

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – July 19, 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: Jewell, Higgins, Boyle, McDonald, Torres, Valentine
Gleba - Absent

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 Higgins, seconded by Jewell to receive and file the following correspondence.

Ayes: 6, Nays: 0
Motion Carried

1. Plan Conformance Grant
2. Pleasant Valley Mill Dam
3. Tenth Annual Innovation in Governance Awards

Discussion: Councilman Higgins noted that the next step regarding the Pleasant Valley Mill Dam is for the Sewer Committee to meet with the Borough Engineer to review needs and costs for permits and any other requirements prior to moving forward.

Mayor McDonald suggested nominating the Municipal Court Merger and the Library Shared Service for the Innovation Governance Awards.

Motion made by Torres, seconded by Jewell to nominate the Municipal Court Merger and the Library Shared Service for this award.

Ayes: 6, Nays: 0
Motion Carried

Councilman Jewell suggested finding out if the Police Department merger would qualify for this award as well. Manager Phelan will look into this.

AUDIENCE:

Mayor McDonald entertained comments from the audience not already listed on the agenda.

Hearing none, motion made by Higgins, seconded by Boyle to close the audience portion of the meeting.

Ayes: 6, Nays: 0

Motion Carried

ORDINANCES:

Ordinance #5-2011 – Permitting Certain Wind and Solar Energy Systems and Establishing Standards (Introduction)

Mayor McDonald entertained a motion to introduce Ordinance #5-2011.

Ordinance 5-2011 was introduced by Councilman Jewell, seconded by Councilman Valentine.

It was further moved by Jewell, seconded by Valentine that the Clerk read Ordinance #5-2011 by title only.

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

Ayes: 6, Nays: 0
Motion Carried

The Clerk read Ordinance #5-2011 entitled, “AN ORDINANCE PERMITTING CERTAIN WIND AND SOLAR ENERGY SYSTEMS AND ESTABLISHING STANDARDS.”

Motion made by Jewell, seconded by Torres to adopt on first reading.

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

Ayes: 6, Nays: 0
Motion Carried

AN ORDINANCE TO PERMIT CERTAIN WIND AND SOLAR ENERGY SYSTEMS AND ESTABLISHING STANDARDS

WHEREAS, it is the purpose of this ordinance to promote the safe, effective and efficient use of small wind and solar energy systems to reduce the on-site consumption of utility-supplied electricity; and

WHEREAS, New Jersey's Renewable Portfolio Standards (RPS) require each supplier/provider, as defined at N.J.A.C. 14:8-1.2, that sells electricity to retail customers in New Jersey to provide a percentage of their retail electricity sales from renewable energy sources, beginning at 3.5 percent in 2004 and increasing to 22.5 percent by 2021; and

WHEREAS, the Municipal Land Use Law (N.J.S.A. 40:55D-2n) provides that to promote utilization of renewable energy resources is a purpose of zoning; and

WHEREAS, on November 20, 2009, the Governor signed P.L.2009, c.146, clarifying that a wind, solar or photovoltaic energy facility or structure should be considered an "inherently beneficial" use under the Municipal Land Use Law's analysis of positive criteria for the grant of a "d variance" under N.J.S.A.40:55D-70, regardless of whether the facility or structure is a principal use, a part of the principal use, or an accessory use or structure; and

WHEREAS, on April 4, 2010, Governor Chris Christie signed P.L. 2010, c. 4 exempting solar panels from being counted in calculations utilized to determine impervious coverage in land use applications under the Municipal Land Use Law; and

WHEREAS, existing local zoning regulations in the Borough of Washington do not address wind or solar power, which while not intended to discourage the installation of small wind turbines or solar panels, can substantially increase the time and costs required to obtain necessary local land-use permits; and

WHEREAS, the Borough Council finds that it is necessary to standardize and streamline the requirements for small wind and solar energy systems so that this clean, renewable energy resource can be utilized in a cost-effective and timely manner in our municipality; and

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Washington in the County of Warren, State of New Jersey, that the Land Use Regulations of the Borough of Washington be amended and supplemented to include the following:

Section 1: Article III. Section 94-5 Definitions shall be amended to include the following additional definitions:

110% PRODUCTION – means that an energy system produces up to 110% of the energy that the principal use consumes on average in a year.

GROUND MOUNTED SOLAR ARRAY - means a solar energy system, as defined herein that is mounted on armatures anchored to the ground with ground cover beneath.

ROOFTOP SOLAR ARRAY – means a solar energy system, as defined herein that is mounted to roof of a building or structure.

SMALL SOLAR ENERGY SYSTEM – means a solar energy system, as defined herein that is used to generate electricity; and has a nameplate capacity of 100 kilowatts or less.

SMALL WIND ENERGY SYSTEM – means a wind energy system, as defined herein that is used to generate electricity; and has a nameplate capacity of 100 kilowatts or less.

SOLAR ENERGY SYSTEM – means a solar energy system and all associated equipment which converts solar energy into a usable electrical energy, heats water or produces hot air or other similar function through the use of solar panels.

SOLAR PANELS – a structure containing one or more receptive cells, the purpose of which is to convert solar energy into usable electrical energy by way of a solar energy system.

WIND ENERGY SYSTEM – means a wind turbine and all associated equipment, including any base, blade, foundation, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other component necessary to fully utilize the wind generator.

WIND TURBINE – means equipment that converts energy from the wind into electricity. This term includes base, blade, foundation, nacelle, rotor, blades, tower, transformer, vane, wire, inverter, batteries or other components to store and/or transfer energy.

Section 2: Article VII. Section 94-86.1 **WIND AND SOLAR ENERGY AND PRODUCTION SYSTEMS** – this section shall be created and state the following:

A. Purpose. The purposes of this section regulating Small Wind and Solar Energy Systems (110% Production) are as follows:

- (1) The primary purpose of a small wind energy system and small solar energy system will be to provide power for the principal use of the property whereon said system is to be located and shall not be for the generation of power for commercial purposes, although this provision shall not be interpreted to prohibit the sale of excess power generated from a small solar energy system to a supplier/provider. For the purposes of this ordinance, the generation of power

shall be limited to 110% of the average annual energy consumed for the principal use of the subject property.

- (2) Small wind energy systems and small solar energy systems are permitted as an accessory use on the same lot as the principal use. All small wind and solar energy systems require approval from the zoning officer prior to installation. Applications for an energy system shall include information demonstrating compliance with the provisions of this ordinance. In the event that the zoning officer does not believe the provisions of this ordinance will be satisfied an applicant may request a variance. Applicants within the Route 57 Scenic Corridor must demonstrate compliance with the requirements of the Scenic Corridor and may require outside agency approval.
- (3) All applications for small wind and solar energy systems are to be submitted for site plan and/or variance and waiver review to the Planning Board or the Zoning Board, as necessary, when variance(s) and/or waiver(s) are requested.

B. Use Regulations

- (1) Rooftop Solar Arrays for Small Solar Energy Systems are permitted as an accessory use in all zones.
- (2) Ground Mounted Solar Arrays for Small Solar Energy Systems are permitted as an accessory use in all zones.
- (3) Small Wind Energy Systems are permitted as an accessory use in the I Industrial zone.

C. Small Solar Energy Systems (110% production).

- (1) Rooftop Solar Arrays for Small Solar Energy Systems are permitted as an accessory use in all zones subject to the following requirements.
 - (a) Rooftop Solar Arrays shall not exceed a height of twelve (12) inches from the existing roof surface of a peaked roof and not exceed a height of four (4) feet from the existing roof surface of a flat roof
 - (b) In no event shall the placement of the solar arrays result in an overall height in excess of that permitted for the principle structure in the Zone District in which the principle structure is located.
- (2) Ground Mounted Solar Arrays for Small Solar Energy Systems are permitted as an accessory use in all zones subject to the following requirements.
 - (a) Maximum size: no more than 10% of a lot may be devoted to a ground mounted solar energy system, however in no case shall a ground, mounted solar energy system exceed 2,500 square feet.
 - (b) Minimum setback: All ground mounted solar energy systems shall have a distance of ten (10) feet from all property lines in residential zoning districts or twenty-five (25) feet from any property line in commercial zoning districts.

- (c) Ground mounted solar energy systems shall not exceed a height of eight (8) feet as measured from the grade plane to the highest point of the mounting equipment and/or panel(s), whichever is higher.
- (d) Ground mounted solar energy systems shall not be permitted in any front yard.
- (e) Ground mounted solar energy systems are permitted in the rear yard.
- (f) Ground mounted solar energy systems are permitted in side yards, if screened from the street and adjacent properties by evergreen landscaping to create a continuous buffer.
- (g) Ground arrays shall not contribute to impervious surface calculations, unless installed above an impervious surface.

D. Small Wind Energy Systems (110% production).

- (1) Small Wind Energy Systems are permitted as an accessory use in the I-Industrial zones subject to the following requirements.
 - (a) Maximum Density: maximum density of wind turbines shall not exceed one (1) turbine per five (5) acres. More than one wind energy systems may be permitted per property provided the overall density of one (1) turbine per five (5) acres is maintained.
 - (b) Maximum height: System height shall not exceed 125 feet, measured from the grade plane to the height of the blades at its highest point.
 - (c) Minimum setbacks: all wind energy systems shall be setback from all property lines a distance equal to 150% of the system height including the blades of the turbine at their highest point.
 - (d) Separation distance: all wind energy systems shall be setback from all other wind energy systems a distance equal to 100% of the system height including the blades of the turbine at their highest point
 - (e) Wind energy systems shall not be permitted in any front yard.
 - (f) Wind energy systems shall not be permitted as a rooftop installation.
 - (g) All moving parts of the wind energy systems shall be a minimum of thirty (30) feet above ground level.
 - (h) Any tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of eight (8) feet above the ground.
 - (i) All guy wires or any part of the wind energy system shall be located on the same lot as the wind energy system.
- (2) Noise: All wind energy systems shall comply with the following requirements.
 - (a) Adjacent to a residential use or zone sound levels of the wind energy system shall not exceed 55 dBA at a common property line and 50 dBA to the closest occupied structure.
 - (b) In all other cases at a common property line sound levels of the wind energy system shall not exceed 65 dBA.

E. Abandonment.

- (1) In the case that any small wind or small solar energy system as defined herein is out of service for a continuous 12-month period will be deemed to have been abandoned.
- (2) The zoning officer or other enforcement official of the Borough may issue a “Notice of Abandonment” to the owner. The notice shall be sent via regular and certified mail return receipt requested to the owner of record.
- (3) Any abandoned small wind or solar energy system as defined herein shall be removed at the owner’s sole expense within six months after the owner receives the “Notice of Abandonment” from the municipality. If the system is not removed within six months of receipt of notice from the Borough notifying the owner of such abandonment, the Borough may remove the system as set forth below.
- (4) When an owner of a small energy system as defined herein has been notified to remove same and has not done six months after receiving said notice, then the Borough may remove such system and place a lien upon the property for the cost of the removal and restoration. If removed by the owner, a demolition permit shall be obtained and the facility shall be removed. Upon removal, the site shall be cleaned, restored and revegetated to blend with the existing surrounding vegetation at the time of abandonment.

F. Design and Improvement Standards. Standards specifically regulating Wind and Solar Energy and Production Systems are detailed in section 94-69.1.

Section 3: Article VI. Section 94-69.1 WIND AND SOLAR ENERGY SYSTEMS - Design and Improvement Standards – this section shall be created and state the following:

A. All wind and solar energy systems shall comply with the following.

- (1) Systems shall not be used for displaying any advertising except for reasonable identification of the manufacture or operator of the system. In no case shall any identification be visible from a property line.
- (2) Systems shall not significantly impair a scenic vista or scenic corridor as identified in the Borough’s master plan or other published source.
- (3) The natural grade of the lot shall not be changed to increase the elevation of any wind turbine or solar array.
- (4) Wires, cables and transmission lines running between an energy system and any other structure shall be installed underground.
- (5) All ground mounted electrical and control equipment shall be secured to prevent unauthorized access.
- (6) The design shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the facility into the natural setting and existing environment.
- (7) Installation shall conform to the National Electric Code as adopted by the NJ Department of Community Affairs.

- (8) Installation is subject to all local Electric Company requirements for interconnection.
- (9) The following requirements are applicable to small wind energy systems:
 - (a) Wind energy systems shall not be artificially lit, except to the extent required by the FAA or other applicable authority.
 - (b) Wind turbines shall be designed with an automatic brake or other similar device to prevent over-speeding and excessive pressure on the tower structure.
 - (c) The blades on the wind turbine shall be constructed of a corrosive resistant material.

Section 4: Article VI. Section 94-37 ACCESSORY BUILDINGS shall be amended and state the following:

E. Towers are regulated under 94-69.1 and 94-86.1 and this 94-37 shall not apply to same.

Section 5: Article VI. Section 94-68 YARDS AND TOWERS shall be amended such that Item B shall be deleted and the Section shall be renamed YARDS.

Section 6: Any and all Ordinances inconsistent with this ordinance are hereby repealed to the extent of any such inconsistency.

Section 7: Should any section, part or provision of this ordinance be deemed invalid or unconstitutional, such decision shall not affect the validity of the remaining terms of this ordinance as a whole or any part thereof, other than section, part or provision so held invalid or unconstitutional.

Section 8: This ordinance shall take effect on its final passage and publication as provided by law.

REPORTS:

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

1. Managers Reports
2. Issues and Details
3. Municipal Court Report- June 2011
4. Chief Financial Officers Expenditure Report – June 2011
5. Engineer Report – June 2011
6. Tax Collector’s Current Fund Report
7. Tax Collector’s Sewer Fund Report
8. Sewer & Tax Collection Percentage Report

Ayes: 6, Nays: 0
Motion Carried

Councilman Higgins stated he supports the suggestion from the Borough Manger to remove the volunteer survey on the website. He also stated there is a discrepancy with the YTD numbers on the Municipal Court report and the Tax Collectors report. Manager Phelan will contact the appropriate parties and find out why. Councilman Higgins also noted he does not believe the Issues and Details report is necessary anymore. It is a large report that requires a lot of paper to copy. He requested if there is something serious that Council be informed. Councilman Higgins also noted that he does not believe the engineer's monthly report is necessary either. This report is costing the Borough \$250 a month to have produced.

Councilman Higgins moved to have the Volunteer Survey on the website removed, seconded by Councilman Jewell.

Ayes: 6, Nays: 0
Motion Carried

Councilman Higgins moved to remove the Issues/Details report from the agenda and not have this report produced anymore, seconded by Councilman Valentine.

Ayes: 6, Nays: 0
Motion Carried

Councilman Higgins moved to also remove the monthly engineers report from the agenda as well and not have this report produced, seconded by Boyle.

Ayes: 6, Nays: 0
Motion Carried

Councilman Jewell asked Manager Phelan to inquire with the Engineer how much he charges for phone calls, etc.

COMMITTEE REPORTS:

None

OLD BUSINESS:

Ordinance #3- 2011 – Recreation Commission Ordinance – (Final Approval of Draft)

Councilman Higgins asked if section 83-55.8 - E was necessary; he stated it seems redundant. Attorney Cushing stated that he feels that section of the ordinance is an operational step; whereas section B is the requirement to adhere to policies.

Council agreed to place the Ordinance on the next agenda for introduction.

NEW BUSINESS:

Resolution 123-2011 Redemption of Tax Certificate Block 2.05 Lot 6

Resolution 123-2011 was moved on a motion made by Higgins, seconded by Jewell and adopted.

Ayes: 6, Nays: 0
Motion Carried

RESOLUTION #123-2011

RESOLUTION FOR REDEMPTION OF TAX SALE CERTIFICATE
as per N.J.S.A.54: 5

KNOW ALL PERSONS BY THESE PRESENTS, THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on November 17, 2009 to Borough of Washington, 100 Belvidere Avenue, Washington, NJ 07882 in the amount of \$1,225.81 for taxes or other municipal liens assessed for the year of 2008 and in the name of First States Investor c/o B Wolff, as supposed owners, and in said assessment and sale were described as Route 57 West, Block 2.05 Lot 6, which sale was evidenced by Certificate #09-00001.

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 7-07-2011 and before the right to redeem was cut off, as provided by law, Mid-State Abstract Company/Quick Chek claiming to have an interest in said lands, did redeem said lands claimed by Borough of Washington, and last above mentioned, by paying to the Collector of Taxes of said taxing district of Washington Borough the amount of \$5,643.66, which is the amount necessary to redeem Tax Sale Certificate #09-00001.

NOW THEREFORE BE IT RESOLVED, on this 19th day of July, 2011 by the Mayor and Council of the Borough of Washington, County of Warren authorizes the Mayor to sign Certificate #09-00001 for cancellation.

BE IT FUTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 2.05 Lot 6 from the tax office records.

Resolution 124-2011 Refund Tax Overpayment Block 94 Lot 53

Resolution 124-2011 was moved on a motion made by Higgins, seconded by Jewell and adopted.

Ayes: 6, Nays: 0
Motion Carried

RESOLUTION # 124-2011

**RESOLUTION TO REFUND OVERPAYMENT
ON 2008 PRIOR YEAR REAL ESTATE TAXES**

WHEREAS, according to the Tax Collector's records, there is an overpayment of \$927.99 on 2008 2nd Quarter Regular Taxes paid on property located at 8 Alleger Street, also known as Block 94 Lot 53, and in the name of Levitt, Michael and Beth Marie; and

WHEREAS, the Levitt's mortgage company and a title company both paid the 2nd quarter 2008 Regular Taxes causing the overpayment; and

WHEREAS, the Tax Collector has been resolving the matter of tax overpayments and has written a letter requesting the Levitt's to sign to receive their refund.

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 \$927.99 payable to:

Michael and Beth Marie Levitt
8 Alleger Street
Washington, NJ 07882

**Resolution 125-2011 Petition to the County of Warren to Take Ownership of
Several Borough Roads**

Resolution 125-2011 was moved on a motion made by Valentine, seconded by Torres and adopted.

Ayes: 6, Nays: 0
Motion Carried

Councilman Boyle asked Attorney Cushing how significant the MPH were as far as compliance with the parameters of becoming a County Road. Attorney Cushing stated that the Borough seems to comply with all of the parameters. This will be up to the Freeholders. Attorney Cushing suggested members of Council attend the Freeholder meeting when this will be presented to the Freeholders.

RESOLUTION 125-2011

RESOLUTION PETITIONING THE COUNTY OF WARREN TO TAKE OWNERSHIP OF SEVERAL ROADS CURRENTLY OWNED BY THE BOROUGH

WHEREAS, according to the Warren County road map, it is magnified that residents within the Borough of Washington happen to live in the only municipality of the County of Warren that do not have one (1) mile of county road; and

WHEREAS, there appears to be many County roads that do not or cannot intersect another county road or of residential use only that are under the responsibility of the Warren County Department of Public Works; and

WHEREAS, Belvidere Avenue, Prospect Street and Railroad Avenue meet the County of Warren criteria for existing road acceptance to connect to a County Route or State Highway; and

WHEREAS, the minimum speed limit on Belvidere Avenue, Prospect Street and Railroad Avenue is 25MPH, and the County of Warren criteria for existing roads acceptance requires 35 mph minimum speed limit urban and 40 mph minimum speed limit rural; and

WHEREAS, the traffic count on Belvidere Avenue, Prospect Street and Railroad Avenue is to be verified; and

WHEREAS, Belvidere Avenue, Prospect Street and Railroad Avenue meet the County of Warren criteria for existing roads acceptance of 28 feet minimum pavement width with 3 feet minimum graded shoulders each side; and

WHEREAS, Belvidere Avenue, Prospect Street and Railroad Avenue meet the County of Warren's criteria for existing roads acceptance of no truck restrictions,

WHEREAS, the County of Warren's criteria for existing roads acceptance of 66-foot minimum Right-of Way is met by Belvidere Avenue (66-foot ROW), while Prospect Street and Railroad Avenue have variable Right-of Way widths (60 feet and 35 feet, respectively 50 feet, 40 feet and 25 feet); and

WHEREAS, Belvidere Avenue, Prospect Street and Railroad Avenue meet the County of Warren criteria for existing roads acceptance of no "STOP" signs; and

WHEREAS, the Belvidere Avenue, Prospect Street and Railroad Avenue sight lines are to be approved by the County of Warren.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Washington that they hereby petition the County of Warren to formally accept and take ownership of the above-mentioned roads based on the following criteria:

1. Borough of Washington's written resolution requesting the Warren County Freeholders to consider accepting certain named roads within the Borough of Washington for the purposes of:
 - a. Road maintenance
 - i. Paving
 - ii. Patching
 - iii. Line Painting
 - iv. Signage
 - b. Snow / Ice removal
2. Roads that intersect an existing County road:
 - a. Belvidere Avenue
 - i. From East & West Washington Ave. to County Route 649 (Washington Twp) intersects with County Route 628.
 - ii. County Rte 649 (Washington Twp) ends at the "property" line of the Borough of Washington. Traffic used on this road primarily for residential use, Warren Hill Regional Bus route, motorist bypass
 - b. Prospect Street
 - i. From East & West Washington Ave. to County Route 628 (Kinnaman Ave Washington Twp). Traffic used on this road for residential, Warren Hills Middle School bus route and motorist bypass.
 - c. Railroad Ave.
 - i. From East & West Washington Ave to County Route 630. Traffic used on this road primarily for residential

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Warren County Board of Chosen Freeholders for their review and consideration.

**Resolution 126-2011 Authorizing the Release of Funds from Escrow Account
– Lucas Kropynckj**

Resolution 126-2011 was moved on a motion made by Higgins, seconded by Valentine and adopted.

Ayes: 6, Nays: 0
Motion Carried

RESOLUTION #126-2011

**A RESOLUTION AUTHORIZING THE RELEASE OF FUNDS FROM
LUCAS KROPYWNYCKYJ ESCROW ACCOUNT HELD IN TRUST
BY THE BOROUGH OF WASHINGTON**

WHEREAS, Lucas Kropywnyckyj, 24 Hissim Road, Great Meadows, NJ 07838 has requested the return of the funds remaining in the escrow account #7200020888; and

WHEREAS, Municipal Engineer Andrew S. Holt, P.E. and William Gleba of Finelli Consulting Engineers (Plan. Bd./Zoning Board 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 Lucas Kropywnyckyj for the actual account balance in the Lucas Kropywnyckyj escrow account.

Resolution 127- 2011 – Authorizing Applying for Overpayments to 2011 Taxes

Resolution 127-2011 was moved on a motion made by Boyle, seconded by Higgins and adopted.

Ayes: 6, Nays: 0
Motion Carried

**RESOLUTION #127-2011
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.

VOUCHERS

Mayor McDonald entertained a motion to approve the vouchers and claims in the amount of \$314, 661.91.

Motion made by Higgins, seconded by Boyle and approved.

Discussion: Councilman Higgins noted there may be a double billing on the charge for stray cats. Manager Phelan will look into.

Councilman Torres noted the electric bill seems very high for the Library. Manager Phelan stated this is several months of usage.

Roll Call: Higgins, Boyle, Jewell, McDonald, Torres, Valentine
Higgins – Abstain from Fire Department
Jewell – Abstain from Fire Department and EMS

Ayes: 6, Nays: 0
Abstain: 2 (Higgins – Fire, Jewell – Fire/EMS)

ATTORNEY CUSHING – COUNCIL/MANAGER FORM OF GOVERNMENT – POWERS AND DUTIES OF COUNCIL

Attorney Cushing stated the Mayor had asked for a discussion on the Council Manager form of Government. Traditionally there are a number of forms of Government in the State of NJ. In the late 1950's, there was an idea to improve government with more modern forms of Government. This created the Faulkner Act forms of Government. The Borough currently uses the Council/Manager form of Government. This form of government envisions a strong, non elected Chief Executive Officer of the municipality, along with an elected council that serves as the legislative body. This is to separate legislate actions from administrative actions.

Attorney Cushing gave several hand outs to council covering the statutes regarding the Council/Manager form of Government. Attorney Cushing stated that within these statutes it is outlined that policy issues are dealt with by the Council, and execution of the policies are handled by the Manager. The Manager has a strong role in hiring and firing for the Borough and acts as the Chief Executive of the municipality.

Attorney Cushing also discussed the powers of the Borough Manager. He stated the Borough Manager shall implement any Resolutions and Ordinances adopted by the Council, he has the power to appoint a Deputy Manager, enters into contract negotiations on behalf of the Borough, attends meetings but does not have the power to vote, provides recommendations and advice to the Governing Body and is required to do an annual report.

Attorney Cushing explained the Governing Body must act as a body; Council can not act as individuals. As individuals Council members can really not act; it must be done in the context of this Council. It is contrary to the spirit of the law for any members to seek individually to influence the official acts of the manager or other officer. However; it is very important for Council members to have an open dialogue with the manager.

Mayor McDonald thanked Attorney Cushing for the presentation.

RECAP

Manager Phelan will work on the nominations for the Governance Awards; he will place the Recreation Ordinance on the Agenda for introduction.

COUNCIL REMARKS:

Councilman Jewell reminded everyone to check on their neighbors during the extreme heat.

Councilman Torres noted that the Municipal Building is in need of some repairs: painting, gutters, etc. Several gutters leak and this could become a dangerous situation in the winter with the ice. Council will consider this for the 2012 budget.

Mayor McDonald reminded Borough Clerk Blanchard to send out a notice reminding Council about the audit meeting July 30.

Hearing no further business, a motion was made by Valentine, seconded by Torres, to adjourn the meeting at 8:30 pm.

Ayes: 6, Nays 0,
Motion Carried

Mayor Scott McDonald

Kristine Blanchard, Borough Clerk