

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

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

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

Also Present: Richard Phelan, Borough Manager
Ann Kilduff, Acting Deputy 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 122-2011 Appointing Ann Kilduff as Acting Deputy Clerk

Motion made by Boyle, seconded by Jewell and adopted.

Ayes: 7, 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 July 5, 2011.

Motion made by Higgins, seconded by Boyle to enter Executive Session.

Ayes: 7, Nays: 0
Motion Carried

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.);

 x 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 exited Executive Session at 7:25 and recessed for five minutes.

Council reconvened at 7:33 with all members present.

MINUTES:

1. Regular Meeting Minutes June 8, 2011
2. Regular Meeting Minutes June 21, 2011

Motion made by Higgins, seconded by Boyle to approve the meeting minutes.

One correction was noted by Councilman Jewell.

Ayes: 7, Nays: 0
Motion Carried

EXECUTIVE SESSION:

1. Executive Session Minutes June 8, 2011
2. Executive Session Minutes June 21, 2011

Motion made by Higgins, seconded by Boyle to approve the Executive Session minutes.

Ayes; 7, Nays: 0
Motion Carried

CORRESPONDENCE:

None

AUDIENCE:

Mayor McDonald opened the audience portion of the meeting. Hearing no comments from the public; motion made by Boyle, seconded by Jewell to close the audience portion.

Ayes: 7, Nays: 0

Motion Carried

ORDINANCES:

Ordinance 3-2011 RESTRUCTURING RECREATION SERVICES (Introduction)

Mayor McDonald entertained a motion to introduce Ordinance #3-2011.

Ordinance 3-2011 was introduced by Councilman Higgins, seconded by Councilman Torres.

It was further moved by Higgins, seconded by Torres that the Clerk read Ordinance #3-2011 by title only.

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

Ayes: 6, Nays: 1
Motion Carried

The Clerk read Ordinance #3-2011 entitled, “AN ORDINANCE RESTRUCTURING RECREATION SERVICES.”

Council Discussion: Councilman Higgins asked if the Commissioners would have say over the Capital Budget and how the budget process would work. Manager Phelan stated for purposes of the Recreation Budget the Director and Commissioners would only have to present a budget to the Manager and the Governing Body if they are asking for money from the Council. Councilwoman Gleba asked if we would still see a copy of their budget. Manager Phelan stated they would be able to provide you with how they are going to spend their money. Councilman Boyle asked Councilwoman Gleba why she is voting no on the Ordinance. Councilwoman Gleba stated that she doesn't think that we gave the Committee enough of a chance. She also stated that they are not paying for everything. If they are going to a Commission they need to pay for everything; including maintenance, utilities, etc.

Councilman Higgins stated that this Ordinance as it reads now; gives the Recreation Director the authority to develop a budget over the objections of the Commission. Manager Phelan stated if the majority of Council wants to change the wording we will have to pull the introduction tonight and make the changes.

Councilman Higgins motioned to rescind the introduction of this Ordinance, by Councilman Torres.

Ayes: 7, Nays: 0
Motion Carried

Council concurred that the wording should read the commissioners develop the Recreation budget in consultation with the Recreation Director.

Manager Phelan will have the attorney review the language and present the revised draft to Council at their next meeting for review.

Ordinance 4-2011 REPEALING ABANDONED PROPERTIES
(Introduction)

Mayor McDonald entertained a motion to introduce Ordinance #4-2011.

Ordinance 4-2011 was introduced by Councilman Higgins, seconded by Councilman Valentine.

It was further moved by Higgins, seconded by Valentine that the Clerk read Ordinance #4-2011 by title only.

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

Ayes: 7, Nays: 0

Motion Carried

The Clerk read Ordinance #4-2011 entitled, "AN ORDINANCE REPEALING THE ABANDONED PROPERTIES ORDINANCE."

Motion made by Higgins, seconded by Valentine to adopt on first reading.

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

Ayes: 7, Nays: 0

Motion Carried

ORDINANCE NO. 4 -2011

Repealing Abandoned Properties Ordinance

WHEREAS, the Borough of Washington adopted Ordinance No. 7-2009 entitled "An Ordinance Adding New Chapter 30 Entitled 'Buildings Abandoned' to the Code of the Borough of Washington to Establish an Abandoned Property List With Authorization for the Borough Manager to Designate Qualified Rehabilitation Entities and Amending Chapter 31 of the Code of the Borough of Washington;" and

WHEREAS, the Great Recession has substantially diminished the financial capacity of the Borough of Washington and imposed economic challenges on many of its taxpayers; and

WHEREAS, the Borough of Washington, in an attempt to create a more cost efficient, less expensive form of government, has analyzed its operations in an attempt to identify those programs that can either be eliminated or suspended; and

WHEREAS, Ordinance No. 7-2009 envisioned that there would be substantial redevelopment activities in the Borough of Washington; and

WHEREAS, the Great Recession has substantially diminished the current opportunities for redevelopment within the Borough of Washington; and

WHEREAS, the Great Recession has also caused the foreclosure of many properties within the Borough which and has caused the cost and effort to maintain the

abandoned properties list as required by Ordinance No. 7-2009 to increase. This, in turn, has required greater time effort on behalf of Borough personnel to maintain the list, without creating any comparable benefit; and

WHEREAS, as the economy improves, the benefits accorded by and the costs of administering Ordinance No. 7-2009 may become more favorable thereby permitting the re-adoption of Ordinance No. 7-2009.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey, that Ordinance No. 7-2009 be and hereby is repealed; and

BE IT FURTHER ORDAINED this Ordinance shall take effect immediately after final passage, approval and publication as provided by law.

REPORTS:

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

1. Managers Reports
2. Issues and Details
3. DPW Report

Ayes: 7, Nays: 0
Motion Carried

COMMITTEE REPORTS:

None

OLD BUSINESS:

None

NEW BUSINESS:

Approval of James Howell – Member Washington Fire Department

Motion made by Boyle, seconded by Gleba to approve James Howell as a member of the Washington Fire Department.

Ayes: 5, Nays: 0
Abstain: 2 (Jewell, Higgins)

Wind and Solar Ordinance – from Planning Board

Motion made by Torres, seconded by Boyle to place on the next agenda for introduction and have the municipal attorney review.

Ayes: 7, Nays: 0
Motion Carried

Resolution 117-2011 Apply Overpayment of Taxes

Resolution 117-2011 was moved on a motion made by Torres, seconded by Valentine and adopted.

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

Ayes: 7, Nays: 0
Motion Carried

RESOLUTION #117-2011

**A RESOLUTION AUTHORIZING APPLYING
OVERPAYMENTS TO 2011 TAXES**

WHEREAS, the properties on the attached list have overpayments of taxes in the years indicated. The reasons for the overpayments can be duplicate payments by banks, change of owners, change of mortgage companies, estimated payments, etc. Many times refund requests are made quickly and the overpayment is resolved. Sometimes no requests are made and it is difficult for the Tax Collector to determine who is owed the overpayment. Overpayments need to be resolved by either refunding them or applying them to taxes. The Tax Collector is requesting approval to apply the overpayments listed to 2011 taxes. Applying the overpayments is less expensive than the time and expense involved in creating refund checks. Applying the overpayments eliminates them which is a benefit to both the annual budget and audit.

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 apply the overpayments to the 2011 taxes.

<u>BLOCK/LOT</u>	<u>OWNER/LOCATION</u>	<u>YEAR</u>	<u>AMOUNT</u>
2/8	Corsetto, David & Meghan C 2 Miller Avenue	2008	\$ 28.78

2.03/20	Terrell, James & Toni 7 Terrace Street	2009	\$ 10.07
2.09/8	Saxton, Bethany L 40 Lambert Street	2008	\$106.55
4/11	Fallen, J Craig & Nancy C 252 W Warren St	2010	\$ 37.35
6/61	Horton, Donna M 319 Belvidere Avenue	2010	\$ 26.24
48/1	Rambaransingh, Herman & Juliana 1 Fillmore Street	2008	\$ 97.62
98/18	Doty, Thomas D 5 Hann Terrace	2008	\$940.88

Resolution 119-2011 Escrow Release for JB Properties

Resolution 119-2011 was moved on a motion made by Torres, seconded by Valentine and adopted.

Ayes: 6, Nays: 0
Abstain: 1 (Jewell)
Motion Carried

RESOLUTION #119-2011

**A RESOLUTION AUTHORIZING THE RELEASE OF FUNDS FROM
J B PROPERTIES ,LLC ESCROW ACCOUNT HELD IN TRUST
BY THE BOROUGH OF WASHINGTON**

WHEREAS, Barry Rubin of J B Properties, LLC, 9 Pinewood Road, Milford, NJ 08848 has requested the return of the funds remaining in the escrow account #7200020910; and

WHEREAS, Municipal Engineer Andrew S. Holt, P.E. and William Gleba of Finelli Consulting Engineers (Board of Adjustment Engineer) have determined 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 Municipal Treasurer is hereby authorized to issue a check to J B Properties, LLC for the actual account balance in the J B Properties, LLC escrow account.

Resolution 120-2011 Recreation Appointment – Jessica Coldwell
Resolution 121-2011 Recreation Appointment – Lisa Gooley

Resolution 120-2011 and 121-2011 were moved on a motion made by Valentine, seconded by Gleba and adopted.

Ayes: 7, Nays: 0
Motion Carried

RESOLUTION 120-2011
RECREATION COMMITTEE

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

WHEREAS, under this plan the Mayor of the Borough is to appoint members of the Recreation Committee with the advice and consent of the Council and;

WHEREAS, the Mayor has designated the following person his re-appointment to the Recreation Committee:

Jessica Coldwell Term Expires 12/31/2015

WHEREAS, The Council does approve of this appointment.

NOW, THEREFORE, BE IT RESOLVED, that the above mentioned appointments shall take effect immediately.

RESOLUTION 121-2011
RECREATION COMMITTEE

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

WHEREAS, under this plan the Mayor of the Borough is to appoint members of the Recreation Committee with the advice and consent of the Council and;

WHEREAS, the Mayor has designated the following person his re-appointment to the Recreation Committee:

Lisa Gooley Term Expires 12/31/2015

WHEREAS, The Council does approve of this appointment.

NOW, THEREFORE, BE IT RESOLVED, that the above mentioned appointments shall take effect immediately.

VOUCHERS

Mayor McDonald entertained a motion to approve the claims and voucher in the amount of \$1, 348,855.09.

Motion made by Higgins, seconded by Boyle and approved.

Roll Call: Higgins, Boyle, Jewell, Gleba, McDonald, Torres, Valentine
Jewell (Abstain from Fire Department and EMS, Higgins abstain
from Fire Department, Gleba abstain from Finelli Consulting)

Ayes: 7, Nays: 0

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

Motion Carried

RECAP

Manager Phelan will make changes to the recreation commission ordinance.

COUNCIL REMARKS:

Councilwoman Gleba reminded Manager Phelan about the deadline for the codebook. She asked him to remind the other department heads as well. She thanked Councilman Torres for all of his hard work on gather information to develop the Recreation Ordinance.

Councilman Torres stated the Manager is doing a good job with the budget oversight and hopes communications remain ongoing. He also stated that he does not like to see all the vacant store fronts in the Borough. These empty storefronts can be an eyesore and he will be working on an ordinance that will address this in the future.

Councilman Higgins asked if there is any follow up information on the old DPW garage. Manager Phelan stated the attorneys have spoken.

Councilman Jewell stated he was glad to see all of the people out for Washington Celebrates America. He stated the streets committee continues to work on the Resolution for the County Roads.

Councilman Boyle stated the Manager did a good job working with the Municipal Judge on having some of the mandatory court appearances changed. He noted he will not be at the 8/2/11 meeting. Councilman Boyle noted that some businesses are hanging signs on trees. Councilman Boyle asked about installing stop signs at Wayne and Lambert. Manager Phelan stated that the Municipal Engineer needs to sign off that it meets DOT requirements. Manager Boyle stated they would be needed at Wayne and Lambert St.

Mayor McDonald congratulated Washington Celebrates America on the fireworks display.

Motion made by Torres, seconded by Jewell to enter Executive Session at 8:30 p.m..

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

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_____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: Contract Negotiation Forensic Audit_____ 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.

Ayes: 7, Nays: 0
Motion Carried

Council re-entered regular session at 8:35 p.m.

Councilman Higgins asked if the State of NJ placed a moratorium on sewer hookups to our sewer plant. Manager Phelan stated he will need to find that out.

Hearing no further business, a motion was made by Boyle, seconded by Jewell, to adjourn the meeting at 8:38 pm.

Ayes: 7, Nays0,
Motion Carried

Mayor Scott McDonald

Ann Kilduff/Kristine Blanchard, Borough
Clerk