

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY  
WASHINGTON BOROUGH COUNCIL MINUTES – April 5, 2011**

The Regular Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 6:30 P.M.

Roll Call: Gleba, McDonald, Jewell, Higgins - Present  
Torres (6:50 p.m.) Boyle (7:15 p.m.) Valentine (7:38 p.m.)

Also Present: Richard Phelan, Borough Manager (7:30 pm.)  
Ann Kilduff, Acting 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.

**Resolution 69-2011 Appointing Ann Kilduff as Acting Borough Clerk**

Motion made by Higgins, seconded by Gleba and adopted.

Ayes: 4, Nays: 0  
Motion Carried

**RESOLUTION 69-2011**

**ACTING BOROUGH CLERK**

**WHEREAS**, the Borough of Washington, Warren County, New Jersey is governed by Plan “E” of Municipal Charter Law; and

**WHEREAS**, under this plan the Council of the Borough is directed and authorized to appoint an **Acting Borough Clerk** (as needed) for the Borough of Washington, New Jersey.

**BE IT RESOLVED**, that Ann Kilduff is hereby appointed as Acting Borough Clerk for the Governing Body Meeting of April 5, 2011.

**Resolution 70-2011 Executive Session**

Motion made by Higgins, seconded by Gleba and adopted.

Ayes: 4, Nays: 0  
Motion Carried

**70-2011**  
**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: Forensic Audit 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: \_\_\_\_; 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.

Motion made by Higgins, seconded by Jewell to allow Mr. Del Elba to attend the Executive Session as a member of the concerned citizens group. Mayor McDonald explained the confidentiality of Executive Sessions to Mr. Del Elba.

Ayes: 4, Nays: 0  
Motion Carried  
Council exited Executive Session at 7:38 p.m.

### **MINUTES**

Motion made by Boyle, seconded by Torres to approve the minutes from the Regular meeting of March 1, 2011, March 15, 2011 and the Budget Workshop of March 10, 2011.

Several corrections were noted by the Clerk.

Ayes: 7, Nays: 0  
Abstain: 1(Higgins 3/15, 3/10 only)  
Motion Carried

### **EXECUTIVE SESSION MINUTES**

Motion made by Boyle, seconded by Jewell and adopted.

Ayes: 7, Nays: 0  
Abstain: 1 (Higgins on 3/15 only)  
Motion Carried

### **CORRESPONDENCE**

Kathy's Kove and Kafe Re: Outside Dining Request  
BID Re: Festival in the Borough

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

Ayes: 7, Nays: 0  
Motion Carried

Motion made by Higgins, seconded by Gleba approving the request by Kathy's Kove and Kafe for outside dining.

Ayes: 7, Nays: 0  
Motion Carried

Motion made by Higgins, seconded by Jewell to approve the request by the Business Improvement District to extend the Festival in the Borough by one day. Festival dates will be Saturday, October 1 and Sunday, October 2, 2011.

Ayes: 7, Nays: 0  
Motion Carried

## **AUDIENCE**

Mayor McDonald opened the audience portion of the meeting.

Bob Del Elba 86 W. Stewart Street

Mr. Del Elba invited the Governing Body to the Concerned Citizens Meeting scheduled for Friday April 8, 2011. The meeting will review the OPRA law as well as an update on the forensic audit and the garbage collection. Councilman Higgins stated that only three Council members could attend.

Hearing no other comments from the public a motion was made by Jewell, seconded by Higgins to close the public hearing.

Ayes: 7, Nays: 0  
Motion Carried

## **ORDINANCES**

ORDINANCE 1-2011 AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (Public Hearing/Adoption)

Mayor McDonald entertained a motion to introduce Ordinance #1-2011 on final adoption and have the clerk read by title.

Motion made by Gleba, seconded by Torres to introduce on final reading and have the clerk read by title only.

Councilman Higgins read Ordinance #1-2011 by title only and stated that this ordinance had been published in the Star Gazette as required by law; a copy was posted on the bulletin board and copies available upon request from the Clerk's office.

Public Hearing:

The CFO explained that this Ordinance simply allows the Governing Body to bank an extra 1.5% for future needs. This does not increase the municipal budget.

Hearing no further comments from the public motion made by Valentine, seconded by Gleba to close the public hearing.

Ayes: 7, Nays: 0  
Motion Carried

Councilman Higgins noted two typos on the Ordinance that will be corrected. Councilman Higgins asked the CFO how much the Borough is actually banking. The CFO explained that the Borough is asking permission to bank an additional \$45,000. The Borough does not need permission for the 2% bank only the additional 1.5% which is \$45,000.

Motion made by Jewell, seconded by Gleba to adopt Ordinance 1-2011 on final passage.

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

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

## **2011 MUNICIPAL BUDGET**

Mr. Lance Rozsa Superintendent of Local Schools

Mr. Rozsa presented an update on some issues with the local schools. The first is on the potential shared service agreement with the Borough regarding the librarian. The Borough and the school are looking to share a librarian to cover both vacancies. The savings to the taxpayers is at least \$50,000. The interviews will be held this Monday. The second item is the school budget; the budget is identical to last year with the exception of \$78,000. This includes the money for the librarian, repairs to the gymnasium, and security upgrades. He stated that he is reasonably confident that the \$78,000 will probably be reduced due to retirements, etc that normally occur during the summer months.

Councilwoman Gleba asked if the salaries would be frozen this year as they were last year. Mr. Rosza stated that would not be occurring this year. Councilman Torres asked if \$30,000 of the \$78,000 is for the librarian; what are the other costs that make up the \$78,000. Mr. Rosza stated it includes some security upgrades, IT upgrades that need to be maintained, and a repair to the gymnasium. Councilman Torres asked about enrollment. Mr. Rosza stated that the school enrollment is up about ten students.

Mayor McDonald thanked Mr. Rosza for his presentation.

## **Rich Phelan and Natasha Turchan 2011 Municipal Budget Presentation**

The CFO stated the presentation is part of a requirement of the Best Practices Policy as required by the State of New Jersey. Ms. Turchan stated the difference between budget years 2010 and 2011 \$238, 616.88 which is a decrease of 3.27%.

Ms. Turchan explained that in 2011 we are anticipating \$306,681.36 in surplus vs. only \$130,000 in 2010. There is also a decrease in miscellaneous revenue in 2011 mainly due to the loss of \$400,000 in State Aid that the Borough is not applying for. She also stated the amount to be raised by taxation for municipal purposes is 5,370,385.00. The major 2011 appropriations in the current budget are the forensic audit cost of \$100,000, deferred charges of \$70,000, payroll costs that the Borough now has to pay for of \$12,000, and the streets and road budget has increased due to the weather. Appropriations that are reduced are health insurance, police, recreation, capital improvements, and the reserve for uncollected taxes. Ms. Turchan also reviewed the difference in personnel over the last several years. In 2009 the Borough had 73 full and part time employees, in 2010 66 full and part time employees, and in 2011 63 full and part time employees.

Councilman Higgins questioned the 63 employees. Manager Phelan stated the Borough had contractual obligations to the police department which required them to be listed as employees.

Ms. Turchan and Mr. Phelan's entire presentation to Council is incorporated into the minutes on the next page.

## **PUBLIC HEARING 2011 MUNICIPAL BUDGET**

Mayor McDonald opened the public hearing on the 2011 Municipal Budget.

Hearing no comments from the audience, motion made by Torres, seconded by Boyle to close the public hearing.

Ayes: 7, Nays: 0  
Motion Carried

## **RESOLUTION 76-2011 BUDGET AMENDMENT**

Motion made by Valentine, seconded by McDonald for discussion.

Councilwoman Gleba asked the CFO several questions relating to the Municipal Alliance Grant and the Borough's cash match. She also asked about the Animal Control salaries. Ms. Turchan stated that the salaries for animal control do come from the fees generated from animal licensing however; the money must be in the budget and also on the revenue side which makes the net effect zero. Councilwoman Gleba asked what is the tax increase. The CFO stated the tax increase is still at 7 cents.

Councilman Higgins and Councilman Jewell did not receive copies of the budget amendment Resolution. Councilman Valentine and Mayor McDonald withdrew the motion on Resolution 76-2011. Motion made by Torres, seconded by Gleba for a ten minute recess so that Councilman Higgins and Councilman Jewell could review Resolution 76-2011.

Council returned with all members present at 8:43 p.m..

Resolution 76-2011 was moved on a motion made by Valentine, seconded by McDonald and approved.

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

Ayes: 4, Nays: 2  
Abstain: 1  
Motion Carried

BOROUGH OF WASHINGTON

RESOLUTION TO AMEND BUDGET



	<u>FROM</u>	<u>TO</u>
Anticipated Revenues:		
3. Miscellaneous Revenues-Section F: Special Items of Revenue Anticipated With Prior Written Consent Director Of Local Government Services-Public and Private Revenues:		
Municipal Alliance		10,517.00
Total Section F: Special Items of Revenue Anticipated With Prior Written Consent Director Of Local Government Services-Public and Private Revenues	0.00	10,517.00
3. Miscellaneous Revenues - Section G: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Other Special		
Animal Control Trust Fund		10,108.00
Total Section G: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Other Special	53,000.00	63,108.00
Summary of Revenues:		
3. Miscellaneous Revenues		
Total Section F:Public and Private Revenues	0.00	10,517.00
Total Section G: Special Items of General Revenue	53,000.00	63,108.00
Total Miscellaneous Revenues	902,776.00	923,401.00
4. Receipt from Delinquent Taxes	293,170.00	344,431.55
Subtotal General Revenues	1,502,627.36	1,574,513.91
6. Amount to Be Raised By Taxes		
a) Local Tax for munc. Purposes including Reserve for Uncollected Taxes	5,566,311.33	5,370,385.14
c) Minimum Library Tax	0.00	192,012.62
Total Amount to be Raised by Taxes for Suppot of Municipal Budget	5,566,311.33	5,562,397.76
7. Total General Revenues	7,068,938.69	7,136,911.67

	<u>FROM</u>	<u>TO</u>
8. General Appropriations:		
a. Operations Within "CAPS":		
Mayor and Council-Salaries and Wages	14,500.00	10,500.00
Planning Board- Other Expenses	11,737.34	7,637.34
Uniform Fire Safety Code Enforcement-Salaries and Wages	21,734.00	22,662.72
Uniform Fire Safety Code Enforcement-Other Expenses	5,750.00	4,821.28
Road Repaid and Maintenancne-Salaries and Wages	363,578.00	360,344.00
Animal Control-Salaries and Wages	0.00	10,108.00
Utilities-Telephone	35,000.00	30,000.00

Total Operations ( Items 8(A) Within "CAPS"	2,793,409.08	2,787,183.08
Total Operations Including Contingent Within "CAPS"	2,793,409.08	2,787,183.08
Salaries and Wages	1,002,325.55	1,006,128.27
Other Expenses	1,791,083.53	1,781,054.81
Total General Appropriations For Municipal Purposes Within "CAPS"	3,047,129.09	3,040,903.09
(A) Operations Excluded From "CAPS"		
Other Operations:		
Road Repaid and Maintenance-Salaries and Wages	0.00	3,234.00
Total Other Operations- Excluded From "CAPS"	192,663.00	195,897.00
(A) Operations Excluded From "CAPS"		
Shared Services		
Shared Police Services-Washington Township	2,085,000.00	2,143,646.13
Total Shared Services Agreements	2,247,622.00	2,306,268.13
Public and Private Programs Offset By Revenues		
Municipal Alliance-State Share	0.00	10,517.00
Municipal Alliance-Local Share	0.00	1,958.00
Total Public and Private Programs Offset By Revenues	0.00	12,475.00
Total Operations - Excluded From "CAPS"	2,440,285.00	2,514,640.13
Detail:		
Salaries and Wages	147,141.00	150,375.00
Other Expenses	2,293,144.00	2,364,265.13

FROM

TO

(D) Municipal Debt Service - Excluded From CAPS  
Improvement Authority

Total Municipal Debt Service - Excluded From CAPS		
(H-2) Total General Appropriations for Municipal Purposes Excluded From "CAPS"	3,319,112.05	3,393,467.18
(O) Total General Appropriations-Excluded From "CAPS"	3,319,112.05	3,393,467.18
(L) Subtotal General Appropriations {Items (h-1) and (o)}	6,366,241.14	6,434,370.27
(M) Reserve for Uncollected Taxes	702,697.55	702,541.40
9. TOTAL GENERAL APPROPRIATIONS	7,068,938.69	7,136,911.67

**REPORTS:**

Motion was made by Higgins, seconded by Torres to receive and file the following reports:

1. Managers Reports (redacted version)
2. Issues/Details
3. Police Activity Report
4. Municipal Court Report

Ayes: 7, Nays: 0  
Motion Carried

**COMMITTEE REPORTS:**

Subcommittee Committee – Councilman Torres stated that he would like the surveys to go out in the next municipal mailing.

Audit Committee – Councilman Higgins stated the committee discussed whether or not the Ordinance was binding or non – binding. Councilman Higgins stated the request in the RFP was for a full forensic audit for the last five years. He stated this Council would need to decide whether or not this is binding. He asked if Council deems it non binding does Council need to go out for RFP’s again? Manager Phelan stated the only way you need to go out for another RFP is if the Governing Body changes the scope of the audit. Audience member Mr. Del Elba stated that there seems to be a discrepancy with the word “all” as stated in the question and the RFP. He also stated that any delay in the audit will be perceived as a cover up by this Governing Body. Councilman Boyle stated he is ready to move forward with this. Mayor McDonald stated that the confusion is regarding the line by line audit and what encompasses the word “all.” Further discussion regarding the proposals received will be discussed in Executive Session.

## **OLD BUSINESS**

### Recreation Commission Ordinance Discussion

Councilman Torres stated he participated in an depth discussion with the Recreation Committee regarding the Ordinance. Not all members of the Recreation Committee have had a chance to review this proposed Ordinance. This item will be tabled until Councilman Torres and the Recreation Committee have met to review the information. A final draft will be presented to the Governing Body when prepared.

## **NEW BUSINESS**

### **Resolution 68-2011 Authorizing the Application of the 2010 Tonnage Grant**

Resolution 68-2011 was moved on a motion made by Higgins, seconded by Jewell and adopted.

Ayes: 7, Nays: 0  
Motion Carried

### **RESOLUTION # 68 - 2011**

### **OF THE MAYOR AND COUNCIL OF THE BOROUGH OF WASHINGTON, WARREN COUNTY. TO APPLY FOR A 2010 RECYCLING TONNAGE GRANT**

**WHEREAS**, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

**WHEREAS**, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS**, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS**, a resolution authorizing this municipality to apply for the **2010 Recycling Tonnage Grant** will memorialize the commitment of this municipality to recycling and to indicate the assent of the Borough Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS**, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Richard D. Phelan, Borough Manager, to ensure that the application is properly filed; and

**BE IT FURTHER RESOLVED**, that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

**Resolution 71-2011 Authorizing the Grant Application and 2011 Contract for the Municipal Alliance for the Borough of Washington and Franklin Township**

Motion made by Higgins, seconded by Boyle and adopted.

Ayes: 7, Nays: 0  
Motion Carried

**RESOLUTION # 71-2011**

**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 72-2011 Refund of Zoning Application Permit Fee**

Motion made by Higgins, seconded by Boyle and adopted.

Ayes: 7, Nays: 0  
Motion Carried

**RESOLUTION #72-2011**

**A RESOLUTION AUTHORIZING THE REFUND OF A ZONING APPLICATION FEE MISTAKENLY PAID TO THE BOROUGH OF WASHINGTON**

WHEREAS, Michael Gowiski of Total Renovations applied for a Zoning Permit on March 1, 2011 on Block 33 Lot 12 which lies within the Township of Washington,

Warren County; and

WHEREAS, Michael Gowiski of Total Renovations mistakenly applied to and paid the Borough of Washington for the Zoning Permit.

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 Michael Gowiski of Total Renovations 1767 Rt. 22 West Union NJ 07083, in the amount of \$25.00 from the revenue account Fees and Permits 1-01-08-105-000.

**Resolution 73-2011 Redemption of Tax Certificate**

Motion made by Higgins, seconded by Boyle and adopted.

Ayes: 7, Nays: 0  
Motion Carried

**RESOLUTION #73-2011  
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 \$590.72 for taxes or other municipal liens assessed for the year 2009 in the name of Barron, Beulah M Estate of, as supposed owners, and in said assessment and sale were described as 106 Myrtle Avenue, Block 44 Lot 26, which sale was evidenced by Certificate #10-00019; and

**WHEREAS,** I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 3-24-11 and before the right to redeem was cut off, as provided by law, Tammy Barron, 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 \$674.12, which is the amount necessary to redeem Tax Sale Certificate #10-00019.

**NOW THEREFORE BE IT RESOLVED,** on this 5th day of April, 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 **\$674.12.**

**BE IT FURTHER RESOLVED**, that the Tax Collector is authorized to cancel this lien on Block 44 Lot 26 from the tax office records.

**Resolution 74-2011 Redemption of Tax Certificate**

Motion made by Higgins, seconded by Boyle and adopted.

Ayes: 7, Nays: 0

Motion Carried

**RESOLUTION # 74-2011**

**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 November 17, 2009 to Changsheng Lu, 4235 Coral Berry Path, Apt 204, Gurnee, IL 60031, in the amount of \$161.08 for taxes or other municipal liens assessed for the year 2008 in the name of Theodoridis, Vasilios & Maria, as supposed owners, and in said assessment and sale were described as 8 Sunrise Terrace, Block 45 Lot 12, which sale was evidenced by Certificate #09-00012; and;

**WHEREAS**, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 3-24-11 and before the right to redeem was cut off, as provided by law, Atty Callen for Summit claiming to have an interest in said lands, did redeem said lands claimed by Changsheng Lu by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$2,902.88, which is the amount necessary to redeem Tax Sale Certificate #09-00012.

**NOW THEREFORE BE IT RESOLVED**, on this 5th day of April, 2011 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Changsheng Lu, 4235 Coral Berry Path, Apt 204, Gurnee, IL 60031 in the amount of **\$2,902.88**.

**BE IT FURTHER RESOLVED**, that the Tax Collector is authorized to cancel this lien on Block 45 Lot 12 from the tax office records.

**Resolution 75-2011 Appointment to Planning Board**

Motion made by Boyle, seconded by Higgins and adopted.

Ayes: 7, Nays: 0

Motion Carried

**RESOLUTION 75-2011**



**PLANNING BOARD – CITIZEN MEMBER**

**CLASS IV MEMBER**

**WHEREAS**, the Borough of Washington, Warren County, New Jersey is now governed by Plan “E” of Municipal Charter Law; and

**WHEREAS**, under this plan the Mayor is directed and authorized to appoint certain members of the **Planning Board**.

I do hereby appoint the following named person as a **Class IV Member** to the **Planning Board**, term to expire December 31, 2014.

**Gary Pohorely**  
**Name**

**Resolution 77-2011 Adjust Sewer EDU Billing**

Resolution 77-2011 was moved on a motion made by Higgins, seconded by Jewell and adopted.

Ayes: 7, Nays: 0  
Motion Carried

**RESOLUTION # 77-2011**  
**A RESOLUTION TO ADJUST SEWER BILLINGS IN**  
**ACCORDANCE WITH CHAPTER 70, SECTION 28B OF**  
**THE CODE OF THE BOROUGH OF WASHINGTON.**

**WHEREAS**, the Borough of Washington commenced operations of a municipal sewer utility in January of 1999; and

**WHEREAS**, certain facts have come to the attention of the Borough to justify modification of sewer service charges which have been reviewed by the Borough Manager; and

**WHEREAS**, notice has been provided to the owner(s) of the property or properties listed below of the action proposed to be taken with the date, time and place where the Mayor and Council will meet to consider change(s) in the E.D.U.’s assigned to the property or properties listed below; and

**WHEREAS**, all parties affected by this resolution will be notified of the action taken, in writing, and notified of an opportunity to appear, in person, at a formal hearing of the governing body, if dissatisfied with the decisions made herein.

**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 following changes in the sewer service charge(s) are approved:

<b>BLOCK/LOT</b>	<b>NAME/ADDRESS</b>	<b>REASON/ADJUSTMENT</b>
22.04/4	B M D T Inc. 113 Belvidere Ave. Washington, NJ 07882	Change in Use (2.5) to (1.5) E.D.U.s Effective: April 2011

**BE IT FURTHER RESOLVED** that the Borough Clerk be directed to send a certified copy of this resolution to all parties affected by this resolution and advise them of their right to protest the decision and request a formal hearing before the governing body, as provided in Chapter 70, Section 13. If no protest is filed, the decisions contained herein shall be considered final.

### **VOUCHERS**

Mayor McDonald entertained a motion to approve the payments and vouchers in the amount of \$ 786,619.65

Motion made by Higgins, seconded by Boyle and approved.

Council Discussion: Councilman Jewell questioned a charge for automotive books the library. Manager Phelan explained these are books normally purchased by the library for their patrons use. Councilman Torres stated there are an extensive amount of library charges on the voucher list. Manager Phelan stated these are normal operational charges used to operate the library.

Councilwoman Gleba asked about a charge for the Shade Tree Commission from 2010. Manager Phelan stated that this charge is paid from the 2010 budget. The voucher was just received. She also asked about the physical for a new employee. Manager Phelan stated that is standard from EMS/Fire personnel.

Councilman Torres noted the Verizon bill seems high. Is there a telephone at the park? Manager Phelan stated yes. Councilman Torres also stated the janitorial supplies charge seems high; specifically paper towels. Manager Phelan stated these are purchased in bulk.

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

Ayes: 7, Nays: 0

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

Motion Carried

## **RECAP**

Manager Phelan stated he will provide the tonnage report to Council as requested.

## **COUNCIL REMARKS**

Councilman Jewell thanked the CFO for her budget presentation. He stated the Manager and CFO did a great job with the budget. He also stated he would like the copy room door locked at night. He noticed it has been left open.

Councilman Boyle asked if the Recreation Department is using the office downstairs. Manager Phelan stated yes. Councilman Boyle noted there is a sewer subcommittee meeting on Wednesday, April 6 at 10:00 a.m.

Councilman Higgins noted the lights are still out at the crosswalk. Manager Phelan stated it is still being worked on and the engineer is trying to find a permanent solution. Councilman Higgins also stated that the concerned citizens meeting is not an advertised meeting so there can not be a quorum of Council members there.

Councilwoman Gleba asked if she could get a copy of the Green Acres laws regarding contributions so that she can understand what the Recreation Committee can do as far as fund raising. Manager Phelan will provide. She would also like a copy of the sewer fee forecast. Manager Phelan stated that the CFO can only do one year at a time right now. He believes he stated that in a Manager's Report. Councilwoman Gleba asked if Manager Phelan could resend the email to her. Councilwoman Gleba also requested the Chief of Police come in to present to Council. Mayor McDonald suggested the May 3, 2011 meeting. Councilwoman Gleba also thanked the CFO for her budget presentation. She also thanked everyone who has pulled together and contributed by donating time and items to the Borough Park. She thanked NJ American Water for donating the water to fill the pool, Veolia Water for donating the drainage pipe, the Baseball Association for the installation of the pipe, Sunshine Tree Service for their contributions, and the anonymous resident that donated the grill and refrigerator.

Mayor McDonald stated that he read to first graders at Taylor Street School for the Mayors Book Club. He also was able to give out books to each student donated by NJ League of Municipalities and Verizon. Mayor McDonald also reminded Council that Freeholder Chamberlain will be in attendance at the April 19, 2011 Council meeting.

At this time, motion made by Jewell, seconded by Valentine to enter Executive Session for contract negotiations.

Ayes: 7, Nays:  
Motion Carried

Council entered Executive Session at 9:25 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: Forensic Audit 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 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 Jewell, seconded by Boyle, to exit Executive Session at 9:57 p.m.

Ayes: 7, Nays: 0  
Motion carried.

Hearing no further business, a motion was made by Higgins, seconded by Jewell, to adjourn the meeting at 9:57 pm.

Ayes: 7, Nays, 0  
Motion Carried.

---

Mayor Scott McDonald

---

Ann Kilduff Acting Clerk/Kristine  
Blanchard, Borough Clerk