

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – August 16, 2011**

The Regular Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 7:30 P.M.

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

Also Present: Judy Kopen, 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.”

MINUTES:

Regular Meeting of August 2, 2011

Mayor McDonald entertained a motion to approve the minutes of August 2, 2011.

Motion made by Valentine, seconded by Torres and approved.

Two corrections were noted by the Clerk.

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

EXECUTIVE SESSION:

Executive Minutes of August 2, 2011

Mayor McDonald entertained a motion to approve the executive minutes of August 2, 2011.

Motion made by Gleba, seconded by Valentine and approved.

Ayes: 4, Nays: 0

Abstain: 2 (Boyle, Higgins)

CORRESPONDENCE:

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

1. Best Practices Checklist
2. Turn the Town Teal
3. 2012 Professional Services

Ayes: 6, Nays: 0
Motion Carried

Discussion:

Councilman Boyle asked about the Best Practices Checklist required by the State of NJ. Is it acceptable that some of the Borough's financial standards are "in place" but not in writing? Manager Phelan stated yes. Councilman Valentine asked about the backing up and storage of digital data. Manager Phelan this information is backed up daily however; not necessarily stored offsite. Councilman Valentine asked if education is mandatory for elected officials. Manager Phelan stated that the Borough does not require elected offices to attend classes. Councilman Higgins noted the League does offer a class for newly elected officials and it would be a good idea to have the Borough's elected officials attend. Manager Phelan stated that would be something to keep in mind for budget time. Council Boyle asked the Manager if we should include the fact that the Borough's Risk Manager does an annual safety inspection at Borough facilities when answering the public safety question. Council agreed it was a good idea to include this information. Councilman Torres asked about online auctions; Manager Phelan stated when necessary the Borough does have online auctions however these can be more expensive to hold.

Mayor McDonald entertained a motion to approve the Best Practices Checklist with the noted change, motion made by Gleba, seconded by Higgins and approved.

Ayes: 6, Nays: 0
Motion Carried

Mayor McDonald entertained a motion to approve the Turn the Town Teal campaign. Motion made by Higgins, seconded by Gleba and approved.

Ayes: 6, Nays: 0
Motion Carried

Council agreed that the 2012 Professional Service Appointments would be discussed after the performance evaluations.

AUDIENCE:

Edna Detlaf 27 Fisher Avenue

Ms. Detlaf noted for Council that the Borough Codebook contained some interesting older legislation. Council will consider gathering these and posting these on the internet. She also inquired if the Box Tops for Education would benefit the Borough Schools. Manager Phelan will contact the schools to find out the process of collecting these for the Borough Schools.

Sandra Conklin

Ms. Conklin requested a block party for her street on August 27. The street would be blocked from Cherry St. to Madison Ave. Manager Phelan will notify the Police Department and Emergency Services.

Motion made by Torres, seconded by Boyle to approve the block party request pending approval of the Police Chief.

Ayes: 6, Nays: 0

Motion Carried

Sandy Cerami – Washington Business Improvement District

Ms. Cerami asked Council to reconsider the minimum bid they had set at the last Governing Body meeting in order to sell the old DPW Garage site. Ms. Cerami stated this is a project that will bring economic development and parking to downtown businesses and residents alike. Setting the minimum bid too high will place the Borough at risk.

Kevin Hopkins – Gibson's Gym

Mr. Hopkins reiterated much of what Ms. Cerami previously stated. He stated he had sent Council an email earlier this week outlining his position on this topic. Mr. Hopkins also asked Council to reconsider the minimum bid.

Councilman Torres recommended offsetting the costs of the minimum bid by having the Borough's professionals not charge escrow fees. Councilman Boyle stated he was under the impression that the Borough was interested in selling this property as soon as possible.

Motion made by Higgins, seconded by Boyle to reconsider the minimum bid for the old DPW site and set the minimum bid at \$1.00.

Ayes: 6, Nays: 0

Motion Carried

This ordinance will be re-introduced at the September 6 Governing Body meeting.

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

Ayes: 6, Nays: 0

Motion Carried

ORDINANCES:

**1. Ordinance 4-2011 Repealing Abandoned Properties Ordinance
(Public Hearing/ Adoption)**

Mayor McDonald entertained a motion to introduce Ordinance #4-2011 on final adoption and have the clerk read by title.

Motion made by Higgins, seconded by Boyle to introduce on final reading and have the clerk read by title only.

Ayes: 6, Nays: 0

Motion Carried

The Clerk read Ordinance #4-2011 by title only and stated that this ordinance had been published in the Star Gazette as required by law; a copy was posted on the bulletin board and copies available upon request from the Clerk's office.

Public Hearing:

A brief explanation of the Ordinance was given by Mayor McDonald.

Hearing no comments from the public motion made by Higgins, seconded by Boyle to close the public hearing.

Ayes: 6, Nays: 0

Motion Carried

Motion made by Higgins, seconded by Valentine to adopt Ordinance 4-2011 on final passage.

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

Ayes: 6, 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.

2. Ordinance 5-2011 An Ordinances to Permit Certain Wind and Solar Energy Systems and Establishing Standards (Public Hearing/ Adoption)

Mayor McDonald entertained a motion to introduce Ordinance #5-2011 on final adoption and have the clerk read by title.

Motion made by Valentine, seconded by Torres to introduce on final reading and have the clerk read by title only.

Ayes: 6, Nays: 0
Motion Carried

The Clerk read Ordinance #5-2011 by title only and stated that this ordinance had been published in the Star Gazette as required by law; a copy was posted on the bulletin board and copies available upon request from the Clerk's office.

Public Hearing:

Mayor McDonald explained that this Ordinance is establishing a set of standards for solar energy use within the Borough.

Hearing no comments from the public motion made by Higgins, seconded by Boyle to close the public hearing.

Ayes: 6, Nays: 0
Motion Carried

Motion made by Higgins, seconded by Valentine to adopt Ordinance 5-2011 on final passage.

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

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. CFO Report
3. Municipal Court
4. Tax Collector

Ayes: 6, Nays: 0
Motion Carried

Councilman Higgins noted that this is the new report from the tax collector.

COMMITTEE REPORTS:

Recreation Liaison – Councilwoman Gleba noted that in the last Council meeting packet there was a request from the Recreation Committee regarding selling the goal posts that were purchased two years ago. They have not been used and are not the correct size for the fields. Councilman Gleba motioned to sell the goal posts. Councilman Higgins seconded the motion for further discussion. Councilman Higgins asked what the process is. Manager Phelan stated a Resolution would need to be adopted by the Governing Body in order to have a public auction. After some discussion regarding the

value of the goal posts; Mayor McDonald suggested Manager Phelan do some research on what their worth is and prepare the Resolution for the next meeting. Councilwoman Higgins will amend her motion; Councilman Higgins amended his second. All in favor.

Streets Committee – Councilman Boyle reported he attended the Freeholder meeting on August 10. He stated of the three streets that the Borough of Washington asked the Freeholder Board to consider taking over; they agreed to only consider one road which is Belvidere Ave. There is no guarantee that the County will assume responsibility for Belvidere Ave either. Councilman Boyle stated the Council will need to consider whether or not they want to spend money in order to bring Belvidere Ave into compliance for the County. Councilman Boyle noted the County Engineer had several concerns. He is concerned about the maintenance of the traffic light, the wheelchair ramps downtown not being compliant with the DOT. The Warren County Engineer contacted Councilman Boyle the following day with some concerns that he would like more information on. Councilman Boyle forwarded that information to the Borough Manager. The engineer requested a site line analysis, three year accident history, copy of the plans for the portion of Belvidere Ave. that was improved, plans for the traffic signal, and a cost estimate for road improvements on Belvidere Ave. In addition, the County will install a traffic meter. Councilman Boyle noted that the County would require overnight parking on one side of the street only.

Councilman Boyle made a motion to have the Manager forward the requested information to the County, seconded by Councilman Higgins.

Ayes: 6, Nays: 0
Motion Carried

Garbage Collection – Councilman Boyle stated he reached back out to Hampton Borough to see if they would reconsider discussing a shared service agreement for garbage collection. Council agreed to have Councilman Boyle engage in discussions with Hampton Borough.

PUBLIC HEARING

Public Hearing – Small Cities Community Block Grant Program (ARC)

Councilman Higgins excused himself from this portion of the meeting.

Ms. Carol Lowy representing Housing and Community Development Services provided background information to the Governing Body regarding the Small Cities Grant. This public hearing is a mandatory requirement of the Community Development Block Grant Program. Ms. Lowy explained the proposed Community Block Grant will address facility reconstruction for the ARC of Warren County. This is a pass through grant for \$400,000.00. The Borough of Washington acts as the governmental agency on behalf of the ARC. There is no financial impact to the Borough.

Resolutions 140-2011 through 143-2011

Resolutions 140-2011 through 143-2011 were moved on a motion made by Torres, seconded by Gleba and adopted.

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

Ayes: 5, Nays: 0
Motion Carried

Resolutions as made part of the grant package are on file in the clerk's office.

OLD BUSINESS:

None

NEW BUSINESS:

1. Approval of Special ABC Permit for Washington Fire Department October 1, 2011 for Festival in the Borough – Midtown Parking Lot

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

2. Approval of Special ABC Permit for Washington Fire Department October 1, 2011 for Festival in the Borough – PNC Lot

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

3. Approval of Special ABC Permit for Washington Celebrates America October 2, 2011 for Festival in the Borough – Midtown Parking Lot

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

4. Resolution 138-2011 Redemption of Tax Sale Certificate

Resolution 138-2011 was moved on a motion made by Valentine, seconded by Torres and adopted.

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

Ayes: 6, Nays: 0

Motion Carried

RESOLUTION #138-2011

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on September 16, 2010 to Arthur Frustaci, 1178 Fifth Avenue, Alpha, NJ 08865, in the amount of \$255.41 for taxes or other municipal liens assessed for the year 2009 in the name of Hidalgo, Mariela M & Gualdo, as supposed owners, and in said assessment and sale were described as 8 Nunn Avenue, Block 97.02 Lot 11, which sale was evidenced by Certificate #10-00035; and

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 6-28-11 and before the right to redeem was cut off, as provided by law, CoreLogic for HSBC claiming to have an interest in said lands, did redeem said lands claimed by Arthur Frustaci by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$9,022.54, which is the amount necessary to redeem Tax Sale Certificate #10-00035.

NOW THEREFORE BE IT RESOLVED, on this 16th day of August 2011 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Arthur Frustaci, 1178 Fifth Avenue, Alpha, NJ 08865 in the **amount of \$9,022.54.**

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 97.02 Lot 11 from the tax office records.

5. Resolution 146-2011 Refund of Tax Court Appeal

Resolution 146-2011 was moved on a motion made by Valentine and seconded by Gleba and adopted.

Ayes: 6, Nays: 0

Motion Carried

RESOLUTION # 146-2011
A RESOLUTION TO REFUND TAX MONIES PER TAX COURT APPEAL

WHEREAS, the Tax Collector has received a Tax Court Judgment for the year 2009 for the property listed below:

<u>BLOCK</u>	<u>LOT</u>	<u>NAME OF OWNER/ PROPERTY LOCATION</u>	<u>YEAR</u>	<u>AMOUNT</u>
2.11	30	Ali, Ameer & Kathija B 39 Lambert Avenue	2009 Taxes	636.68
			2010 Taxes	318.34
		TOTAL		955.02

Refund payable to: Ameer & Kathija B Ali, 39 Lambert Avenue, Washington, NJ 07882.

WHEREAS, due to the Tax Court Judgment Docket #014567-2009, the assessed value for the improvements has been reduced from 174,500 to 159,600 which changes the amount of taxes due thus creating this overpayment.

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 above tax overpayment.

6. Resolution 147-2011 Refund of Tax Overpayment

Resolution 147-2011 was moved on a motion made by Valentine, seconded by Torres and adopted.

Ayes: 6, Nays: 0
Motion Carried

RESOLUTION # 147-2011
A RESOLUTION TO REFUND OVERPAYMENT
ON 2008 PRIOR YEAR REAL ESTATE TAXES

WHEREAS, according to the Tax Collector's records, there is an overpayment of \$2,811.93 on 2008 4th Quarter Regular Taxes paid on property located at 38 Alvin Sloan Avenue, also known as Block 2.08 Lot 8, and in the name of Renaldo, Adam and Gretchen; and

WHEREAS, the Renaldo's mortgage company and an attorney for the new homeowner both paid the 4th 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 Renaldo'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 \$2,811.93 payable to:

Adam & Gretchen Renaldo
11 Willis Drive
Ogdensburg, NJ 07439

7. Resolution 148-2011 Apply for Tax Overpayment to 2012 Taxes

Resolution 148-2011 was moved on a motion made by Valentine, seconded by Torres and adopted.

Ayes: 6, Nays: 0
Motion Carried

**RESOLUTION #148-2011
A RESOLUTION AUTHORIZING APPLYING 2011
OVERPAYMENT TO 2011 & 2012 TAXES**

WHEREAS, according to the Tax Collector's records, there exists an overpayment and adjustments from previous quarters on the following property;

NAME OF OWNER/ BLOCK/LOT	LOCATION	QUARTER	AMOUNT
Farr, Verna E	2011 2QTR		350.00
11 State Street	2011 3QTR		1,992.48

WHEREAS, the Tax Collector's office contacted Ms. Farr concerning these overpayments and have received a letter that she wishes to have the overpayments applied to the 4th Quarter 2011 and the 1st Quarter 2012 taxes.

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

VOUCHERS:

Mayor McDonald stated that the bill for Schneider and Company would be pulled from this voucher list until discussion in Executive Session. Mayor McDonald entertained a motion to pay the vouchers and claims in the amount of \$ 1,465,323.62.

Council had several questions for Manager Phelan. Councilwoman Gleba asked why items were being paid out of the Fire Safety Fire Trust. Manager Phelan stated that statutorily money received from fire safety fines can only be used on fire safety items. Councilman Boyle asked if we needed to purchase more signs for dog curbing. Manager Phelan stated that the Borough needed to replenish their supply. Councilman Higgins asked about the purchase of weed killer. He asked if we were spraying weed killer at the park. Manager Phelan stated this was returned and we are not spraying weed killer. Manager Higgins asked what date the Borough stopped spraying weed killer.

Motion made by Torres, seconded by Valentine and approved.

Roll Call: Gleba, Torres, McDonald, Valentine, Higgins, Boyle – Yes
Gleba – Abstained from Finnelli Consulting Vouchers
Higgins – Abstained from Fire Dept. Vouchers

Ayes: 6, Nays: 0

Abstain: 2 (Gleba – Finnelli, Higgins – Fire Dept.)

RECAP

Manager Phelan stated he will update the Best Practices Checklist for the State of NJ based on the discussion this evening. He will discuss the block party with the Chief of Police, he will prepare the Ordinance of the sale of the DPW Garage for re-introduction at the next meeting, he will obtain information requested by the County of Warren for Belvidere Avenue. Manager Phelan will also find out when use of the weed killer was stopped.

COUNCIL REMARKS:

Councilman Boyle asked for an update on Gardner's Court and about the three way stop sign suggested at Lambert and Wayne Street. Manager Phelan is aware and working on these items.

EXECUTIVE SESSION

Mayor McDonald entertained a motion to enter executive session for the discussion of Contract Negotiation – Veolia Water and Schneider and Company. Professional appointment reviews will be discussed at a later meeting.

Motion made by Higgins, seconded by Torres to enter Executive Session after a five minute recess.

Council entered Executive Session at 9:15 p.m.

149-2011
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;

 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: Veolia Water – Contract Professional’s – Annual Review the public disclosure of such information at this time would have a potentially negative impact on the municipality’s position in the litigation or negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

_____Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: _____

_____ OR _____ the public disclosure of such information at this time would have a potentially negative impact on the municipality’s position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.);

_____Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is: the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

_____Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit;

BE IT FURTHER RESOLVED that the Mayor and Council hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Borough Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Borough or any other entity with respect to said discussion.

BE IT FURTHER RESOLVED that the Mayor and Council, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

Council exited Executive Session at 11:10 p.m..

Hearing no further business, a motion was made by Higgins, seconded by Boyle to adjourn the meeting at pm 11:10.

Ayes: 6, Nays: 0,
Motion Carried

Mayor Scott McDonald

Kristine Blanchard, Borough Clerk