

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY  
WASHINGTON BOROUGH COUNCIL MINUTES – June 8, 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, McDonald, Higgins, Boyle  
Jewell – 7:50 p.m.

Also Present: Richard Phelan, Borough Manager  
Ann Kilduff, Acting 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 105-2011 Appointing Acting Clerk**

Motion made by Higgins, seconded by Boyle and adopted.

Ayes: 6, Nays: 0  
Motion Carried

**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 June 8, 2011.

## PROCLAMATION

### **PROCLAMATION OF THE BOROUGH OF WASHINGTON**

**WHEREAS**, Jim Messina of Messina Wildlife has generously donated his time, materials, and plants for the oak barrel planters since 2008; and

**WHEREAS**, plants have been proven to improve both air quality and support eco-friendly decorative initiatives; and

**WHEREAS**, streetscape aesthetics contribute to a positive quality of life for the residents and visitors of Washington Borough; and

**WHEREAS**, beautification of the Borough and enhancement of the streetscape is beneficial to the Washington Borough Community.

**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 appreciation of the community is hereby expressed to Jim Messina for his contribution and service to the residents of the Borough of Washington.

**BE IT FURTHER RESOLVED** that the Borough Clerk be directed to have this proclamation duly embossed for presentation by the Mayor of the Borough of Washington on June 8, 2011 and to have a certified copy of this proclamation recorded in the permanent record of the Borough of Washington in perpetuity.

## MINUTES

Motion made by Boyle seconded by Higgins to approve the minutes from the Regular meeting of May 17, 2011.

Ayes: 6, Nays: 0  
Motion Carried

## EXECUTIVE SESSION MINUTES

Motion made by Higgins, seconded by Boyle to approve the Executive minutes from May 17, 2011.

Ayes: 6, Nays: 0  
Motion Carried

## **CORRESPONDENCE**

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

1. Mayor Samir Elbassiouny Re: Resolution for Fair Distribution of State Aid for Education.
2. State of NJ/Rich Phelan Re: Memorandum of Understanding
3. Washington Historical Society of Warren County Re: Resolution in Support of Campbell Cultural Heritage House

Ayes: 6, Nays: 0  
Motion Carried

Councilman Boyle made a motion to adopt a Resolution for Fair Distribution of State Aid for Education, seconded by Councilman Higgins.

Ayes: 6, Nays: 0  
Motion Carried

Councilwoman Gleba motioned for a Resolution in Support of the Washington Historical Society in Support of the Cultural Heritage House, seconded by Councilman Torres.

Ayes: 6, Nays: 0  
Motion Carried

Memorandum of Understanding/State of NJ

Discussion: Councilman Higgins stated that the State of NJ will release us from the MOU early because we have complied. Manager Phelan clarified they are giving the small municipalities the option of being released from the MOU if they choose to. The MOU was designed for larger municipalities. Councilwoman Gleba noted that the caveat is the Borough would not be able to apply for aid through calendar year 2013 if we choose to be released from the MOU. Councilman Higgins stated the Borough should not need additional aid next year. Manager Phelan stated the MOU is not harming the Borough right now. The MOU will be over on December 31, 2011. If something catastrophic were to happen we would not be eligible for aid.

Council concurred that they will keep the MOU agreement in place.

## **AUDIENCE**

Mayor McDonald opened the audience portion of the meeting.

Karen Abel Hackettstown NJ

Ms. Abel stated that she had been here in October of last year to discuss the Glass Steagall Act. This act is in regards to the recent mortgage crisis and should be re-introduced into law. The government should not have anything to do with our mortgages. She stated there is a new bill on the table that was introduced on April 12. It is entitled The Return to Prudent Banking Act of 2011. This Act will revive the separation between commercial banks and the securities business in the manner provided in the Glass Steagall Act of 1933. She provided Council with information.

Councilwoman Gleba asked if Ms. Abel had been in touch with the State Legislators in New Jersey. Ms. Abel stated that she has been in touch with them and will continue to do so.

Jeff Newlander 6 McKinley Avenue

Mr. Newlander stated he and his neighbor Mr. Alpaugh are having an issue with water run off from Route 31; gathering on Myrtle Avenue. The storm drain is not able to handle the amount of water that is flowing onto Myrtle Avenue. Mayor McDonald stated that we can have the DPW look into this. Manager Phelan stated he will have DPW televise the lines on Monday. Councilman Jewell stated that Councilman Boyle and he will go out to look at it as well.

Raj Rathod/Krauszers

Mr. Rathod stated he has moved his business within town and is having the same problem with the sign ordinance. Mr. Rathod stated that this time he knows he can not light the sign but he is unable to use the front panel because it does not conform to the new sign ordinance regarding the thickness of the sign. Mr. Rathod stated he is loosing business. Manager Phelan stated the issue is the physical size of the sign. Manager Phelan stated that Council can not give Mr. Rathod permission to violate the sign ordinance; Mr. Rathod would need to go before the Board of Adjustment. Mr. Rathod stated he can not afford to apply for the variance since the fees have been changed. Manager Phelan stated that Council changed the fee ordinance in order for the applicant to cover the fee instead of the taxpayers. Councilman Boyle suggested having the landlord remove the old sign and then Mr. Rathod could install a new sign that is in compliance with the sign ordinance. Mr. Rathod stated all of these ideas are expensive. Manager Phelan stated that he can put up a temporary sign as long as the temporary sign is in compliance however; for a permanent solution he would need to either apply for the variance or install a sign that is in compliance. Councilman Jewell suggested sitting down with the Manager and Zoning Officer for alternate ideas. Councilman Boyle suggested the BID as well.

Penny Shaw 22 School Street

Ms. Shaw stated that she recommends to Council that they make if a policy that when people apply for a position with the Borough and do not get hired; they receive a

phone call or a letter letting them know. She knows of two people who have not heard from the Borough at all. These people were interviewed and have never heard back. Manager Phelan stated that if this is in reference to Recreation; the Recreation Department is still hiring. Manager Phelan will look into this.

Ms. Shaw also stated that there has been some concern about the railroad ties at the park and the fact that they contain creosote. She stated she has the CDC report that bans creosote from public spaces. According to the report creosote can cause rashes, irritation, and even seizures.

Councilman Higgins stated on May 3 he asked in his Council comments about the railroad ties. He stated that he had done some research on this as well and there is actually a state law that states railroad ties can not be put in public areas. Manager Phelan stated he will have the railroad ties removed.

Councilman Torres asked if there was also a problem with the mulch. Ms. Shaw stated that she had spoken to the Recreation Director about the mulch. The mulch was donated by Nelson Tree Services. The mulch was not treated and some of the trees that were cut down could contain poison ivy. This could prove to be problematic in the future if the poison ivy re-grew in the area as poison ivy is capable of doing. Councilman Jewell suggested removing the mulch. Councilman Torres stated he agrees with that suggestion. Councilman Boyle thanked Ms. Shaw for the information and appreciates the research she did on these topics. Councilman Boyle also thanked Councilman Higgins for questioning the railroad ties at the May 3 meeting and bringing this to Council's attention.

Rudy Bescherer 191 Broad Street

Mr. Bescherer asked if the Borough had permission to use the railroad ties. Manager Phelan stated yes. Mr. Bescherer stated that at the last recreation committee meeting the committee stated that they wanted their railroad ties back. Mr. Bescherer stated that if he had known the railroad ties were stolen he would have called the railroad, the newspaper, and then the police because apparently the railroad ties were not legally available. Manager Phelan stated the Borough had permission to use the railroad ties from the area manager. Mr. Phelan stated that another person contacted the Borough stating that they were not allowed to use the railroad ties and they must be returned. The Borough then contacted the railroad company CEO who sent someone down to review the situation and determined the mistake was on the railroad company's part and the Borough could use the railroad ties.

Councilman Higgins stated the railroad company should know the law. The law went into effect in 2007. Manager Phelan stated he did not know if the railroad company knew the law. The railroad company conducted their own investigation and concluded the Borough did nothing wrong. Councilman Boyle asked when the railroad company was here. Manager Phelan stated about two weeks ago. Councilman Jewell and Councilman Torres expressed concern over not knowing that this was even happening.

Councilman Boyle stated this is a communication matter. Mayor McDonald stated that it is the at the Manager's discretion as to what he informs Council of. Councilman Torres agreed stating the Manager should provide more information to Council even if it is a minor issue. It is better to know of an issue before hand.

Edna Detlaf 27 Fisher Avenue

Ms. Detlaf stated that she attended the volunteer days at the Borough Park. She stated that while she was at the park working a woman had come in with her three children who were ready to work. There was no one from the Recreation Committee around to help them or instruct them on what to do. She stated this was not a well planned event.

Penny Shaw 22 School Street

With the upcoming opening of the pool; she would like to address energy drinks which are not intended for children. She stated that she had read a CDC report that included Gatorade as an energy drink. She had brought this to the attention of the Recreation Committee they had asked her to do the research. She asked if this is something the Council would have control over whether or not energy drinks would be sold at the concession stand. Manager Phelan stated he can discuss this with the Recreation Director. Upon further discussion Council agreed to not sell energy drinks at the concession stand.

Councilman Higgins asked when the railroad ties will be removed. Manager Phelan stated within the next few days. Councilman Jewell asked if this was the Park Directors idea to place the railroad ties at the park. Manager Phelan stated that he was approached by the Park Director about the railroad ties. Councilman Higgins noted that there are scheduled events at the park this weekend. Will the railroad ties be gone by Saturday? Manager Phelan stated they will be removed by Saturday. Councilman Higgins asked what we will do with the mulch once it is removed. Manager Phelan stated we will need to find a place to put it. Councilman Jewell asked in the future to notify Council of these items so that we are not doing double work like we have to do now. He suggested putting it into a weekly report prior.

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

Ayes: 6, Nays: 0

Motion Carried

## **ORDINANCES**

None

## **REPORTS:**

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

1. Managers Reports (redacted version)
2. DPW Report
3. CFO Report
4. Issues and Details
5. Engineering Activity
6. Washington Township Police Activity

Ayes: 6, Nays: 0  
Motion Carried

## **COMMITTEE REPORTS:**

None

## **OLD BUSINESS**

### **Recreation Commission Ordinance Discussion**

Mayor McDonald asked for Council's concerns regarding the Ordinance. Councilwoman Gleba stated that she had mentioned previously to the Manager and at the last Council meeting to include language regarding grants. She also would like to see language included for background checks.

Councilman Higgins asked if the fees will still be set by Council via Resolution. Manager Phelan stated that is correct. Manager Phelan stated if there is a new program not listed in the Ordinance the Ordinance would need to be amended. Councilman Higgins asked about the senior swim program that the Borough is charging \$60.00 for; this is not listed in the Ordinance. Manager Phelan stated that is part of the swim program. Manager Phelan stated he would need to look into Zumba, Senior Swim, and the Teen Party fees with the Recreation Director.

Councilman Jewell asked for an update on the lighting that was replaced in the building. Manager Phelan stated that most of the lights had been replaced; they do need to come back and finish a few things and go to the Library. Manager Phelan stated the oldest AC unit will also be replaced at the Library.

## **NEW BUSINESS**

### **Resolution 91-2011 Certification of the Annual Audit/Corrective Action Plan**

Resolution 91-2011 was moved on a motion made by Boyle, seconded by Gleba for discussion.

Councilman Higgins asked why the contribution to the retirement system was increased by about 100% if the Borough had reduced the amount of employees. The CFO explained that you will see the savings for the pension in 2013. Keep in mind, Council decided to defer the pension payment as well in 2009. Councilman Higgins asked if the deferred pension payment could be paid off early. The CFO explained that if you pay the pension payment off early, the Borough will be required to pay fifteen years worth of interest. Councilman Higgins stated that he never heard that before and can't believe that no one told this Council that information.

Councilman Higgins asked if the amount of inter funds the Borough needs to pay back as of December 31, 2010 was 1.2 million dollars. The CFO and Auditor stated that is correct.

Councilman Higgins asked about the \$309,064.30 regarding Ordinance 12-2007. Manager Phelan explained that the \$309,064.30 was the remaining balance for the downtown contribution. Councilman Higgins asked if this money was used for interfunds. The CFO stated that yes, the \$309,064.30 was used as an interfund to loan another fund account. Councilman Higgins stated that the \$309,064.00 was designated by vote to be used and set aside for a specific purpose. The CFO stated that the \$309,064.30 is still designated for that purpose; the cash has just been loaned to another fund. If Council wants to use the \$309,064.30 for something the interfunds will need to be shifted. The auditor explained that the intended purpose is always there; the cash was only used as an interfund. Councilman Higgins stated that the cash was supposed to be set aside for a specific purpose. The auditor explained that you can only designate the use (improvement authorization) for the \$309,064.30; you can not designate the cash. Councilwoman Gleba stated that the question is who at what point used that money as an interfund. The CFO explained she is not sure; it was done prior to 2009. Councilman Higgins stated that in March of 2010 he asked what the DOT money and the \$309,064.30 will be used for and he was told it will be used for a specific purpose. Councilman Higgins also explained that on 9/29/09 the Council voted to earmark the money for a specific purpose. Now the Borough wants to use the \$309,064.30 for a purpose and the cash is not on hand. The auditor stated that cash is on hand; the current fund can loan the general capital fund the \$309,064.30. It would just create a shifting of the interfunds. The CFO stated that this would not extend the length of time that it takes to pay the interfunds; it is just a shifting of the interfunds. Councilman Higgins stated that the 1.2 million interfund balance at the end of 2010 will now be 1.5 million if we use the \$309,064.30 for what Council intended. The auditor stated yes. Councilman Higgins stated that is what we tried avoid. The auditor stated that is why he recommended stopping all bond projects until there is a game plan in place which he and the CFO have

in place. Councilman Higgins stated he wants a copy of the Developers Agreement for Midtown. He stated he wants to know where the \$750,000 went to. Manager Phelan the full amount from the developer is accounted for in the Ordinance. Councilman Higgins stated he has a problem with the \$390,000 that should be remaining from the developer is not in hand for the Borough.

Councilman Torres asked how the sewer revenue reports do not agree to the general ledger. The CFO stated that during the transition of bringing the sewer billing in house; some revenue categories were not created for sewer. The bottom line of the general ledger and the sewer revenue matched but the categories did not. The revenue categories have been created. This should alleviate the problem.

Councilwoman Gleba thanked the auditor for getting the report to Council on time this year. She stated that 60% of the recommendations from last year are listed on this years audit report. She asked the CFO to explain how some of these things are listed on the audit this year; when the corrective action plan stated that these had been implemented in 2009. The CFO stated that many items on the action plan are ongoing. For example: the grant receivables will continue to be investigated in 2011 as they were in 2010. Resolutions for cancellations of grant receivables will be presented to Council in 2011. The CFO stated that a lot of the items are an ongoing process. Councilwoman Gleba asked for a bottom line; how is the Borough doing? The auditor stated that we are making progress. The General Ledger is in place, and bank reconciliations are done on a monthly basis. We need some tweaks on the Edmunds System. The transition of bringing sewer billing in house has been fixed; there may be some house keeping items. The auditor stated the Borough has a healthy fund balance and the interfunds are being worked on. Councilwoman Gleba asked for the financial plan that the CFO, Auditor, and Manager had discussed.

Councilwoman Gleba asked where we can see the interfunds that were paid from last year. Manager Phelan stated the ytd revenue reports show the total interfunds from last year.

Councilwoman Gleba asked if the deferred charges are part of the Borough's debt. The auditor stated yes. For example; the deferred charges funded – equals the Green Acres Loan and the General Serial Bonds.

The auditor stated that he would be more than happy to sit down with Council on a Saturday and review the audit in detail. Councilwoman Gleba stated we should have done that before we voted on the audit. Mayor McDonald stated that the Council is voting on the fact that they have read the comments and recommendations of the audit. Not that you understand every line in the audit.

Councilman Boyle asked where in the audit, does it say, how the Borough is doing financially. The CFO stated the cover letter from the auditor. Councilman Boyle stated the letter from the auditor is somewhat vague. The CFO stated this is standard language

that is required. Councilman Boyle also asked who wrote the corrective action plan. The CFO stated that she did.

Councilman Jewell asked about the credit risk as explained on page 45 of the audit. The auditor explained that the Borough is covered for any bank risk. Councilman Jewell stated it would be a good idea to have a five year plan or a five year status report for Council.

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

Ayes: 6, Nays: 0

Motion Carried

### **RESOLUTION # 91-2011**

#### **A RESOLUTION OF THE GOVERNING BODY** **CERTIFICATION OF THE ANNUAL AUDIT**

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2010 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

NOW, THEREFORE BE IT RESOLVED, That the Mayor and Borough Council of the Borough of Washington, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Motion to accept the Corrective Action Plan made by Higgins, seconded by Jewell.

Ayes: 4 Nays: 2 (Boyle, Gleba)  
Motion Carried

**Resolution 92-2011 Release of Street Opening Escrow – Inscho**

Motion made by Torres, seconded by Higgins and adopted.

Ayes: 5, Nays: 0  
Abstain: 1 (Higgins)  
Motion Carried

**RESOLUTION 92# 2011**

**A RESOLUTION AUTHORIZING THE RELEASE OF  
STREET OPENING ESCROW**

**WHEREAS**, Inscho Plumbing and Heating applied for a street opening permit number 2-2010; and

**WHEREAS**, funds were posted in escrow to cover the cost of professional review of this application; and

**WHEREAS**, Municipal Engineer Andrew S. Holt, P.E. has determined after reviewing the site that the escrow account money can be released.

**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 Treasurer is hereby authorized to issue a check to Inscho Plumbing and Heating in the amount of \$500.00.

**Resolution 93-2011 Resolution to Adopt the Multi Jurisdictional Hazard Mitigation Plan**

Resolution 93-2011 was moved on a motion made by Boyle, seconded by Higgins and adopted.

Ayes: 6  
Nays: 0  
Motion Carried

**RESOLUTION 93-2011**

**RESOLUTION TO ADOPT THE MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN**

**WHEREAS**, the Borough of Washington has experienced various natural hazard events and has been found to be vulnerable to damages resulting from these events, such as property loss, economic hardship, and threats to public health and safety; and

**WHEREAS**, the Borough of Washington had previously entered into an agreement with the County of Warren to participate in the development of a Regional All-Hazards Pre-Disaster Mitigation Plan, now known as the Multi-Jurisdictional Hazard Mitigation Plan (the Plan); and

**WHEREAS**, the Plan recommends hazard mitigation actions that will protect people and property affected by natural hazards, will reduce future public, private, community and personal costs of disaster response and recovery, and will reinforce Washington Borough's leadership in emergency preparedness efforts; and

**WHEREAS**, the Plan, having been open to public review and comment on May 19<sup>th</sup>, 2010 and on July 22<sup>nd</sup>, 2010 and meeting all other requirements as ordered by the New Jersey State Police, Emergency Management Section, Hazards Mitigation Unit, and the Federal Emergency Management Agency, Region 2, New York City, has been approved by both the State and Federal entities; and

**WHEREAS**, the Disaster Mitigation Act of 2000 (P.L. 106-390) and associated Federal regulations published under 44 CFR Part 201 require the Borough of Washington to formally adopt a Hazard Mitigation Plan to be eligible for federal funds for hazard mitigation projects and activities;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the Borough of Washington, that the Multi-Jurisdictional Hazard Mitigation Plan is hereby adopted as an official plan and that appropriate steps be taken to execute recommended actions, including periodic updates, and to fulfill reporting requirements as specified in the Plan.

**Resolution 94-2011 Cancellation of Receivables in General Capital Fund and Sewer Capital Fund**

Resolution 94-2011 was moved on a motion made by Higgins, seconded by Jewell and adopted.

Ayes: 4, Nays: 2 (Higgins, Jewell)

Motion Carried

**RESOLUTION 94-2011  
AUTHORIZING CANCELLATION OF THE RECEIVABLES IN THE  
GENERAL CAPITAL FUND AND SEWER CAPITAL FUND**

**WHEREAS**, General Capital receivables were established at the time of the bond ordinances, and;

**WHEREAS**, the capital projects are now complete, and;

**WHEREAS**, final reimbursements from received from DOT based on final scope of the projects and final cost

**NOW THEREFORE**, Governing Body of the Washington Borough, Warren County, authorizes CFO to cancel the following receivables

General Capital Fund Receivables:

Ordinance 2005-01	\$109,763.20
Ordinance 2006-07	\$29,999.80

Sewer Capital Fund Receivables:

Wastewater Escrow Receivable	\$303,036.66
Wastewater Fund Loans Receivable	\$43,982.00
Wastewater Trust Loans Receivable	\$43,982.00

Sewer Capital Fund Reserves:

Wastewater Trust loan Receivable	\$45,741.00
McKinley Avenue Sewer	\$4,430.93

**Resolution 95-2011 Dedication by Rider for One Time Franchise Renewal Payment for Telecommunications Expenses**

Resolution 95-2011 was moved on a motion made by Boyle, seconded by Higgins and adopted.

Ayes: 6, Nays: 0  
Motion Carried

**RESOLUTION # 95-2011  
A RESOLUTION AUTHORIZING DEDICATION BY RIDER FOR**

**ONE-TIME FRANCISE RENEWAL PAYMENT FOR TELECOMMUNICATION  
EXPENSES**

**WHEREAS**, permission is required of the Director of the Division of Local Government Services for the approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and,

**WHEREAS**, N.J.S.A. 40A-39 provided that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider;

**NOW, THEREFORE, BE IT RESOLVED**, by the governing body of the Borough of Washington, in the County of Warren, State of New Jersey as follows:

1. The governing body hereby requests permission of the Director of the Division of Local Government Services to establish dedication by rider for telecommunications expenses in accordance with provisions of P.L. 2001, c.138 as per N.J.S.A. 40A:4-39 and
2. The municipal clerk of the Borough of Washington, in the County of Warren, State of New Jersey is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

**Resolution 96-2011 Cancellation for Reserve for Revaluation**

Resolution 96-2011 was moved on a motion made by Boyle, seconded by Jewell and adopted.

Ayes: 6, Nays: 0  
Motion Carried

**RESOLUTION 96-2011  
AUTHORIZING CANCELLATION OF THE RESERVE FOR REVALUATION**

**WHEREAS**, Current Fund maintains reserves for various purposes

**WHEREAS**, reserve for revaluations is not longer needed

**WHEREAS**, revaluation project is completed

**NOW THEREFORE**, Governing Body of the Washington Borough, Warren County, authorizes CFO to cancel the following reserves:

Reserve for Revaluation        \$868.10

**Resolution 97-2011 Cancellation of the Reserve for Special Improvement District Tax**

Resolution 97-2011 was moved on a motion made by Boyle, seconded by Jewell and adopted.

Ayes: 6, Nays: 0  
Motion Carried

**RESOLUTION 97-2011  
AUTHORIZING CANCELLATION OF THE RESERVE FOR SPECIAL  
IMPROVEMENT DISTRICT TAX**

**WHEREAS**, Current Fund maintains reserves for various purposes

**WHEREAS**, reserve for Special Improvement District Tax Payable is no longer required

**WHEREAS**, Special Improvement District taxes for prior years were paid in full

**NOW THEREFORE**, Governing Body of the Washington Borough, Warren County, authorizes CFO to cancel the following reserves:

Special Improvement District Tax Payable \$4,789.20

**Resolution 98-2011 Refund of Tax Overpayment**

Resolution 98-2011 was moved on a motion made by Jewell, seconded by Gleba and adopted.

Ayes: 6, Nays: 0  
Motion Carried

**RESOLUTION # 98-2011**

**A RESOLUTION TO REFUND OVERPAYMENT  
ON 2011 CURRENT YEAR REAL ESTATE TAXES**

**WHEREAS**, according to the Tax Collector's records, there is an overpayment of \$1,548.36 on 2011 2<sup>nd</sup> Quarter Regular Taxes paid on property located at 104 Myrtle Avenue, also known as Block 44 Lot 27, and in the name of Wells Fargo Bank, NA; and

**WHEREAS**, Attorney Schneider paid 2R11 taxes for the new property owner on 4-18-11 and BAC Tax Services Corp paid the 2R11 taxes for the former property owner; and

**WHEREAS**, the Tax Collector has received a written request from BAC Tax Services Corp requesting that the tax overpayment be refunded due to recent sale of the property.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey, to hereby authorize the Tax Collector and Treasurer to refund the amount of \$1,548.36 payable to:

BAC Tax Services Corp  
PO Box 10211, CA6-913-LB-01  
Van Nuys, CA 91499

**Resolution 99-2011 Sale of Surplus Property – Mack Aerialscope**

Resolution 99-2011 was moved on a motion made by Torres, seconded by Gleba and adopted.

Councilman Boyle asked how much it would be sold for. Manager Phelan said he would use the same number as last year; \$6,000.00.

Ayes: 4, Nays: 0  
Abstain: 2 (Higgins, Jewell)  
Motion Carried

**BOROUGH OF WASHINGTON  
WARREN COUNTY, NEW JERSEY**

**RESOLUTION # 99-2011**

**RESOLUTION AUTHORIZING SALE OF SURPLUS PROPERTY VIA PUBLIC AUCTION**

**WHEREAS**, *N.J.S.A.* 40A:11-36 permits a municipality sell personal property not needed for public use to via public auction; and

**WHEREAS**, the Borough owns one (1) old-model fire truck which is not needed by the Borough, can no longer be operated and is of no practical use to the Borough.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Washington, Warren County, New Jersey, that it hereby authorizes the auction of the fire truck listed below via public auction in accordance with the Local Public Contracts Law.

1975 Mack Aerialscope                      CF611FAP1768

**Resolution 100-2011 Sale of Surplus Property – Water Reel**

Resolution 100-2011 was moved on a motion made by Higgins, seconded by Boyle.

Discussion: Councilman Higgins noted this was only used for one year. He asked why are we selling this; we paid a lot of money to have the water lines run at the field so that we could use the water reel. Audience member Dawn Higgins, former Chair of the Recreation, stated the Borough purchased this water reel as a way to water the sod place at Vara Field and Steinhardt Field. The water reel should be in great condition. The sod at those fields should be watered properly at the beginning of every spring season using the water reel. Councilman Torres stated maybe this would be a potential for a shared service. We can offer this to other municipalities.

Ayes: 1, Nays: 5  
Motion Failed

**Resolution 101-2011 Release of Street Opening Escrow - Olson**

Resolution 101-2011 was moved on a motion made by Higgins, seconded by Jewell and adopted.

Ayes: 6, Nays: 0  
Motion Carried

**RESOLUTION 101# 2011**

**A RESOLUTION AUTHORIZING THE RELEASE OF  
STREET OPENING ESCROW**

**WHEREAS**, Brian and Susan Olson applied for a street opening permit in 2010;  
and

**WHEREAS**, funds were posted in escrow to cover the cost of professional review of this application; and

**WHEREAS**, Municipal Engineer Andrew S. Holt, P.E. has determined after reviewing the site that the escrow account money can be released.

**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 Treasurer is hereby authorized to issue a check to Brian and Susan Olson in the amount of \$500.00.

**Resolution 102-2011 Approval of Fireworks Display – Washington Celebrates America**

Resolution 102-2011 was moved on a motion made by Higgins, seconded by Jewell and adopted.

Ayes: 5, Nays: 0  
Abstain: 1 (Boyle)  
Motion Carried

**RESOLUTION #102-2011**

**RESOLUTION GRANTING PERMISSION FOR A  
FIREWORKS DISPLAY IN THE  
BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY.**

**BE IT RESOLVED**, by the Mayor and Common Council of the Borough of Washington, Warren County, New Jersey that permission is hereby granted to Washington Celebrates America Inc. have a **Fireworks Display** in the Borough of Washington at 9:00 P.M., **Monday, July 4, 2011** with a **Rain Date of Sunday, July 10, 2011.**

**BE IT RESOLVED**, that a true copy of this Resolution be forwarded to the New Jersey Department of Labor and Industry, Trenton, NJ, together with a copy of the required Certificate of Liability Insurance

**Resolution 104-2011 Applying Overpayment of Tax Payments due to Tax Court Appeal**

Resolution 104-2011 was moved on a motion made by Gleba, seconded by Torres, and adopted.

Ayes: 5, Nays: 0  
Abstain: 1 (Higgins)  
Motion Carried

**RESOLUTION #104-2011**

**A RESOLUTION AUTHORIZING APPLYING OVERPAYMENT OF 2010  
REAL ESTATE TAXES DUE TO TAX COURT APPEAL**

**WHEREAS**, according to the Tax Collector's records, there exists an overpayment of \$1,975.74 on the 4th quarter 2010 Taxes paid on property located at 284 E Washington Avenue, also known as Block 72 Lot 24.03 and assessed in the name of Masenior, Josh; and

**WHEREAS**, a Tax Court Appeal was granted on the 2010 Assessed Value creating this tax overpayment and Mr. Masenior has requested to have the overpayment applied to the 2011 Taxes.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey to hereby authorize the Tax Collector to transfer the overpayment to the 2011 Taxes.

### **VOUCHERS**

Mayor McDonald entertained a motion to approve the claims and vouchers in the amount of \$ 483,118.58.

Motion made by Boyle, seconded by Torres and approved.

Roll Call: Torres, McDonald, Boyle, Higgins, 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 notify the State of NJ regarding Council's decision on the Memorandum of Understanding, he will update the Recreation Ordinance as requested by Councilwoman Gleba, and will provide a copy of the Developer's Agreement.

### **COUNCIL COMMENTS:**

Councilman Torres asked that we send a notice to municipalities letting them know the water reel is available for use.

Councilwoman Gleba encouraged everyone to attend the pool open house and the car show this weekend. Council also discussed at this time making a donation to Washington Celebrates America. Councilman Higgins suggested not using taxpayer dollars to donate to a public event; but take up a collection from Council members and donate to Washington Celebrates America. Council concurred.

Councilman Boyle thanked the DPW for the hard work after the recent storms. There were a lot of extra limbs and branches down and they did a nice job on cleaning up. The Washington Community Garden has really come together. Councilman Boyle asked for

periodic information updates regarding the forensic audit; such as what types of items they are requesting; things of that nature. He also stated he spoke to a resident on Willow Street; he asked for an update regarding the engineers review. Manager Phelan stated he will provide Council the information when he receives it from the Engineer.

Councilman Jewell noted the crosswalks pads throughout town are loose. He asked about energy efficient lighting for the downtown. Manager Phelan stated unfortunately that is not part of our grant. Councilman Jewell asked if there is anything going on with the old Borough DPW site. Manager Phelan stated that an interested party will be at the next Council meeting. He reported a huge trench at Gisbon and Adams St. He requested the DPW take a look at it.

Councilman Higgins noted the crosswalk lights are fixed. Councilman Higgins noted at the next meeting Council should make their donations for Washington Celebrates America. Councilman Higgins stated the railroad ties need to be gone by Saturday or there should be no open house.

Mayor McDonald announced the Mayors Book Club has concluded. The Taylor Street School received at check for \$1,000.00

Motion made by Torres, seconded by Gleba to enter Executive Session after a five minutes recess.

Council entered Executive Session at 11:00 p.m.

### **EXECUTIVE SESSION**

#### **103-2011**

### **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;

Pending or anticipated litigation or contract negotiation in which the public body is or may become a party; (The general nature of the litigation or contract negotiations is: Contract Negotiations – BID Parking Lot\_\_ 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 entered regular session at 11:15 with all members present.

Motion made by Boyle, seconded by Jewell to not pay off the BID loan at this time however will reconsider at a later date.

Ayes: 5, Nays: 1 (Higgins)  
Motion Carried

Hearing no further business, a motion was made by Higgins, seconded by Torres, to adjourn the meeting at 11:19 pm.

Ayes: 6, Nays, 0  
Motion Carried.

\_\_\_\_\_  
Mayor Scott McDonald

\_\_\_\_\_  
Ann Kilduff/Kristine Blanchard, Borough  
Clerk