

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – June 21, 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, Valentine
Absent - Jewell

Also Present: Richard Cushing, 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.”

CORRESPONDENCE

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

1. Washington Emergency Squad – Request for Block Party to Celebrate 75th Anniversary September 3, 2011

Ayes: 6, Nays: 0
Motion Carried

Mayor McDonald deviated from the Agenda to discuss Sale of the Old DPW Garage.

Sale of DPW Old Garage

Michael Selvaggi, Esq. stated he was representing Kevin Hopkins owner of Gibson’s Gym. He stated Council had been given a copy of the proposal along with all of the backup documents consisting of title searches and an environmental study. Mr. Hopkins as done a lot of legwork on the project in a good faith effort. Mr. Hopkins would like to purchase the property from the Borough and place a parking lot on the site. Mr.

Hopkins would allow municipal parking in the parking lot and would maintain the parking lot; snow removal, general maintenance, etc. This is a win/win for the parking in the Borough is desperately needed. Councilman Boyle asked how many parking spaces the lot would have. Mr. Hopkins stated the initial study called for 152 spaces.

Attorney Cushing stated that the Borough would need to do an Ordinance to sell the public lot and then hold a public bid on the lot. There is another method of selling the lot if the lot can be considered sub-standard. However more research is needed to determine the best method of selling the public lot right now.

Attorney Cushing stated the Borough will need to have the Engineer or the Construction Official out to determine the condition of the existing building. The Engineer should also review the environmental aspects of the site as well. Once the Ordinance is adopted and reviews are done; we can then prepare bid specs.

Attorney Cushing suggested Mr. Hopkins possibly establish an escrow to cover the Borough's costs. If Mr. Hopkins does not end up the purchaser of the building; there can be a clause in the bid specs stating the new owner reimburse Mr. Hopkins.

Attorney Cushing and Attorney Selvaggi will discuss details. Attorney Cushing will prepare an Ordinance for the sale of the public property.

AUDIENCE

Mayor McDonald opened the audience portion of the meeting.

Ms. Detlaf 27 Fisher Ave.

Ms. Detlaff suggested the Emergency Squad conduct a training on electrical safety during their open house/block party in September.

Carol McNeal Washington Historical Society

Ms. McNeal thanked the Mayor and Council for considering the supporting Resolution for the Campbell Cultural House.

Lou Starita Shade Tree Commission

Mr. Starita submitted a report regarding the mulch that had been discussed at a previous Council meeting. The report should clarify any questions that Council has regarding the condition and safety of the mulch. There should be no contamination of the mulch as we have been assured that the chips come from cutting much higher into the trees.

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

Ayes: 6, Nays: 0
Motion Carried

ORDINANCES

None

REPORTS:

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

1. Managers Reports (redacted version)
2. Issues and Details
3. Washington Township Police Activity
4. Municipal Court
5. Sewer Revenue
6. Current Fund Revenue

Councilwoman Gleba asked to see a comparison on Court revenue between 2010 and 2011. Manager Phelan will provide those numbers for Council. Councilwoman Gleba asked about the Homestead Rebate revenues in the Current Fund report. Manager Phelan explained that this is received from the state. Persons eligible to receive a homestead rebate will have the amount applied to their property taxes. Councilman Higgins also questioned the interfunds listed on the revenue report of 2.658 million. Manager Phelan will check with the CFO on the interfunds.

Ayes: 6, Nays: 0
Motion Carried

COMMITTEE REPORTS:

Councilman Boyle noted that he will make contact with Hampton Borough again to possibly discuss garbage as a shared service.

OLD BUSINESS

Recreation Commission Ordinance Discussion

Councilman Higgins questioned section 3-55.8 in the Ordinance. He asked if this means the Commission is responsible for their own money. Manager Phelan stated yes they are responsible in accordance with the purchasing rules of the Borough. Council further clarified that as far as Recreation fees; Zumba and Water Aerobics are separate fees.

Council agreed to introduce the Ordinance at the next Council meeting.

NEW BUSINESS

Abandoned Properties Repeal of Ordinance 7-2009 Draft Discussion

Councilman Boyle stated he is 100% in favor of this Ordinance. Councilwoman Gleba noted that the committee can review this during the Codebook review. Attorney Cushing gave a brief background on why the Governing Body should consider repealing Ordinance 7-2009; given the economic condition of the country and the amount of foreclosures, it has become nearly impossible to enforce this Ordinance.

Council agreed to introduce at the next Council meeting.

Recreation Discussion (New Programs and Fees)

Councilwoman Gleba stated that she would offer her services as liaison to the Recreation Committee. She would need to step down from some other committees in order to serve the Recreation Committee.

Councilwoman Gleba stated she does not want to hinder the Recreation Committee however; she would like to clarify whether or not they can create new programs; such as the programs discussed at the last council meeting. Manager Phelan stated that he has discussed this with the Borough Auditor and the Teen Party is allowable – falling into the category of day swim pass. The Senior Splash is also permitted – falling into the category of swim lessons. The Zumba Water Aerobics however will need to be addressed in the Ordinance as an additional category.

Councilman Boyle stated that it makes sense now. Unfortunately, Council was unaware of this at the last meeting. Councilman Higgins suggested rather than charging a flat rate for Senior Splash the Borough residents should be charged the resident fee. Recreation agreed.

Mayor McDonald stated he would like to address the mulch issue that was discussed earlier in the meeting. Manager Phelan suggested leaving the mulch as is for now and address in the fall. The objective was to reduce maintenance costs.

Motion made by Valentine, seconded by Gleba to leave the mulch in the park for now.

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

Ayes: 4, Nays: 2
Motion Carried

Resolution 106-2011 Redemption of Tax Certificate

Resolution 106-2011 was moved on a motion made by Higgins, seconded by Boyle and adopted.

Ayes: 6, Nays: 0
Motion Carried

RESOLUTION # 106-2011

**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 Stonefield Inv Fund I, LLC, 21 Robert Pitt Drive #202, Monsey, NY 10952, in the amount of \$5,649.57 for taxes or other municipal liens assessed for the year 2009 in the name of Beam, Roxann M, as supposed owners, and in said assessment and sale were described as 180 W Washington Avenue, Block 10 Lot 2, which sale was evidenced by Certificate #10-00006; and

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 5-4-11 and before the right to redeem was cut off, as provided by law, Corelogic claiming to have an interest in said lands, did redeem said lands claimed by Stonefield Inv Fund I, LLC by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$13,436.37, which is the amount necessary to redeem Tax Sale Certificate #10-00006.

NOW THEREFORE BE IT RESOLVED, on this 21st day of June, 2011 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Stonefield Inv Fund I, LLC, 21 Robert Pitt Drive #202, Monsey, NY 10952 in the amount of **\$17,636.37** (this amount consists of \$13,436.37 Certificate Amount redeemed + \$4,200.00 Premium)

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 10 Lot 2 from the tax office records.

Resolution 107-2011 Opposing Passage of A-3285

Resolution 107-2011 was moved on a motion made by Higgins, seconded by Valentine and adopted.

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

**Resolution 107-2011
Opposing the Passage of A-3285**

WHEREAS, A-3285 would require that certain public contract bid advertisements include certified cost estimates or estimate ranges of projected contract cost and it would amend the grounds for rejection of all bids; and

WHEREAS, advocates for A-3285 argue that the best interests of taxpayers are served by the provisions of A-3285, because it promotes, they claim, openness and broad dissemination of information; and

WHEREAS, we agree that taxpayers are best served by openness and board dissemination of information, however, A-3285, would, in fact, limit a competitive process that is the foundation of the Local Public Contracts Law and would not best serve the public interest; and

WHEREAS, A-3285 would require a municipality to include in the public advertisement its cost estimates or cost estimate ranges for construction projects in excess of \$500,000; and

WHEREAS, A-3285 also amends the provision to reject all bids; and

WHEREAS, one of the amendments would permit a municipality to reject all bids only if the lowest bid substantially exceeds the municipality's cost estimates or cost estimate ranges for the goods or services as published and attested; and

WHEREAS, as a result of this amendment, **all contracts, including goods and services**, over the contracting unit's bid threshold will now require the public advertisement for bids to include cost estimates or cost estimates ranges; and

WHEREAS, municipal engineers and other design professionals will typically prepare the projects cost estimates based on the current industry cost and bids received for similar projects in different municipalities; and

WHEREAS, these estimates tend to be in the middle of the current industry cost; and

WHEREAS, we are concerned that A-3285 will create the “floor” as opposed to a “ceiling” for bid pricing, removing the incentive for competitiveness and prohibit a municipality from receiving the best possible price for the project; and

WHEREAS, requiring the advertisement of the cost will lead to unfair pricing and increased cost for already strained taxpayers; and

WHEREAS, A-3285 also has the potential to expose municipalities to protracted disputes and litigation; and

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the *Borough of Washington* strongly opposes the passage of A-3285 as it will delay construction projects, lead to increased costs, limit the rejection of bids and expose municipalities to protracted disputes and litigation; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, to Senate President Stephen Sweeney, to Assembly Speaker Sheila Oliver, to our State Senator, to our two Representatives in the General Assembly, and to the New Jersey League of Municipalities.

Resolution 108-2011 Campbell Cultural Heritage House

Resolution 108-2011 was moved on a motion made by Boyle, seconded by Torres and adopted.

Ayes: 6, Nays: 0
Motion Carried

**RESOLUTION 108-2011
BOROUGH OF WASHINGTON
WARREN COUNTY, NEW JERSEY**

WHEREAS, the Campbell Cultural Heritage House, Inc., has prepared an application for a grant funding from the Warren County Department of Land Preservation, Municipal and Charitable Conservancy Trust Fund Committee; and

WHEREAS, the Campbell Cultural Heritage House, Inc., is seeking funding for the restoration of the Campbell Heritage House; and

WHEREAS, the Campbell Cultural Heritage House would provide not only the residents of the Borough of Washington, but other residents of surrounding municipalities, a long lasting visual experience of a rehabilitated historic building, with the purpose of education and preservation of local history; and

WHEREAS, the rehabilitation would support the existing and on-going historic restoration in the Borough of Washington by promoting historical tourism and provide an economic benefit both locally and regionally;

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Washington hereby approves the submission of the Campbell Cultural Heritage House, Inc. grant application to the Warren County Department of Land Preservation, Municipal and Charitable Conservancy Trust Fund Committee for the rehabilitation of the Campbell Cultural Heritage House, that will provide a significant cultural and historic benefit to the community.

Resolution 109-2011 Fair Distribution of State Aid for Education

Resolution 109-2011 was moved on a motion made by Higgins, seconded by Boyle and adopted.

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

**RESOLUTION FOR FAIR DISTRIBUTION OF
STATE AID FOR EDUCATION**

WHEREAS, the Borough of Washington, County of Warren believes that every child should have equal resources of state aid distributed by the legislature for an education in the State of New Jersey by utilizing a fair school funding mechanism; and

WHEREAS, the current distribution of state aid for education to the schools has not been distributed in a fair and equitable manner to provide property tax relief to all the citizens of the State of New Jersey; and

WHEREAS, Article III., Paragraph 1, of the New Jersey State Constitution states, “The powers of government shall be divided among three distinct branches, the legislative, executive and judicial. No person or persons belonging to or constituting one branch shall exercise any powers properly belonging to either of the others, except as expressly provided in this Constitution;” and

WHEREAS, Article VIII, Section IV, Paragraph 1, of the New Jersey State Constitution states, “the Legislature shall provide for the maintenance and support of a thorough and efficient system of free public schools for the instruction of all children in the State between the ages of five and eighteen year;” and

WHEREAS, Article VIII, Section IV, Paragraph 2, of the New Jersey State Constitution states, “the fund for the support of free public schools...shall be annually appropriated to the support of free public schools, and for the equal benefit of all the people of this State;” and

WHEREAS, Article VIII, Section I, Paragraph 7.a. of the New Jersey State Constitution states, the income tax is to be “annually appropriated...exclusively for the purpose of reducing or offsetting property taxes;” and

WHEREAS, this body can no longer bear the burden of the continued diversion of its fair share of state school aid for the students between the ages of five and eighteen years of age who reside within this jurisdiction.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Washington, County of Warren do hereby call upon the Legislature of the State of New Jersey to fulfill its constitutionally assigned duty to distribute the state aid for education to the school districts in this state in a fair manner that is for the equal benefit for all the people on the state and not by means that are prejudiced by the actions of special interests that may have been presented before the Court or other venue.

BE IT FURTHER RESOLVED, that the Clerk of this entity is hereby directed to forward a copy of this resolution to Governor Chris Christie, Senate President Stephen Sweeney, Senate Minority Leader Thomas Kean Jr., Assembly Speaker Sheila Oliver and Assembly Minority Leader Alex Decroce.

Resolutions 110-2011 through 116-2011 Renewal of ABC Liquor Licenses

Resolutions 110-2011 through 116-1011 were moved on a motion made by Valentine, seconded by Torres and adopted.

Ayes: 6, Nays: 0
Motion Carried

RESOLUTION #110-2011

RETAIL CONSUMPTION LICENSE

WHEREAS, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Consumption License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

WHEREAS, the following applicant has paid a fee of **\$720.00**.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Consumption License** be issued by the Borough Clerk and granted to:

VMI of Washington, Inc.
t/a Enzo's Restaurant & Pizzeria

328 W. Washington Ave.
Washington, NJ 07882

From July 1, 2011 – June 30, 2012, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

BE IT FURTHER RESOLVED, that the following conditions be imposed on the licensee:

- A. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Washington Township Police Department for assistance.
- B. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have had an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times

RESOLUTION #111-2011

RETAIL CONSUMPTION LICENSE

WHEREAS, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Consumption License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

WHEREAS, the following applicant has paid a fee of **\$720.00**.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Consumption License** be issued by the Borough Clerk and granted to:

Washington Inn, Inc.
t/a Felix's Tavern
101 East Washington Ave.
Washington, NJ 07882

From July 1, 2011 – June 30, 2012, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

BE IT FURTHER RESOLVED, that the following conditions be imposed on the licensee:

- C. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Washington Police Department for assistance.
- D. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have had an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times

RESOLUTION #112-2011

RETAIL CONSUMPTION LICENSE

WHEREAS, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Consumption License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

WHEREAS, the following applicant has paid a fee of **\$720.00**.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Consumption License** be issued by the Borough Clerk and granted to:

GRAMA, Inc
t/a Mediterranean Bistro
301 W. Washington Ave
Washington, NJ 07882

From July 1, 2011 – June 30, 2012, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

BE IT FURTHER RESOLVED, that the following conditions be imposed on the licensee:

- E. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Washington Police Department for assistance.
- F. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have had an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times

RESOLUTION #113-2011

RETAIL CONSUMPTION LICENSE

WHEREAS, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Consumption License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

WHEREAS, the following applicant has paid a fee of **\$720.00**.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Consumption License** be issued by the Borough Clerk and granted to:

LINSCO, INC.;
t/a Scotty's Stadium Club
15 Belvidere Ave.
Washington NJ 07882

From July 1, 2011 – June 30, 2012, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

BE IT FURTHER RESOLVED, that the following conditions be imposed on the licensee:

- G. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Washington Township Police Department for assistance.

Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have had an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times

RESOLUTION 114-2011

RETAIL DISTRIBUTION LICENSE

WHEREAS, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Distribution License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

WHEREAS, the following applicant has paid a fee of **\$720.00**.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Distribution License** be issued by the Borough Clerk and granted to:

Warren County Discount Liquor & Grocery, Inc.
260 W. Washington Ave
Washington, NJ 07882

From July 1, 2011 – June 30, 2012, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

BE IT FURTHER RESOLVED, that the following conditions be imposed on the licensee:

- H. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Washington Police Department for assistance.
- I. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have had an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times

RESOLUTION #115-2011

RETAIL DISTRIBUTION LICENSE

WHEREAS, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Distribution License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

WHEREAS, the following applicant has paid a fee of **\$720.00**.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Distribution License** be issued by the Borough Clerk and granted to:

Washington Discount Liquors L.L.C.
66 Route 31
Washington NJ 07882

From July 1, 2011 – June 30, 2012, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

BE IT FURTHER RESOLVED, that the following conditions be imposed on the licensee:

- J. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Washington Police Department for assistance.
- K. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have had an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times

RESOLUTION #116-2011

RETAIL CONSUMPTION LICENSE

WHEREAS, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Consumption License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

WHEREAS, the following applicant has paid a fee of **\$720.00**.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Consumption License** be issued by the Borough Clerk and granted to:

JO BO CORPORATION
Pocket License
Washington, NJ 07882

From July 1, 2011 – June 30, 2012, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

BE IT FURTHER RESOLVED, that the following conditions be imposed on the licensee:

- L. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Washington Police Department for assistance.
- M. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have had an automatic door closing

device installed on the main entrance door to the establishment and the same shall be kept operational at all times

VOUCHERS

Mayor McDonald entertained a motion to approve the claims and vouchers in the amount of \$ 272,267.19.

Motion made by Torres, seconded by Valentine and approved.

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

Ayes: 6, Nays: 0

Abstain: 2 (Gleba – Finelli, Higgins - Fire)

Motion Carried

RECAP

Manager Phelan will provide the 2010 and 2011 Municipal Court Revenues, he will review the interfunds listed on the Revenue Report for Current Fund with the CFO, and he will also provide the correspondence to Council with the forensic auditor.

COUNCIL COMMENTS:

Councilman Boyle noted the Borough Engineer is reviewing the County Road Resolution. He stated that he has noticed there are many driveway type roads that are considered county roads in Warren County. Attorney Cushing stated some may historically have always been a county road while others may be political. Attorney Cushing noted that another good point to bring to the Freeholders attention is the fact the Borough has no open space or county roads and receives a benefit from neither. Councilman Boyle asked about the Solar Wind Ordinance. Mayor McDonald stated the Planning Board reviewed the Ordinance and will be forwarding their thoughts to Council.

Councilwoman Gleba stated she would like to start the professional's evaluations. She asked Manager Phelan for the forms to be resent to Council and have Council fill out the evaluations for the second meeting in August. Council agreed.

Councilman Torres noted the audit review will be held on Saturday July 30.

Councilman Higgins reminded Council to make their donations to Washington Celebrates America. He asked how we report street lights that are out. Manager Phelan stated we just need the pole number and then we can report it to JCP&L. Councilman Higgins

stated the Warren County 9/11 Memorial Fund will have the bricks for sale until July 31 only. Councilman Higgins asked for clarification on what takes priority an employment agreement or the codebook. Attorney Cushing stated that there could be potential conflicts however; without doing research it would probably be the employment agreement. Councilman Higgins requested an executive session to discuss personnel with the Manager.

At this time Mayor McDonald entertained a motion to re-open the audience portion of the meeting as requested by an audience member. Motion made by Higgins, seconded by Torres. All in favor.

Penny Shaul 22 School Street

Ms. Shaul stated that unfortunately she would be resigning from the Recreation Committee. She stated she had many concerns regarding the Recreation Committee. She explained she worked very hard to bring to fruition new activities; especially activities for senior citizens. She stated she wanted to bring to Council's attention her feelings regarding the Recreation Committee. She stated the committee shuns inclusion and she felt repressed and censored. She was also told that she should, "know her place". I was also critiqued and criticized for my comments and concerns at the last Governing Body meeting.

Mayor McDonald stated he is sorry she feels the way that she does and apologizes for any mistreatment. He thanked her for her time on the Recreation Committee.

Rafial Shaul 22 School Street

Mr. Shaul stated that he wishes to express his concern over a decision that was made here this evening. The decision regarding the mulch at the park is in clear defiance of the decision made at the last meeting and you have overlooked the facts that Ms. Shaul provided you at the last meeting. He stated this is a bad idea to leave the mulch in place until fall.

Mayor McDonald thanked Mr. Shaul for expressing his concern. He stated he believes this Council did its due diligence. The wood chips have been used around town for years.

Councilman Higgins stated that at the last meeting the decision was made to remove the wood chips and here we are two weeks later and the decision was reversed.

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

Council entered Executive Session at 10:15 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; 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: _____ 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: Borough Manager _____; 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 10:45 with all members present.

Motion made by Torres, seconded by Gleba to schedule an Executive Session for 7/5/2011 at 6:30 p.m. regarding personnel.

Ayes: 6, Nays: 0
Motion Carried

Hearing no further business, a motion was made by Higgins, seconded by Torres,
to adjourn the meeting at 10:50 pm.

Ayes: 6, Nays, 0
Motion Carried.

Mayor Scott McDonald

Kristine Blanchard, Borough Clerk