

BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – February 2, 2011
Rescheduled from February 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, Gleba, Jewell, Higgins, Valentine, Boyle, Torres - Present

Also Present: Richard Cushing, Esq. Municipal Attorney
Richard Phelan Borough Manager
Kristine Blanchard, Borough Clerk

Mayor McDonald led everyone in the flag salute.

Mayor McDonald read the following Statement into the Record:

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

2011 BUDGET

Manager Phelan gave a brief overview of the 2011 Municipal Budget. The full version of the budget has yet to be completed. Manager Phelan stated the Borough has met the levy cap for expenditures and revenue which is great news. As of right now the fund balance is \$600,000; as a result we can confidently insert \$300,000 into our budget.

Manager Phelan stated the 2009 tax collection rate was 94.78%; in 2010 it was 2010 96.01% (+ 1.23%); which reduces our reserve for uncollected taxes.

Manager Phelan stated for 2011, as the budget is prepared now, we are looking at a 1 cent increase. This assumes assessments remain flat with no decrease; awaiting information from Tax Assessor. This also includes \$100K for audit. Without audit; you will have a 2 cent reduction in property taxes.

Manager Phelan stated there are new requirements for municipalities who wish to apply for Transitional Aid. Municipalities must apply before budget introduction. It will only be available to municipalities who have “An inability to otherwise fund critical payroll or make debt service payments.”

Manager Phelan stated that overall this is very good news. The Borough has made great improvements due to refinance of Environmental Trust loan, we collected more

than the 2010 Reserve of Uncollected Taxes, we have a healthy fund balance, we have lower health insurance costs, the Borough has better financial oversight.

MINUTES:

Mayor McDonald entertained a motion to approve the minutes of the Regular meeting of January 18, 2011.

Motion made by Higgins, seconded by Gleba.

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

Ayes: 7, Nays: 0

Abstain: 0

Motion Carried

EXECUTIVE SESSION MINUTES:

Mayor McDonald entertained a motion to approve the Executive Session minutes of January 18, 2011.

Motion made by Higgins, seconded by Jewell and approved.

Ayes: 7, Nays: 0

Motion Carried

CORRESPONDENCE

Mayor McDonald entertained a motion to receive and file the following correspondence:

Washington Township Construction Re: Shared Services

Oxford Central School: Autism Awareness Day

Mark Bond Re: Forensic Audit

BID: Year End Report

Motion made by Higgins, seconded by Valentine and approved.

Ayes: 7, Nays: 0

Motion Carried

Discussion: Councilwoman Gleba stated that she would like Council to formalize a decision on the potential Washington Township Construction Shared Service. She stated that the fees are higher than the State of New Jersey. Councilwoman Gleba

motioned not to move forward with the shared service. Councilman Jewell seconded the motion. Mayor McDonald stated he would like to give Washington Township another chance to review their fee structure and see if something can be worked out. Councilwoman Gleba, and Councilman Jewell removed their motions from the floor. Councilman Valentine asked what the benefits would be in entering into a shared service with Washington Township. Mayor McDonald stated that this would be a revenue stream for the Borough and the constructions offices would be closer.

Councilman Torres motioned to offer Washington Township an opportunity to review their fees. The fees for the Borough need to be equal to or lower than the State of New Jersey, seconded by Jewell.

Ayes: 6, Nays: 1 (Higgins)
Motion carried

Councilwoman Gleba stated the BID year end report is terrific and she hopes that the BID can accomplish all of their goals. Councilman Higgins stated that Council also received correspondence regarding the sewer plant audit done in 2007. Councilman Higgins stated that any recommendations made as a result of the audit were implemented and additionally a refund of \$60,000 was made to the Borough from Veolia Water.

Mayor McDonald asked if any Council member was able to attend the April 9 Autism Awareness program. Councilman Higgins stated he would see if he could attend.

AUDIENCE

Mayor McDonald opened the audience portion of the meeting.

Bob Del Elba 86 West Stewart

Mr. Del Elba noted that for the record that it was not his intention to accuse a former Council member of soliciting quotes for the pool concession stand; it was an observation. The former Council member indicated that he represented the government. Mr. Del Elba stated his observation and comments were not a private attack.

Mr. Del Elba congratulated the Governing Body on the progress they have made with the budget.

Robin Klimko – Gardner’s Court

Ms. Klemko stated her concerns regarding the private road maintenance ordinance the Governing Body had adopted. She said the neighbors on Gardner’s Court have concerns signing anything allowing the Borough to plow the private road when technically they do not own the road. No one owns the road. Councilman Boyle noted that some of these concerns sound like housekeeping items. Council agreed to have the

Borough Manager resend the letter to residents clarifying some of the information regarding plowing of private streets.

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

ORDINANCES

None

REPORTS:

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

1. Managers Reports (redacted version)
2. Police Activity
3. Issues and Details

Ayes: 7, Nays: 0
Motion Carried

COMMITTEE REPORTS:

Subcommittee Committee: Councilman Torres stated the subcommittee committee had met and made some progress. Council concurred after discussion that a poll will be placed on the Borough website to see what types of committees citizens are interested in. The main goal is to have more citizen involvement. Councilman Torres also stated that a phone and phone line will be available in the conference room for conference calls so that committee meetings will be easier to attend. Councilman Boyle asked about Councilman Torres's proposed Resolution from the last meeting. Councilman Torres stated that he will be submitting a new resolution.

Streets Committee: No Report

Shared Services Committee: No Report

Senior Services: No Report

Sewer Committee: Report provided by Councilman Boyle: Senior sewer rates discussion: The Wastewater Management Plan –still waiting for the Departmental of

Environmental Protection. NJPDES – Discussion on Fecal Coliform testing / permit renewal completed; this is a five year permit. Washington Square Capacity has enough capacity for per engineer. Pleasant Valley Dam – There are 12 applications ahead of the BOW, 2 – 3 months before DEP accepts decommission. I/I – A plan is needed for I/I reduction program. Man hole covers throughout the BOW need to verify that they have plugs installed. GIS – Review of the request for the management tool of the camera. Manual system is in place right now. This is not a high priority; an I/I reduction program is needed first. Gardner’s Court – Engineer to review H2M report to address this problematic concern for the residents in this area. Confirmation of an incorrect pitch of a line installed. Veolia does flush out each month and visually observes water back flow. Suggestions discussed will need to have full Council discussion as to next step.

Forensic Audit: Committee has met; determined a full forensic audit is what was requested by the citizens. Committee is recommending a request for proposals be placed in the Star Ledger and the League of Municipalities Website by February 8. This advertisement will be placed for thirty days. Motion made by Higgins, seconded by Torres to move forward with the RFP in the Star Ledger and League website for years 2006 through 2010. The budgeted amount is \$100,000. All in favor.

Councilwoman Gleba stated that the Borough is still waiting to hear on the American Rivers Grant. She also informed Council the Borough did receive the DOT grant for Beethoven Avenue. She thanked the Manager and Engineer for working so hard on this grant. These grants are very competitive.

OLD BUSINESS

Land Use Board (JV)

Councilman Valentine stated he would like council to reconsider combining the Board of Adjustment and the Planning Board again this year. Information was sent to Council previously. This is a cost savings to the Borough. Councilman Jewell stated he is concerned that the Land Use Board would need to meet twice per month. It is difficult finding volunteers to meet once per month. Councilman Jewell requested Councilman Valentine reach out to the Planning Board and Board of Adjustment. Councilwoman Gleba agreed.

Planning Board Appt.

Councilman Boyle stated he has read the state statute regarding the employee appointment to the Planning Board and the Borough’s Ordinance. He stated Council can not vote against the appointment; it is a Mayor’s appointment only.

Mayor McDonald stated that he will be appointing Mike Stone as the employee member (Class II) of the Planning Board.

Recreation Commission

Councilwoman Gleba stated after hearing the information on the 2011 Budget she is making a motion to leave the Recreation Committee a committee for now. The procedures are in place for the committee to run smoothly and she is offering to be the liaison to the Recreation Committee as well. No second.

Councilman Boyle stated he believes the Commission ran smoothly. He stated that the people who run the recreation programs are on the best position to run the commission. He feels this is what the community needs right now. Council discussed the information regarding the recreation ordinance. Any suggestions should be forwarded to the Manger by April 6.

NEW BUSINESS

Resolutions 41-2011 and 42-2011 Tax Certificate Redemption

Both resolutions were moved on a motion made by Higgins, seconded by Torres and adopted.

Ayes: 7, Nays: 0
Motion Carried

RESOLUTION #41-2011

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 Stuart Lasher, PO Box 83, Milltown, NJ 08850-0083, in the amount of \$548.34 for taxes or other municipal liens assessed for the year 2009 in the name of Pereira, Maria C and Pedro, Maria, as supposed owners, and in said assessment and sale were described as 60 McKinley Ave, Block 69 Lot 5, which sale was evidenced by Certificate #10-00024; and

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 1-25-11 and before the right to redeem was cut off, as provided by law, Vantium Capital, Inc, claiming to have an interest in said lands, did redeem said lands claimed by Stuart Lasher, by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$3,296.51, which is the amount necessary to redeem Tax Sale Certificate #10-00024

NOW THEREFORE BE IT RESOLVED, on this 1st day of February, 2011 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Stuart Lasher, PO Box 83, Milltown, NJ 08850-0083 in the amount of **\$3,596.51** (\$3,296.51 Amount redeemed + \$300.00 premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 69 Lot 5 from the tax office records.

RESOLUTION #42-2011

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 US Bank Cust Pro Capital I LLC, TLGS; 2 Liberty Place, 50 South 16th Street Ste 1950, Philadelphia, PA 19102, in the amount of \$96.95 for taxes or other municipal liens assessed for the year 2008 in the name of Pereira, Maria C & Pedro, Maria, as supposed owners, and in said assessment and sale were described as 60 McKinley Ave, Block 69 Lot 5, which sale was evidenced by Certificate #09-00014; and

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 1-27-11 and before the right to redeem was cut off, as provided by law, Vantium Capital, Inc, claiming to have an interest in said lands, did redeem said lands claimed by US Bank Cust Pro Capital LLC, by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$148.95, which is the amount necessary to redeem Tax Sale Certificate #09-00014.

NOW THEREFORE BE IT RESOLVED, on this 1st day of February, 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 Pro Capital LLC, TLGS; 2 Liberty Place, 50 South 16th Street Ste 1950, Philadelphia, PA 19102 in the amount of \$148.95.

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 69 Lot 5 from the tax office records.

VOUCHERS

Motion made by Higgins, seconded by Torres to approve the claims and vouchers in the amount of \$ 1,292,509.03

Ayes: 7, Nays: 0

Abstain: 3 (Higgins – Fire Department Invoices, Gleba – Finelli Consulting & Habitat for Humanity Invoices), Jewell – Rescue Squad, Fire Department Invoices
Motion Carried

RECAP

Manager Phelan will send another letter to Washington Township regarding Construction fees. He will also send letters clarifying the snow removal to Gardeners Court.

COUNCIL REMARKS

Councilman Higgins thanked the CFO, Manager, and Auditor for the good news regarding the budget. He also reminded everyone about the finance information session with the auditor on Feb. 26 from 9:00 am to 12:00 pm. He also inquired about the fire hydrants and the responsibility of shoveling the hydrants. Councilwoman Gleba stated in Hackettstown the children sign up to shovel hydrants in conjunction with a program offered by the Hackettstown Fire Department. She will provide the information. Councilman Jewell will pass this along to the Fire Chief.

Councilman Jewell also thanked everyone for their hard work on the 2011 budget. He stated the Borough is moving in the right direction.

Councilman Boyle stated that he will attend the Autism day at Oxford Central School and thanked the Manager, CFO, and auditor.

Councilwoman Gleba Councilwoman Gleba also thanked everyone for their work on the budget. She asked for the information regarding the Comcast charges so that we can use the \$25,000 to pay for internet charges in the future and requested a resolution for the next meeting. She stated she attended the VFW Voices of Democracy awards ceremony and thanked the VFW and local Washington Borough post with Jack Trimmer for all that they do in our communities and encouraged the Borough Schools to participate. She also stated Warren Hills and Jr. Streaks cheerleaders are in the nationals in Florida and wished them good luck. She thanked the local businesses and organizations such as Rotary for sponsoring the squads.

Councilman Torres also congratulated everyone with their work on the budget. He attended the seminar for newly elected officials offered by the League. It was extremely informative and a great networking too. He asked what the police response time was to the PNC incident over the weekend. Manager Phelan will see if that information is available to the public.

Councilman Valentine thanked the Manager for the budget information.

Mayor McDonald also thanked the Manager, Auditor, and CFO and stated he is pleased with the financials.

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

Ayes: 7, Nays:
Motion Carried

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;

_____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: _____ 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 Gleba, seconded by Jewell, to exit Executive Session at 9:20 p.m.

Ayes: 7, Nays: 0
Motion carried.

Hearing no further business, a motion was made by Torres, seconded by Valentine, to adjourn the meeting at 9:25 pm.

Ayes: 7, Nays, 0
Motion Carried.

Mayor Scott McDonald

Kristine Blanchard, Borough Clerk