

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – August 2, 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, Jewell, Torres, McDonald, Valentine, Higgins
Boyle – Absent

Also Present: Richard Phelan, Borough Manager
Kristine Blanchard, Borough Clerk

Mayor McDonald led everyone in the flag salute.

Mayor McDonald read the following Statement into the Record:

“The requirements of the ‘Open Public Meetings Law, 1975, Chapter 231’ have been satisfied in that adequate notice of this meeting has been published in the Star Gazette and posted on the Bulletin Board of Borough Hall stating the time, place and purpose of the meeting as required by law.”

MINUTES:

Mayor McDonald entertained a motion to approve the minutes of July 5, 2011 and July 19, 2011.

Motion made by Higgins, seconded by Jewell and approved.

Two corrections were noted by Council.

Ayes: 6, Nays: 0
Abstain: Gleba (July 19, 2011)
Motion Carried

EXECUTIVE SESSION:

Mayor McDonald entertained a motion to approve the executive session minutes of July 5, 2011.

Motion made by Higgins, seconded by Valentine and adopted.

Ayes: 6, Nays: 0
Motion Carried

CORRESPONDENCE:

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

Ayes: 6, Nays: 0
Motion Carried

1. Washington Community Garden Association
2. Warren County Emergency Services and 911 Memorial Committee
3. Recreation Committee

AUDIENCE:

Mayor McDonald opened the audience portion of the meeting.

Ms. Detlaf – 27 Fisher Ave

Ms. Detlaf asked Council about the labor lien resolutions that are on tonight's agenda. Manager Phelan stated that these liens are for work done on properties that have not been properly maintained; mainly for grass cutting. These properties are usually foreclosed on or abandoned.

Mrs. Sloan – 89 Grand Ave

Mrs. Sloan stated that a one way sign is needed on when exiting the borough lot onto Taylor Street. Manager Phelan will review and see if we have any signs.

Hearing no further comments from the audience, motion made by Higgins, seconded by Jewell to close the audience portion.

Ayes: 6, 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 Valentine, seconded by Councilman Torres.

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

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

Ayes: 5, Nays: 1 (Gleba)

Motion Carried

The Clerk read Ordinance #3-2011 entitled, "Restructuring Recreation Services"

Discussion: Councilman Torres stated that he still feels there is ambiguous language in the Ordinance. In section 3-55.8 he is not happy with the language in section B and E regarding powers and duties of the director. Councilman Higgins noted these sections were discussed at the last meeting and the discussion is reflected in the meeting minutes. In the minutes; Attorney Cushing stated he does not feel there is any ambiguity in the sections. One pertains to duties while the other to standard operating procedures. Councilman Higgins also noted that Council agreed to move forward and introduce the Ordinance. Councilman Torres stated he feels the Commissioners should be responsible for day to day operations not the director. Councilwoman Gleba stated that Commissioners are volunteers and only meet twice per month. Mayor McDonald noted the director is on site much more than the commissioners would be. The director will have policy from the commissioners to follow.

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

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

Ayes: 5, Nays: 1 (Gleba)

Motion Carried

BOROUGH OF WASHINGTON
WARREN COUNTY
ORDINANCE # 3-2011

RESTRUCTURING RECREATION SERVICES

WHEREAS, the Mayor and Council have determined that it would be in the best interests of the Borough to restructure the manner in which it handles recreational services by creating a Board of Recreation Commissioners to replace the current advisory Recreation Committee;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Washington, in the County of Warren and State of New Jersey, as follows:

Section 1. Article VIII A, including Sections 3-55.1 through 3-55.7 of Chapter 3 of the Code of the Borough of Washington is repealed in its entirety.

Section 2. A new Article VIII A of Chapter 3 of the Code of the Borough of Washington entitled “Board of Recreation Commissioners” is hereby created as follows:

§ 3-55.1. Establishment.

- A. Pursuant to the provisions of N.J.S.A. 40:12-1 and 40:12-1.1, there is hereby established a Board of Recreation Commissioners to consist of seven residents of the Borough and two alternate members, who shall also be residents of the Borough.
- B. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member of the Board of Recreation Commissioners. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No.1 shall vote.
- C. All members shall be of good moral character. A member or alternate member may, after public hearing, if he or she requests one, be removed by the governing body for cause, for conviction of a crime involving moral turpitude or for unexcused absences from 3 consecutive monthly meetings. No member or alternate member shall be permitted to act on any matter in which the member or alternate member has either directly or indirectly any personal or financial interest.
- D. There shall be a minimum of one (1) but no more than two (2) members of the Borough Council appointed by the Mayor, with the advice and consent of Council, who shall serve as liaisons to the Board of Recreation Commissioners for a one year term. The Council shall decide at the beginning of each year as to whether there shall be one or two liaison members for that year who shall be permitted to participate in all meeting of the Board of Recreation Commissioners, but shall have no vote.

§ 3-55.2. Appointment of members.

The Mayor shall nominate and, by and with the advice and consent of the Council, shall appoint all members of the Board of Recreation Commissioners in the manner provided by law for the appointment of Borough Officers.

§ 3-55.3. Terms; vacancies

- A. All members of the Board of Recreation Commissioners shall be appointed for a period of five years and until their successors are duly appointed and qualified; provided, however, that, in the case of the initial appointment of members of the Board, the initial terms shall be for periods of one, two, three, four and five years,

respectively, with two members having initial terms of one year and two members having initial terms of two years.

- B. Vacancies occurring in the membership of the Board shall be filled by the Mayor with the advice and consent of the Council.
- C. Alternate members shall be designated at the time of appointment as “Alternate No. 1” and “Alternate No. 2.” The length of the terms of the alternate members shall be the same as the length of the terms of the regular members of the Board of Recreation Commissioners. In the case of initial appointment of the alternate members, the initial term for Alternate No. 1 shall be five years and Alternate No. 2 shall be four years.
- D. A vacancy occurring otherwise than by expiration of term for regular and alternate members shall be filled by the governing body for the unexpired term only.
- E. Members appointed to the Board of Recreation Commissioners shall receive no compensation.

§ 3-55.4. Powers and duties.

- A. Subject to the general authority of the governing body, the Board of Recreation Commissioners shall have the following powers and duties:
 - (1) To supervise and regulate all parks, playgrounds and recreational areas belonging to the Borough. It shall be the Borough’s responsibility to maintain said parks, playgrounds and recreational areas, which includes but is not limited to the municipal pool and surrounding grounds, maintenance and storage facilities, roadways and sidewalks, restrooms, and ball fields.
 - (2) To establish, supervise and regulate the recreation program to meet the recreational needs of the residents of the Borough.
 - (3) To promulgate, adopt and approve such rules and regulations as the Board of Recreation Commissioners shall deem necessary to carry out its purposes and objectives, subject to the review and approval of the governing body.
 - (4) To appoint such personnel as may be required to carry out the responsibilities of the Board of Recreation Commissioners for each calendar year.
 - (5) To recommend to the governing body a budget for the operation of the Board of Recreation Commissioners for each calendar year.
 - (6) The Board of Recreation Commissioners must abide by all local policies and regulations, including Ordinances, as well as all applicable State statutes. This includes, but is not limited to the Borough Purchasing Manual, Local Public Contracts Law, Local Finance Laws, Civil Service Commission regulations

relating to personnel, Open Public Meetings Act, Open Public Records Act, Government Records Council regulations, grant application requests, and, if adopted in the future, and Background Check requirements for employees/volunteers, as amended.

- (7) The Board of Recreation Commissioners shall hold at a minimum one (1) public meeting per month to discuss and act on items within their authority as dictated in this Ordinance. Said meeting schedule will be established at the first meeting in January of each calendar year. All meetings will be conducted in accordance with the requirements of the Open Public Meeting Act.
- (8) On a monthly basis, the Board of Recreation Commissioners shall provide a detailed accounting of the previous month's activities to the Borough Council, which, at a minimum will include, but not be limited to, programs run, revenue received, and expenditures made. From time to time, the Borough Council of the Borough of Washington may require additional information and or reporting requirements that the Board of Recreation Commissioners shall produce.
- (9) To promulgate and adopt bylaws for governing its own affairs, subject to the approval of the Borough Council.

B. The Board of Recreation Commissioners shall, in addition, have such powers and authority as is provided pursuant to N.J.S.A. 40:12-1 through 40:12-15, inclusive, except that the Board of Recreation Commissioners shall not have the authority to acquire lands for public playgrounds and recreation places without the prior authorization of the governing body and title to any such land so acquired shall be taken in the name of the Borough.

§ 3-55.5. Officers.

The Board of Recreation Commissioners shall have the power to appoint from among its members a Chairperson, who shall be the presiding officer, and such additional officers as the Board may desire, whose terms shall expire on December 31 in the year of appointment or until their successors are elected and qualified. Said appointments shall be made at the first regular meeting in January of each calendar year in. Aside from presiding over meetings of the Board of Recreation Commissioners, the Chairperson shall have no additional authority, implied or otherwise.

§ 3-55.6. Termination of powers and duties.

In the event that a court of competent jurisdiction declares that the Board of Recreation Commissioners shall have the power to acquire lands for public playgrounds without the necessity of securing prior authorization therefore by the governing body, this article shall immediately and automatically be repealed, and the powers and duties of the Board of Recreation Commissioners shall be vested in the governing body.

§3-55.7. Director of Recreation

There is hereby created a Director of Recreation who shall be appointed by and report to the Board of Recreation Commissioners. He/she shall serve under the supervision of the Board of Recreation Commissioners as to the day-to-day responsibilities of overseeing Borough recreation services and staff. The Director shall be responsible for the development and execution of programs and activities for recreation and operation and maintenance of Borough parks and pool, in consultation with the Board of Recreation Commissioners. The Director shall receive such compensation as may be provided for the by Salary Ordinance.

§3-55.8. Powers and Duties of Director

The Director shall have the following specific duties:

- A. Take charge of and be responsible for the day to day Recreation activities of the Borough.
- B. Be responsible to the Borough Manager for the adherence to the annual and capital budget, personnel policies and all financial and purchasing policies. The Director shall consult with the Manager in connection with all significant annual and capital budgets, personnel policies and all financial and purchasing policies issues.
- C. Hire all recreation employees in consultation with the Board of Recreation Commissioners.
- D. Prepare detailed annual plans and budget recommendations for the maintenance and operation of all parks, playgrounds, pool and facilities for recreation and cultural programs sponsored by the Borough in consultation with the Board of Recreation Commissioners.
- E. Administer and expend departmental funds in accordance with the budget appropriations and ordinances and the financial procedures established by the Manager.
- F. Establish, evaluate and propose, to the extent feasible, programs for every age group population of the Borough, in consultation with the Board of Recreation Commissioners.
- G. Coordinate all volunteer or community group efforts to provide recreational programming as they relate to Borough facilities or calendar in consultation with the Board of Recreation Commissioners.
- H. Attend all meetings of the Board of Recreation Commissioners and respond to direction from the Board of Recreation Commissioners.
- I. Seek out recreation and senior citizen grants and write grant applications, in consultation with the Board of Recreation Commissioners.

§ 3-55.9. When effective.

In accordance with Chapter 3, Article II, Section 15, Subsection E of the Code of the Borough of Washington, this Ordinance shall become effective 20 days after final passage unless the Council, by an affirmative vote of five (5) Council Members, shall adopt a resolution declaring the Ordinance to be an emergency upon which said Ordinance will take effect upon final passage.

Ordinance 6-2011 Ordinance Authorizing the Sale of Surplus Land (Introduction)

Mayor McDonald entertained a motion to introduce Ordinance #6-2011.

Ordinance 6-2011 was introduced by Councilman Higgins, seconded by Councilwoman Gleba.

It was further moved by Higgins, seconded by Gleba that the Clerk read Ordinance #6-2011 by title only.

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

Ayes: 6, Nays: 0

Motion Carried

The Clerk read Ordinance #6-2011 entitled, "Ordinance Authorizing the Sale of Surplus Land."

Discussion: Mayor McDonald stated that the Governing Body has to set the minimum price. Councilman Higgins asked if the previous assessment done by the tax assessor has changed at all. Manager Phelan stated no the assessment has not changed. Manager Phelan stated the building has some value according to the assessment however; from a practical standpoint, the building has no value. The Construction Official stated if this was a residential home he would have condemned the building. The Borough Manager stated the property is currently assessed at 360,000 for the land and the improvement. Manager Phelan noted for Council that with all of the environmental issues at the lot; the terms and conditions of the bid will be done via resolution and be made part of all bid packages. The redevelopment plan only allows for passive recreation or a parking lot in this area. Mayor McDonald asked what the cost of remediation would be for the area. Manager Phelan stated over \$100,000. Manager Phelan stated that if the Borough had to remediate the property; it would cost well over the \$360,000.

Councilman Torres suggested a minimum price of \$109,000. Councilman Jewell suggested a minimum price of \$38,000. Council discussed various options regarding the minimum price and the project.

After various price options were discussed a motion was made by Jewell, seconded by Gleba to set the minimum bid for Block 94 Lot 57 at \$38,000.

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

Motion Failed

Motion made by Higgins, seconded by Jewell to set the minimum bid price for Block 94 Lot 57 at \$20,000.

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

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

Motion made by Jewell, seconded by Torres to adopt Ordinance 6-2011 on first reading.

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

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

ORDINANCE # 6-2011

AN ORDINANCE AUTHORIZING THE SALE OF SURPLUS LAND

WHEREAS, a parcel of real property known as Block 94, Lot 57 on the tax map of the Borough of Washington and also known by the street address of Alleger Street Garage, Borough of Washington (“Property”), owned by the Borough of Washington, is not needed for public purposes; and

WHEREAS, it is in the best interest of the Borough of Washington to advertise the Property for public sale to the highest bidder; and

WHEREAS, the Borough of Washington wishes to dispose the Property pursuant to N.J.S.A. 40A:12-13;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Washington, Warren County, as follows:

1. The Mayor and Council hereby authorize the Property at public sale to the highest bidder by way of submission of sealed bids, said sale to be held at a time and place set by the Mayor and Council by resolution.
2. The sale shall be advertised in a newspaper circulating in the Borough by two (2) insertions at least once a week during two (2) consecutive weeks, the last publication to be not earlier than seven (7) days prior to said sale.

3. The specific terms and conditions of the sale will be set forth in a resolution authorizing the sale, copies of which will, upon adoption, be available at the Borough Municipal Building.
4. The sale of the Property shall be subject to a written contract to be entered into with the highest bidder. The form of contract will be attached to the resolution authorizing the sale.
5. The minimum price for the parcel of land is \$20,000.00 .
6. A minimum deposit of ten percent (10%) of the bid price on the Property by cash or certified check (or other immediately negotiable funds) payable to the Chief Financial Officer, Borough of Washington must be included with each sealed bid. Deposits shall be returned to all except the highest bidder for each lot within seven (7) days of bid opening.
7. The Borough reserves the right to reject all bids.

This Ordinance shall take effect upon its adoption and final publication in accordance with law.

REPORTS:

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

1. Managers Reports

Ayes: 6, Nays 0:
Motion Carried

COMMITTEE REPORTS:

None

OLD BUSINESS:

None

NEW BUSINESS:

Approval of Washington Emergency Squad Special Liquor License Permit for the Anniversary Party – September 3, 2011

Motion made by Higgins, seconded by Valentine and approved.

Roll Call: Higgins, Valentine, McDonald, Torres, Gleba – Yes
Jewell - Abstain

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

Resolution 128-2011 Requesting Approval of Items of Revenue and Appropriations – Recycling Tonnage Grant

Resolution 128-2011 was moved on a motion made by Higgins, seconded by Jewell and adopted.

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

Ayes: 6, Nays 0
Motion Carried

RESOLUTION # 128-2011

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATIONS NJSA 40A: 4-87

WHEREAS, NJSA 40A: 4-87 provides that the Director of Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Washington in the County of Warren State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2011 in the sum of \$8,074.01 which is now available from the State of New Jersey

BE IT FURTHER RESOLVED, that the like sum of \$8,074.01 is hereby appropriated under the caption of Other Expenses – Recycling Tonnage Grant.

Resolution 129-2011 Requesting Approval of Items of Revenue and Appropriations – Clean Communities

Resolution 129-2011 was moved on a motion made by Higgins, seconded by Jewell and adopted.

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

Ayes: 6, Nays 0:

Motion Carried

RESOLUTION # 129-2011

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATIONS NJSA 40A: 4-87

WHEREAS, NJSA 40A: 4-87 provides that the Director of Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Washington in the County of Warren State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2011 in the sum of \$11,537.17 which is now available from the State of New Jersey

BE IT FURTHER RESOLVED, that the like sum of \$11,537.17 is hereby appropriated under the caption of Other Expenses – Clean Communities.

Resolution 130 – 2011 Authorizing Grant Submission of Municipal Alliance to Warren County/ Franklin Township and Washington Borough

Resolution 130-2011 was moved on a motion made by Higgins, seconded by Jewell and adopted.

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

Ayes: 6, Nays: 0

Motion Carried

RESOLUTION #130-2011

**A RESOLUTION AUTHORIZING THE
SUBMISSION OF A MUNICIPAL ALLIANCE
GRANT APPLICATION TO THE COUNTY OF
WARREN**

**THE GRANT APPLICATION SUBMISSION WILL BE
COMBINED BETWEEN THE MUNICIPAL ALLIANCE OF
FRANKLIN TOWNSHIP AND WASHINGTON BOROUGH
OF WARREN COUNTY**

WHEREAS, the Warren County Department of Human Services provides Municipal Alliance grants for drug prevention and education purposes; and

WHEREAS, the Township of Franklin and the Borough of Washington desires to further the public interest by obtaining funding from the County of Warren for the Franklin Township/Washington Borough's Municipal Alliance for calendar year 2012;

NOW THEREFORE, the Mayor and Council of the Franklin Township in the County of Warren and State of New Jersey resolves that Dorothy E. Repsher or the successor to the office of Municipal Alliance Coordinator is hereby authorized to:

- (a) Make application for such a loan and/or such grant,
- (b) provide additional application information and furnish such documents as may be required and
- (c) act as the authorized correspondent of the above named applicant; and

WHEREAS, the County shall determine if the application is complete and in conformance with the scope and intent of the Governor's Council on Alcoholism and Drug Abuse Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the County's funds in accordance with such rules, regulations and applicable statutes, and is willing to comply with the Statement of Assurance and adhere to all fiscal requirements;

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE Mayor and Council of the Township of Franklin in the County of Warren and State of New Jersey;

1. That the Municipal Alliance Committee Coordinator, Mayor, Deputy Mayor, and one other council member of the above named body or board Is hereby authorized to make application for and, in the event of grant Award to execute and agreement and an amendment thereto with the County of Warren for 2012 Municipal Alliance Grant Funding;
2. That the applicant will provide a cash matching share in the amount of

- \$1,197.00 in its 2012 Municipal Budget;
3. That the applicant agrees to comply with all applicable federal, state, and Local laws, rules, and regulations in its execution of the grant; and
 4. That this resolution shall take effect immediately.

Resolution 131-2011 Requesting Approval of Items and Revenue Appropriations – Beethoven Avenue

Resolution 131-2011 was moved on a motion made by Gleba, seconded by Torres and adopted.

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

Ayes: 5, Nays: 1
Motion Carried

RESOLUTION # 131-2011

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATIONS NJSA 40A: 4-87

WHEREAS, NJSA 40A: 4-87 provides that the Director of Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Washington in the County of Warren State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2011 in the sum of \$140,000.00 which is now available from the State of New Jersey, Department of Transportation

BE IT FURTHER RESOLVED, that the like sum of \$140,000.00 is hereby appropriated under the caption of Other Expenses – Municipal Aid Program, Beethoven Avenue

Resolution 132 – 2011 Establishing a Special Grace Period for the Third Quarter Taxes

Resolution 132-2011 was moved on a motion made by Torres, seconded by Higgins and adopted.

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

Ayes: 6, Nays: 0
Motion Carried

RESOLUTION # 132-2011

**A RESOLUTION ESTABLISHING A SPECIAL
PERIOD FOR THIRD QUARTER LOCAL PROPERTY
TAXES IN THE BOROUGH OF WASHINGTON**

WHEREAS, the printing and mailing of tax bills has been delayed beyond the N.J.S.A. 54:4-64 date of June 14th; and

WHEREAS, according to State Statute, taxes are due and payable February 1, May 1, August 1, and November 1 and these dates can not be changed; and

WHEREAS, N.J.S.A. 54:4-67 allows the Borough Council to establish a grace period of 25 days from the date that tax bills are mailed; and

WHEREAS, the Borough of Washington has historically given its taxpayers a grace period of 10 days for each tax period.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington that the third quarter installment of current year taxes shall not be subject to interest until after September 6, 2011, the additional interest-free period authorized pursuant to R.S. 54:4-67. Any payment received on September 7, 2011 will be subject to interest charged back to the statutory date of August 1, 2011.

Resolution 133 – 2011 Refund of Overpayment of Taxes

Resolution 133-2011 was moved on a motion made by Torres, seconded by Higgins and adopted.

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

Ayes: 6, Nays: 0
Motion Carried

RESOLUTION # 133-2011

**A RESOLUTION TO REFUND OVERPAYMENT
ON 2010 PRIOR YEAR REAL ESTATE TAXES**

WHEREAS, according to the Tax Collector's records, there is an overpayment of \$250.00 on 2010 4th Quarter Regular Taxes paid on property located at 98 Youmans Avenue, also known as Block 82 Lot 15, and in the name of Giovannone, Pasquale and Tiesha; and

WHEREAS, Mr. Pasquale Giovannone qualified for a Veteran's Deduction that was allowed in the 4th quarter 2010 taxes and his mortgage company had already paid the 4th quarter 2010 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 Giovannone'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 \$250.00 payable to:

Pasquale and Tiesha Giovannone
98 Youmans Avenue
Washington, NJ 07882

Resolution 134 – 2011 Authorizing Applying Overpayments to 2011 Taxes

Resolution 134-2011 was moved on a motion made by Torres, seconded by Higgins and adopted.

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

Ayes: 6, Nays: 0
Motion Carried

RESOLUTION #134-2011

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.

Resolution 135 – 2011 through 137-2011 Assigning a Labor Lien

Resolutions 135-2011 through 137-2011 were moved on a motion made by Valentine, seconded by Higgins and adopted.

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

Ayes: 6, Nays: 0
Motion Carried

RESOLUTION #135-2011

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
WASHINGTON, WARREN COUNTY, ASSIGNING A LABOR LIEN ON BLOCK
2.10 LOT 1

WHEREAS, Section 91-1 of the Code of the Borough of Washington (the Code) provides that weeds and vegetable growths in excess of one foot in height are a public nuisance; and

WHEREAS, Section 91-3 that the Borough can cause such nuisance to be abated; and

WHEREAS, Section 91-4 provides that the costs of the abatement done under Section 91-3 be charged to the property owner as a labor lien on the property.

WHEREAS, the Code Enforcement Officer of the Borough has certified, per the attached, that the owner of the property of the property at 10 Alvin Sloan Avenue, identified on the tax maps of the Borough as Block 2.10 Lot 1 was in violation of Section 91-1 of the Code so that it was necessary for the Borough to take action to cut and bag the grass; and

WHEREAS, the DPW Supervisor has certified that the Borough incurred costs of \$944.00 to correct the violation.

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 under the

provisions of Section 75-70 et seq the Tax Collector is hereby authorized and directed to place a lien in the amount of \$944.00 on the property at 10 Alvin Sloan Avenue, identified on the tax maps of the Borough as Block 2.10 Lot 1.

RESOLUTION #136-2011

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
WASHINGTON,
WARREN COUNTY, ASSIGNING A LABOR LIEN ON BLOCK 33 LOT 1

WHEREAS, Section 91-1 of the Code of the Borough of Washington (the Code) provides that weeds and vegetable growths in excess of one foot in height are a public nuisance; and

WHEREAS, Section 91-3 that the Borough can cause such nuisance to be abated; and

WHEREAS, Section 91-4 provides that the costs of the abatement done under Section 91-3 be charged to the property owner as a labor lien on the property.

WHEREAS, the Code Enforcement Officer of the Borough has certified, per the attached, that the owner of the property of the property at 160-162 Belvidere Avenue, identified on the tax maps of the Borough as Block 33 Lot 1 was in violation of Section 91-1 of the Code so that it was necessary for the Borough to take action to cut and bag the grass; and

WHEREAS, the DPW Supervisor has certified that the Borough incurred costs of \$944.00 to correct the violation.

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 under the provisions of Section 75-70 et seq the Tax Collector is hereby authorized and directed to place a lien in the amount of \$944.00 on the property at 160-162 Belvidere Avenue, identified on the tax maps of the Borough as Block 33 Lot 1.

RESOLUTION #137-2011

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
WASHINGTON, WARREN COUNTY, ASSIGNING A LABOR LIEN ON BLOCK
101 LOT 13.24

WHEREAS, Section 91-1 of the Code of the Borough of Washington (the Code) provides that weeds and vegetable growths in excess of one foot in height are a public nuisance; and

WHEREAS, Section 91-3 that the Borough can cause such nuisance to be abated;
and

WHEREAS, Section 91-4 provides that the costs of the abatement done under Section 91-3 be charged to the property owner as a labor lien on the property.

WHEREAS, the Code Enforcement Officer of the Borough has certified, per the attached, that the owner of the property of the property at 41 Lenape Trail, identified on the tax maps of the Borough as Block 101 Lot 13.24 was in violation of Section 91-1 of the Code so that it was necessary for the Borough to take action to cut and bag the grass;
and

WHEREAS, the DPW Supervisor has certified that the Borough incurred costs of \$472.00 to correct the violation.

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 under the provisions of Section 75-70 et seq the Tax Collector is hereby authorized and directed to place a lien in the amount of \$472.00 on the property at 41 Lenape Trail, identified on the tax maps of the Borough as Block 101 Lot 13.24.

VOUCHERS:

Mayor McDonald entertained a motion to approve the vouchers and claims in the amount of \$444,039.32.

Motion made by Higgins, seconded by Valentine.

Discussion: Mayor McDonald stated the payment for Resolution 138-2011 must be pulled from the voucher list – the Resolution was not prepared for tonight's meeting.

Councilwoman Gleba stated her concerns regarding the invoice from the forensic auditor. She is concerned that they are already at \$7,000.00 and has another concern regarding their meeting with a concerned citizen member. Mayor McDonald stated they can interview who ever they deem necessary however; they are spending tax payer money to interview a citizen and who initiated the contact. Councilman Torres suggested pulling the voucher and seek a justification from the auditor. Manager Phelan will discuss with the auditor and send the information out to Council via email.

Motion made by Jewell, seconded by Gleba to pull the voucher for Schneider and Co. until justification is received for the invoice.

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

Ayes: 6, Nays: 0
Motion Carried

Councilman Higgins amended his motion to pay the vouchers in claims with the exception of Resolution 138-2011 and the invoice from Schneider and Co, seconded by Valentine and approved.

Roll Call: Higgins, Valentine, Jewell, Gleba, McDonald, Torres
Higgins – Abstain – Fire Dept.
Jewell – Abstain – EMS, Fire Dept.
Gleba – Abstain – Finelli Consulting

Ayes: 6, Nays: 0
Abstain: 3 (Higgins – Fire Dept, Jewell – EMS, Fire Dept., Gleba –
Finelli Consulting)
Motion Carried

RECAP

Manager Phelan will reach out to Schneider and Co. regarding the invoice. He will work with the DPW to place a sign at the entrance to Taylor Street.

COUNCIL REMARKS:

Councilwoman Gleba stated she attended her first recreation committee meeting. She wanted Council to know that Veolia donated the pipes and stones to fix the drainage problems at one of the field. Kevin Shoudt also donates his time to help out with a lot of the maintenance of equipment which is a huge help to recreation. Councilwoman Gleba also stated there is a new sign for the park/pool at the entrance of Broad Street donated by the Rotary Club. They will also be putting up directional signs to the pool in the downtown area and they have been donated by Kiwanis. She thanked those organizations for their donations. She reminded Council that the professional evaluations will be done at the next Council meeting. She thanked the departments who have given her information regarding the codebook updates. Once she receives all of the updates their will be a committee meeting scheduled. Councilman Jewell asked if she could find out how much a sign costs for the park/pool sign. He would be interested in possibly a donation in conjunction with another organization. Councilman Higgins asked when Council could expect a revenue report from Recreation. Manager Phelan stated last year we did it at the end of the pool season. Councilwoman Gleba stated that Recreation is planning on doing it at the end of the pool season. They are really monitoring the expenses and revenues. Councilman Higgins asked if he could have an update now of the revenues and expenses for Recreation for all programs.

Councilman Jewell noted the elevator may need to be repaired.

Councilman Higgins stated the meeting on Saturday with the auditor was very productive. He explained they discussed some of the reports received by Council. Councilman Higgins stated he would like to see an actual vs. expenditures vs. actual numbers from the CFO. He would also like to see a Tax Collectors report of what was actually collected. Councilman Higgins motioned to have these reports generated in place of the others, seconded by Councilman Torres. – All yes. Councilman Higgins also stated that Warren Hills Regional School District received \$330,000 from the state for school aid. In addition there budget was reduced by \$300,000 after the budget failed during the school election. He noted for the record that Warren Hills Regional decided not to place state aid monies in this year’s school budget to help reduce the cost to the taxpayers.

Vandalism at the Borough Park was noted by an audience member. Council decided to invite the Police Chief to an upcoming council meeting for a council appearance.

At this time motion made by Higgins, seconded by Torres to enter Executive Session after a five minute recess.

Ayes: 6, Nays: 0
Motion Carried

139-2011
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: Insurance Indemnification – Request by former Council member 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.

Hearing no further business, a motion was made by Torres, seconded by Valentine, to adjourn the meeting at 8:55 pm.

Ayes: 6, Nays: 0
Motion Carried

Mayor Scott McDonald

Kristine Blanchard, Borough Clerk