

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY  
WASHINGTON BOROUGH COUNCIL MINUTES – October 18, 2011**

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

Roll Call: Valentine, Gleba, Torres, McDonald, Higgins, Boyle - Present  
Jewell – 7:15 p.m.

Also Present: Richard Cushing Esq. Municipal Attorney – 7:30 p.m.  
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.”

**EXECUTIVE SESSION:**

Mayor McDonald entertained a motion to enter Executive Session for the purpose of: Professional Reviews/Contract Negotiations.

Motion made by Higgins, seconded by Valentine and adopted.

Ayes: 6, Nays: 0  
Motion Carried

**177-2011**  
**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: Veolia Water The public disclosure of such information at this time would have a potentially negative impact on the municipality's position in the litigation or negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

\_\_\_\_\_Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: \_\_\_\_\_ OR \_\_\_\_\_ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.);

  x   Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all

individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is: Professional Appointment Reviews 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 re-entered regular session at 7:30 p.m. with all members present.

#### **MINUTES:**

Mayor McDonald entertained a motion to approve the regular meeting minutes of September 20, 2011 and October 4, 2011 and the executive session minutes of September 20, 2011 and October 4, 2011.

Motion made by Higgins, seconded by Jewell and adopted.

Several corrections were noted by the clerk.

Ayes: 7, Nays: 0  
Abstain: 1 (Boyle 10/4/11)  
Motion Carried

#### **CORRESPONDENCE:**

None

#### **AUDIENCE:**

Mayor McDonald opened up the audience portion of the meeting.

Bill DeHass 77 North Jackson Avenue

Mr. DeHass asked if Councilman Torres had completed the title search. Councilman Torres stated he is still working on the title search. Manager Phelan stated that he has been working with the railroad. The railroad has agreed to allow the Borough to maintain and plow the private road owned by them adjacent to Mr. Dehaas' home. The Borough will also continue to plow and maintain the west of the railroad tracks (near Jackson Ave.) Mr. Phelan also stated that the private roan between Broad St. and South Lincoln Ave. (owned by the railroad) will continue to have snow removal services as well. Mr. Phelan will work on written agreements with the railroad.

Edna Detlaf 27 Fisher Avenue

Ms. Detlaf voiced her concerns regarding the Code Official. She stated there have been complaints over high grass on her street and because the neighbors have to complain before anything is done she feels this is putting neighbors at odds. She would rather see the Code Official be more proactive. Manager Phelan stated that the Code Official has a 96% compliance rate; higher then it has ever been. The Code Official is very proactive; however Manager Phelan will discuss Ms. Detlaf's concerns.

Mr. and Mrs. William Pallo 17 McKinley Avenue

Mr. and Mrs. Pallo asked the Borough Manager for an update on the flooding issue that had been discussed at a previous meeting. Manager Phelan stated the Engineer would like to speak with them. Manager Phelan will pass along their contact information to the Engineer.

Mrs. Susan Sloan 89 Grand Avenue

Mrs. Sloan asked Council to consider enforcement of the recycling ordinance within the Borough. She sees many homes not placing recyclables out on the required days. She noted that if all residents complied this will save the town money. Motion made by Councilman Boyle, seconded by Jewell to have Manager Phelan inquire with the garbage company if they would be willing to spot check for recyclables without an additional expense to the Borough. All in favor.

Motion made by Jewell, seconded by Boyle to close the audience portion of the meeting.

Ayes: 7, Nays: 0

Motion Carried

## **ORDINANCES:**

Ordinance 8-2011 Amending Chapter 85 of the Borough's Ordinances to Include Additional Stop Intersections. (Introduction)

Motion made by Boyle, seconded by Jewell to introduce Ordinance 8-2011 and have the Clerk read by title.

Ayes: 7, Nays: 0  
Motion Carried

The clerk read, "Ordinance 8-2011 Amending Chapter 85 of the Borough's Ordinances to Include Additional Stop Intersections."

Mayor McDonald entertained a motion to approve Ordinance 8-2011 on first reading.

Motion made by Boyle, seconded by Jewell and approved.

Ayes: 7, Nays: 0  
Motion Carried.

Public Hearing of Ordinance 8-2011 will be scheduled for November 14, 2011.

Motion made by Higgins, seconded by Boyle to approve public hearing and advertising of Ordinance 8-2011.

Ayes: 7, Nays: 0  
Motion Carried

#### Ordinance 8-2011

### **ORDINANCE AMENDING CHAPTER 85 OF THE BOROUGH'S ORDINANCES TO INCLUDE ADDITIONAL STOP INTERSECTIONS**

**WHEREAS**, Chapter 85 of the Borough's Ordinances, entitled, VEHICLES AND TRAFFIC, Article V, entitled "STOP AND YIELD INTERSECTIONS", section 85-15, entitled "STOP INTERSECTIONS DESIGNATED" states that " Pursuant to the provisions of N.J.S.A. 39:4-140, the intersections described in Schedule IX, attached to and made a part of this chapter, are hereby designated as stop intersections. Stop signs shall be installed as provided therein."

**WHEREAS**, the Borough Council of the Borough of Washington would like to amend the above-referenced schedule to include an additional stop sign location.

**NOW, THEREFORE BE IT RESOLVED**, that Section 85-31, entitled "SCHEDULE IX: STOP INTERSECTIONS" hereby be amended to include the following location and be designated as a stop intersection:

**Stop Sign on**

Lambert Street (Both Directions)

**At Intersection of**

Wayne Street

## **REPORTS:**

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

1. Managers Report
2. Tax Collector Report
3. DPW Report
4. Municipal Court
5. CFO Report

Ayes: 7, Nays: 0  
Motion Carried

## **COMMITTEE REPORTS:**

### Sewer Committee

Councilman Higgins reported the sewer committee met on October 17. They reviewed various projects with the wastewater engineer. Councilman Higgins reported that the I and I reduction project is continuing with the installation of the additional man hole inserts being installed. When this is complete; the Borough will have 200 inserts installed. The sewer committee reviewed the plans for the Gardner's Court siphon project. It is a possibility that some work may be able to be done in house. The estimated cost of the project is \$225,000; this could be reduced by \$30,000 if some work is done by the Borough. Suburban Engineering will come up with final estimates in time for the 2012 budget. Councilman Higgins reported that the Borough Engineer is still waiting to hear from the state regarding the Borough's wastewater management plan. He reported that the phase 1 and 2 of the Pleasant Valley Mill Dam project has been completed. At this point it may be cheaper to leave the dam in place. Councilman Boyle will reach out to the County Engineer to see when they will be doing road work in the area. The Borough may possibly be able to remove the dam at the same time saving money.

### Recreation Liaison

Councilwoman Gleba stated the Recreation Committee is offering a tour of the park/pool to interested Council members. The dates are 10/24 and 10/27 at 10:00 a.m. for those interested. She will reach out to recreation to inquire about evening times for the tour.

## **OLD BUSINESS:**

### Power Purchase Agreement

Attorney Cushing gave a brief overview of the solar project that had been discussed in detail at a previous meeting. Attorney Cushing stated the Borough does need to go out to BID in order to purchase solar power and anyone will be able to bid on the project. The purpose of this discussion is to have Council decide if they want to pursue going out to bid for solar energy. Attorney Cushing reminded Council that this was for the sewer plant and dpw garage only.

Councilman Higgins asked to discuss one topic in executive session regarding the power purchase agreement and the possibility of going out to bid for energy. Council agreed to discuss in Executive Session.

### Mass Notification System

Councilwoman Gleba stated that she had met with Bill Hunt at Warren County Communications Center. The county currently uses Rapid Notify to alert residents of emergencies. The County of Warren has a “parent” account and the municipalities are eligible to receive a “child account.” She stated they are still working out a few glitches the County is still working out. She also stated that people who have only cell phones would need to self register with the County. She stated that the annual service fee for the Borough of Washington fee would be \$1413.00. There is also a one time setup fee of \$100.00. She stated that the Borough already receives free emergency messages with the County. If we had a non emergency message it would be approximately be \$130.00 per message.

The Governing Body discussed several aspects of the emergency notify program, including what types of non emergencies would this be used for and whether or not the Borough wants to be responsible for handing out phone numbers.

Mayor McDonald asked Council how they would like to proceed. Councilman Torres motioned to further pursue non emergency notification system through the phone company and other sources, seconded by Councilwoman Gleba.

Ayes: 3, Nays: 4  
Motion Defeated.

## **NEW BUSINESS:**

### Resolution 178-2011 Refund of Overpayment due to Exempt Status Block 14 Lot 12

Resolution 178-2011 was moved on a motion made by Jewell, seconded by Higgins and adopted.

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

Ayes: 7, Nays: 0

Motion Carried

**RESOLUTION # 178-2011**

**A RESOLUTION TO REFUND OVERPAYMENT OF 2011**

**REAL ESTATE TAXES DUE TO EXEMPT STATUS**

**WHEREAS**, according to the Tax Collector's records, there is an overpayment of \$864.35 on 2nd Quarter 2011 Taxes paid on property located at 254 W Warren Street, also known as Block 14 Lot 12 and assessed in the name of Zimmer, Larry J; and

**WHEREAS**, the property owner has qualified for Exempt Veteran Status in the year 2011 as of April 12, 2011, which has created the 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 to refund the amount of \$864.35 payable to: Larry J Zimmer, 54 W Stewart Street, Washington, NJ 07882.

Resolution 179-2011 Recreation Committee Appointment – Jessica Olmos

Resolution 179-2011 was moved on a motion made by,

**RESOLUTION 179-2011**

**RECREATION COMMITTEE**

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

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

**WHEREAS**, the Mayor has designated the following person his appointee;

**WHEREAS**, The Council does approve of this appointment.

**NOW, THEREFORE, BE IT RESOLVED**, that the following named person is appointed to the Recreation Committee for a term ending 12/31/2015.



Jessica Olmos

Ayes: 7, Nays: 0

Motion Carried

**VOUCHERS:**

Mayor McDonald entertained a motion to pay the vouchers and claims in the amount of \$195,760.46

Motion made by Valentine, seconded by Higgins and approved.

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

Ayes: 7, Nays: 0

Abstain: 3 (Gleba – Finnelli & Computers, Higgins – Fire Dept., Jewell – EMS and Fire Dept.)

**RECAP**

Manager Phelan will contact the engineer to review the drainage situation on McKinley Avenue. He will also check with Blue Diamond regarding recycling enforcement.

**COUNCIL REMARKS:**

Councilwoman Gleba asked if we had heard anything from Rockaway Borough regarding the goal posts. She also stated that the Borough is not eligible for FEMA funding for the roads because they were in too poor condition prior to the storm. She stated with regards to the budget process. She stated she thought the budget process was the Council's main responsibility. That is why she questioned and voted no on the replacement computers. She stated that during the budget process no department requested a new computer. The Manager stated that as long as he has the money in his operating budget he can spend it on anything he sees fit. She stated that she thought she was doing her due diligence by reviewing every department's budget; but she won't bother to question items on the bill list as long as there is money to pay for it. She is looking for advice from her fellow council members. Mayor McDonald stated that if there is ample money the Manager does have the discretion to purchase something not requested. Councilwoman Gleba stated that these computers were not budgeted for; so it is ok to purchase items that were not budgeted for? Councilman Higgins stated that Councilwoman Gleba is correct. Council approves the payment not the purchase. Councilman Higgins asked if we would need to transfer money to pay for the computers. Manager Phelan stated as of right now; no. He also stated that the state is only concerned with two numbers. Salaries and Wages and Operating Expenses; as

long as you are within your bottom line. Councilman Higgins noted that Councilwoman Gleba has a valid concern. He stated that the Council should have been notified. Manager Phelan stated that Council has to have some sort of trust. Councilman Higgins stated that the Manager needs to inform Council.

Councilwoman Jewell stated the Fire Department Halloween Parade is scheduled for the 30<sup>th</sup> at 2:00 pm.

Councilman Higgins stated he contacted the forensic auditor. He will be updating Council in an upcoming Executive Session. He will also reach out to Council members who wish to speak with him. Councilman Higgins noted that there are people discussing the forensic audit on the forum on nj.com. Councilman Higgins stated that he contacted the Police Department and Prosecutors Office regarding the railroad ties. They informed him that he should contact the Railroad Police Department. Council agreed that he could contact the Railroad Police Department. Motion made by Boyle, seconded by Torres that Councilman Higgins may contact the Railroad Police Department to provide them with factual information regarding the railroad ties.

Ayes: 4, Nays: 1 (McDonald)  
Abstain: 2 (Valentine, Higgins)  
Motion Carried

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

Ayes: 7, Nays: 0  
Motion Carried

Council entered Executive Session at 10:15 pm..

**175-2011**  
**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

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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*:

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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: VEOLIA WATER. 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: Municipal Attorney 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 re-entered Regular Session at 10:35 p.m.

Motion was made by Jewell, seconded by Gleba to direct the Borough Manager to solicit bids for a power purchase agreement.

Ayes: 7, Nays: 0  
Motion Carried

Hearing no further business, a motion was made by Higgins, seconded by Torres to adjourn the meeting at 10:40 pm.

Ayes: 7, Nays: 0  
Motion Carried

\_\_\_\_\_  
Mayor Scott McDonald

\_\_\_\_\_  
Kristine Blanchard, Borough Clerk