9:10 pm.

Ayes: 7, Nays, 0  
Motion Carried.

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Mayor Scott McDonald

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Kristine Blanchard, Borough Clerk