

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – May 3, 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: Gleba, Torres, Valentine, McDonald, Higgins, Boyle, Jewell

Also Present: 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.

Mayor McDonald noted that late this afternoon approval was received from the State of New Jersey regarding the forensic audit. The next step is to have the contract reviewed by both parties. Once that is complete, the contract will be awarded.

PROCLAMATION

Mayor McDonald read a Proclamation for Older Americans Month.

PROCLAMATION OF THE BOROUGH OF WASHINGTON

WHEREAS, it has become a tradition that the Month of May is designated as Older Americans Month; and

WHEREAS, the growing population of older adults in our county and our municipality continues to make innumerable positive contributions through their efforts as volunteers and citizens; and

WHEREAS, the Borough of Washington wishes to honor our older adults for their past and present contributions and encourages our older residents to remain in the mainstream of life as they continue to play a vital role in our society, and particularly in our local community.

NOW, THEREFORE, I, Scott McDonald, Mayor of the Borough of Washington do hereby proclaim **May 2011** as

OLDER AMERICANS MONTH

IN WITNESS WHERE OF, I have hereunto set my hand this 3rd day of May in the year of our Lord, two thousand eleven.

Heyer, Gruel & Associates – Highlands Plan Conformance Process

Mr. Gleitz from Heyer and Gruel stated that he was here this evening to discuss the Plan Conformance Process with Council. He stated that previously the Governing Body chose not to participate in the Highlands Plan Conformance Process and recently correspondence was received from the Highlands Council regarding the closing of the grant for plan conformance. Heyer and Gruel wanted to take this opportunity to outline the benefits of participating in Plan Conformance with Highlands prior to closing of the grant period. Mr. Gleitz stated this \$100,000 grant does not require matching municipal funds. The goal of the plan conformance process is for municipalities to bring their Master Plans in line with the Regional Master Plan. There is no obligation on the Borough's part to conform with the Highlands Plan even if the Borough participates in the Plan Conformance Process. Benefits of participating include: updating of Master Plan and Zoning Ordinances, addressing water allocation issues, participation can potentially help the Borough in the implementation of the Redevelopment Plan. Councilman Boyle asked why Heyer and Gruel wants the Council to reconsider. Mr. Gleitz stated it is just a reminder that the money is still available if Council wishes to pursue this opportunity. Councilman Boyle asked who would approve the plan. Mr. Gleitz stated that once all the deliverables have been met, the Governing Body would approve the plan. The Governing Body would receive a report from the Highlands Council. Councilman Higgins stated he does not see the need for this. Councilman Torres asked if this would help or hinder the Borough with the DEP. Mr. Gleitz stated that if the Borough conforms the Highlands Council helps with bureaucracy and legal issues should they arise. Councilman Boyle states this creates more restrictions and does not help bring businesses to the Borough.

Mayor McDonald asked Council if they would like to move forward and participate. No Motion was made.

MINUTES

Motion made by Boyle, seconded by Jewell to approve the minutes from the Regular meeting of April 19, 2011.

Ayes: 7, Nays: 0
Motion Carried

CORRESPONDENCE

Business Improvement District – Town Wide Yard Sale
Business Improvement District – Financial Report
Recreation Committee – Volunteer Days

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

Ayes: 7, Nays: 0
Motion Carried

Motion made by Higgins, seconded by Jewell to approve the dates of the Town Wide Yard Sale and waive the fee.

Ayes: 7, Nays: 0
Motion Carried

Councilman Higgins noted the Volunteer Days at the Borough Park and Pool will be May 19th, 20th, and 21st from 9:00 p.m. to 5:00 p.m. The Recreation Committee is requesting this be sent in an email blast every Friday and the Wednesday prior to the event. Councilman Higgins motioned for the email notifications to be sent out, seconded by Councilman Valentine.

Ayes: 7, Nays: 0
Motion Carried

AUDIENCE

Mayor McDonald opened the audience portion of the meeting.

Ms. Edna Detlafs from Fisher Avenue asked if she needed to bring her own tools to help at the Borough Park and Pool. Ms. Uporsky from the Recreation Committee stated that the Committee has everything needed.

Bob Del Elba 86 West Stewart Street

Mr. Del Elba stated that it is great news that the Borough has received approval from the State to move forward with the forensic audit. He asked Council to vote on the contract this evening. Manager Phelan stated the Council will need to discuss the contract in Executive Session, a certification of funds must be done, and the Council will be able to vote on the contract at their next meeting. Councilman Higgins asked Mayor McDonald if Mr. Del Elba would be able to participate in Executive Session as a member of the Audit Committee. Council agreed.

Rich Thompson 241 Belvidere Avenue

Mr. Thompson asked the Governing Body members to recognize members of the Emergency Squad for saving his life in March when he suffered a massive heart attack. Without the members of the squad who were on call that evening, he would not be here today. Mayor McDonald stated that he will work with the Emergency Squad to honor and recognize the members who saved his life. Mayor McDonald and Council are glad that Mr. Thompson is doing well and recovering.

Hearing no further comments motion made by Jewell, seconded by Valentine to close the audience portion of the meeting.

Ayes: 7, Nays: 0
Motion Carried

ORDINANCES

None

REPORTS:

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

1. Managers Reports (redacted version)

Councilman Boyle asked the status of the court procedures; specifically the filling out of affidavits in order to avoid having to appear in court on certain matters. Manager Phelan stated he has spoken with Judge Palmer and this is something that is currently done. However; we do want this information to be available to our residents and specific wording on the procedure is needed from the Judge that presides of Warren County.

Ayes: 7, Nays: 0
Motion Carried

COMMITTEE REPORTS:

Subcommittee Committee

Councilman Torres asked the Borough Manager if any surveys had been received. Manager Phelan stated no. Councilman Torres requested the forms stay on the website

and to let people know that the Borough is looking for volunteers. Council determined there are several committees that are needed. The following are the Council Committees for 2011.

Streets and Roads – Boyle, Jewell
Sewer Committee – McDonald, Higgins, Boyle
Policy and Goals – Gleba, Torres, Valentine
Website/Technology – Gleba, Torres, McDonald

Councilwoman Gleba suggested each committee come up with objectives for 2011.

Motion made by Torres, seconded by Gleba to approve the Committees.

Ayes: 7, Nays: 0
Motion Carried

OLD BUSINESS

Recreation Commission Ordinance Discussion

Mayor McDonald stated several versions of the Ordinance have been drafted. The goal tonight is to discuss the outstanding issues and then be able to provide an Ordinance to Council that the Council can vote on.

Ms. Uporsky, Recreation Chairwoman, stated she had met with the subcommittee committee in regards to the Ordinance proposal and also met with the Recreation Committee. The Recreation Committee has provided their recommendations to Council for their consideration this evening as well.

Councilman Torres suggested the Council go through the worksheet that had been provided to them. The Council and Recreation Committee agreed to 7 commissioners and 2 alternates. The Council and Recreation Committee also agreed to a residency requirement for commissioners. The commissioners will be appointed by the Mayor with consent of Council. The terms of the commissioners will be for five years. However; terms will be staggered upon the formation of the commission. Upon vacancy of an appointment, the vacancy will be filled for the unexpired term with an alternate. A commissioner can be removed from office for moral turpitude. The officers of the commission will be elected from within. The commission will meet at least once a month. A separate website does not need to be maintained.

After discussion it was determined that the hiring and supervision of the Recreation Director would be done by the Recreation Commission. The Recreation Director will be a part time position for now due to budgetary constraints.

Council also discussed if Council would be making an annual contribution to the Recreation Commission. Manager Phelan stated that would be a Council decision on a year by year basis. Councilwoman Gleba asked will the commission be paying for all of their utilities, etc. No decision was made by Council on this.

The Commission, once formed, will address any other issues through their bylaws.

NEW BUSINESS

Selection of Council Members to Attend Defeated School Budget Meeting

Councilman Higgins, Councilman Boyle, and Councilman Valentine will represent the Borough of Washington at the May 9th Warren Hill Regional School Board Budget meeting.

Resolution 82-2011 Redemption of Tax Certificate

Resolution 82-2011 was moved on a motion made by Higgins, seconded by Jewell and adopted.

Ayes: 7, Nays: 0
Motion Carried

RESOLUTION # 82-2011

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 December 4, 2008 to US Bank-Cust/Sass Muni V dtr, TLSSG- 2 Liberty Place, 50 South 16th St-Ste 1950, Philadelphia, PA 19102, in the amount of \$6,673.27 for taxes or other municipal liens assessed for the year 2007 in the name of Lum. Arthur E, as supposed owners, and in said assessment and sale were described as 82 West Johnston St, Block 15 Lot 25, which sale was evidenced by Certificate #08-00442; and

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 4-19-11 before the right to redeem was cut off, as provided by law, HSBC claiming to have an interest in said lands, did redeem said lands claimed by U.S. Bank-Cust/Sass Muni V dtr by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$36,770.42, which is the amount necessary to redeem Tax Sale Certificate #08-00442.

NOW THEREFORE BE IT RESOLVED, on this 3rd day of May, 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/Sass Muni V dtr, TLSSG- 2 Liberty Place, 50 South 16th St-Ste 1950, Philadelphia, PA 19102, in the amount of **\$36,770.42**.

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 15 Lot 25 from the tax office records.

VOUCHERS

Mayor McDonald entertained a motion to approve the payments and vouchers in the amount of \$ 1,576,651.80.

Motion made by Higgins, seconded by Torres and approved.

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 inform the Highlands Council of the Borough's decision not to participate in plan conformance. He will provide the volunteer days information to the webmaster for the email alerts. He will incorporate the changes to the Recreation Ordinance.

COUNCIL REMARKS

Councilman Torres thanked Mr. Del Elba for his hard work in making the forensic audit a reality.

Councilman Jewell also thanked Mr. Del Elba. Mr. Jewell asked where the railroad ties came from at the park. Mr. Phelan stated they were donated.

Councilman Boyle asked if there was an update to the potential shared service for vehicle maintenance. Manager Phelan stated he would have more information after Washington Township completes their budget process.

Councilwoman Gleba noted that in the Recycling News newsletter they list the newly certified recycling coordinators. She stated she has checked with Manager Phelan and we do have a recycling coordinator and they will be certified very soon.

Councilman Valentine stated he was happy to hear the Borough received approval to do the forensic audit as well. He also stated he is disappointed that the Council chose not to

move forward with Plan Conformance Process with the Highlands Council. He believes that we have missed an opportunity.

Councilman Higgins asked what the railroad ties are treated with because the children will play on them. Manager Phelan will need to find out. Councilman Higgins asked about the Borough refinancing our debt. Manager Phelan stated that we check constantly to see if we qualify for refinancing. The Borough does not qualify for refinancing of the debt at this time. Councilman Higgins also asked about the sale of excess Borough equipment. Manager Phelan stated it will take place over the summer. Councilman Higgins stated on a personal note he would like to thank the United States Navy Seals for a job well done.

Mayor McDonald also thanked the US Navy Seals as well.

Mayor McDonald entertained a motion to enter Executive Session after a ten minute recess.

Motion made by Higgins, seconded by Torres.

Ayes: 7 Nays: 0
Motion Carried

Council entered Executive Session at 10:10 p.m.

Councilman Jewell excused himself from the remainder of the meeting due to having to leave for work.

83-2011

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/Parking Lot – Business Improvement District ___ 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.

Council exited Executive Session at 11:05 p.m.

Hearing no further business, a motion was made by Higgins, seconded by Torres, to adjourn the meeting at 11:05 pm.

Ayes: 6, Nays, 0
Motion Carried.

Mayor Scott McDonald

Kristine Blanchard, Borough Clerk