

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY  
WASHINGTON BOROUGH COUNCIL MINUTES – November 1, 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, Jewell

Also Present: Richard Phelan, Borough Manager  
Ann Kilduff, Acting 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.”

**Resolution 185-2011 Acting Borough Clerk**

Resolution 185-2011 was moved on a motion made by Higgins, seconded by Jewell and adopted.

Ayes: 7, Nays: 0  
Motion Carried

**RESOLUTION 185-2011**

**ACTING BOROUGH CLERK**

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

**WHEREAS**, under this plan the Council of the Borough is directed and authorized to appoint an **Acting Borough Clerk** (as needed) for the Borough of Washington, New Jersey.

**BE IT RESOLVED**, that Ann Kilduff is hereby appointed as Acting Borough Clerk for the Governing Body Meeting of November 1, 2011.

## **TRAINING**

Wayne Dietz of Dietz and Hammer Alternative Risk Solutions conducted training to the Governing Body, Borough Manager, and Acting Borough Clerk regarding workers compensation and liability claims.

Training concluded at 7:15 p.m. Council recessed until 7:30 p.m.

Council reconvened at 7:30 p.m. with all members present.

## **COUNCIL APPEARANCE:**

Highlands Council – Eileen Swan

Mayor McDonald stated that this may be a good time to consider a master plan review that is why he has invited the Highlands Council here this evening. The Planning Board asked that Council consider working with the Highlands Council as the master plan review as well as a review of all land use ordinances could be covered with a highlands grant.

Ms. Swan brought Council up to speed on what has been going on with the Highlands Council. She explained the federal highlands area and the NJ highlands area. The people who are outside of the highlands region who obtain their water from the highlands area pay a user fee to obtain the water. The money comes back into the highlands region and is used to protect the water for everyone. The municipalities that fall into the preservation area must comply with the highlands regional master plan. The municipalities that fall into the planning area can decide whether or not they wish to comply with the highlands master plan. She stated that sixty towns have petitioned to comply with the master plan of the highlands. Ms. Swan outlined several ways that the highlands council can assist the borough regarding economic development, redevelopment plans, and master plan reviews. Council discussed their concerns with Ms. Swan regarding the exemptions and possible restrictions of the Highlands Act. Council also discussed their concerns regarding funding and professionals going over the grant amount.

Councilman Higgins asked why this is to our advantage. Mayor McDonald stated the Planning Board recommended this because of the review of the Ordinances especially the planning and zoning ordinances.

Councilwoman Gleba asked if there will be additional workloads for the professionals and the manager and if there are strict deadlines. The only deadlines are for the municipalities in the preservation area. The planning area municipalities can come up with an implementation schedule.

Councilman Higgins asked if this needed to be done right away. Mayor McDonald stated the Borough's Master Plan would need to be revisited in the next four years.

## **CORRESPONDENCE:**

Business Improvement District – 2012 Budget and Business Plan  
Planning Board – Budget Overage

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

Ayes: 7, Nays: 0  
Motion Carried

Discussion: Councilman Higgins noted there is dollar amount listed in the Planning Board memo as to what their overage was in their budget. Mayor McDonald stated it is in the neighborhood of \$4500.00.

Business Improvement District – Councilman Boyle asked where the Governing Body stands on paying off the parking lot that the BID has the loan out on. Mayor McDonald stated the Council did not vote to pay it off. Ms. Cerami stated she thought it would be discussed as part of the 2012 budget process. Mayor McDonald stated yes; however it has not been discussed yet.

## **AUDIENCE:**

Mayor McDonald opened up the audience portion of the meeting.

Paul Jones 108 Harding Drive

Mr. Jones inquired about two catch basins that were installed on his property by the Borough. This was done to collect water that was freezing and creating a hazard on Harding Drive and Flower Ave. Mr. Jones stated he wishes to place downspouts to direct water there that has been collecting in the yards due to the extreme storms. He contacted the Borough and was told they were his catch basins and the Borough would not do work on them. He is curious as to who owns the catch basins. Mayor McDonald stated that if they are on his property they were his catch basins however; he would need to find out who installed them. Mayor McDonald asked if there was any documentation. Manager Phelan stated there is no recorded maintenance easement. Manager Phelan spoke with the Attorney and the Attorney stated that even if the Borough installed them it does not make them Borough property. They were installed at the direction of a prior engineer and manager. Mayor McDonald suggested the manager reach out to Mr. Sheola to find out the facts of the catch basins located at 108 Harding Drive.

Joyce Pile 88 W. Stewart Street

Ms. Pile asked if all the branches and limbs that fell during the storm would be picked up. Mayor McDonald stated that yes they will however; it will take several weeks to clean up after the storm. She also stated her concerns over the potholes on her road and alley. The manager will have DPW make the necessary repairs.

Josephine Tropp 14 Prosper Way

Ms. Tropp also voiced her concerns over Jefferson St. being in need of repair. The DPW Supervisor will take a look at that as well.

Susan Sloan 89 Grand Avenue

Mrs. Sloan thanked Sandi Cerami, Executive Director for the fantastic job on her report. She stated she would like Council and the BID to buy services and goods from the merchants in the Borough.

### **ORDINANCES:**

Discussion: Recreation Fee Ordinance

The Recreation Director stated he presented Council with a revised fee Ordinance for recreation program fees. The rates presented take into consideration the field maintenance for each sport and also the rates are at or below surrounding towns. There will be no more non borough resident rates. All programs will be open to anyone at the same rate. After discussion, motion made by Valentine, seconded by Gleba to create the Ordinance as presented.

Ayes: 7, Nays: 0  
Motion Carried

### **REPORTS:**

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

1. Managers Report

Ayes: 7, Nays: 0  
Motion Carried

## **COMMITTEE REPORTS:**

Codebook Committee:

Councilwoman Gleba asked if Council members would like to attend at Webinar regarding e-code 360. Councilwoman Gleba will put some dates together for Council.

Motion made by Torres, seconded by Higgins for a ten minutes recess.

Council reconvened at 10:00 p.m. with all members present.

## **OLD BUSINESS:**

Title Search – Councilman Torres

Councilman Higgins excused himself from this part of the meeting.

Councilman Torres stated he has done an extensive title search on property 77 North Jackson Ave. He researched the title and any agreements between the RR Company and previous owners. He stated N. Jackson Ave. at one time went straight across to Rt. 31. Councilman Torres reviewed some of the older maps of that area with Council. It is his opinion that at one time these were Borough owned roads. Councilman Torres believes that the revision of the maps in 1961 contained an error (it shows the road as RR owned.) This mistake, he believes has continued through today. Mayor McDonald stated he would like the attorney's opinion on Councilman Torres's findings.

Mr. Dehass asked where the documentation is that the RR states it is their property. Manager Phelan stated that our tax map indicates it is a RR owned property. Manager Phelan stated the only way to have a definitive answer is to do a full title search.

David Higgins stated as an audience member that we should be getting the information from RR Company. Motion made by Gleba, seconded by Jewell to have the manager obtain the information from the RR Company their documentation and proof that they own the property in questions. Ayes – 7 – motion carried. Motion made by Jewell, seconded by Gleba to have the information provided in writing. Ayes – 7 – motion carried.

At this time Councilman Higgins returned to the meeting.

## **NEW BUSINESS:**

Resolution 180-2011 Approval of Items of Revenue – Clean Energy Program

Resolution 180-2011 was moved on a motion made by Valentine, seconded by Higgins and adopted.

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

Ayes: 7, Nays: 0  
Motion Carried

## **RESOLUTION # 180-2011**

### **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 \$10,431.23 which is now available from the NJ Clean Energy program

**BE IT FURTHER RESOLVED**, that the like sum of \$10,431.23 is hereby appropriated under the caption of Other Expenses – Energy Efficiency Block grant.

Resolution 181-2011 Supporting the Center Line Pavement Marking to A No Passing Zone Rt. 57

Resolution 181-2011 was moved on a motion made by Valentine, seconded by Higgins and adopted.

Ayes: 7, Nays: 0  
Motion Carried

## **RESOLUTION # 181-2011**

### **RESOLUTION SUPPORTING THE CENTER LINE PAVEMENT MARKINGS TO A NO PASSING ZONE ON ROUTE 57 IN WASHINGTON BOROUGH, WARREN COUNTY, NEW JERSEY**

**WHEREAS**, an investigation was conducted by the New Jersey Department of Transportation to inventory the existing centerline markings along Rt. 57 in Washington Borough and in Warren County, and;

**WHEREAS**, the New Jersey Department of Transportation has determined based on the Bureau of Traffic Engineering and Investigations report that the centerline markings be revised to a No Passing Zone in Washington Borough and in Warren County, and;

**WHEREAS**, the New Jersey Department of Transportation requires, as part of the Traffic Regulation Order, a Resolution of support from Washington Borough, and;

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough of Washington does hereby support the revised Traffic Regulation Order to revise the centerline markings on Rt. 57 in Washington Borough to a No Passing Zone, and;

**BE IT FURTHER RESOLVED**, that the Municipal Clerk send a certified copy of this Resolution to the New Jersey Department of Transportation.

Resolution 182-2011 Shared Service Agreement – Snow Removal Services Board of Education

Resolution 182-2011 was moved on a motion made by Valentine, seconded by Higgins and adopted.

Ayes: 7, Nays: 0  
Motion Carried

Resolution 183-2011 Authorizing Sale of Surplus Property to Borough of Rockaway.

Resolution 183-2011 was moved on a motion made by Gleba, seconded by Valentine and adopted.

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

Ayes: 7, Nays: 0  
Motion Carried

Resolution 184-2011 Resolution Authorizing the Sale of Block 94 Lot 57 Allegar Street Garage

Resolution 184-2011 was moved on a motion made by Valentine, seconded by Gleba and adopted.

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

Ayes: 7, Nays: 0  
Motion Carried

**RESOLUTION 184-2011**

**RESOLUTION AUTHORIZING THE SALE OF  
BLOCK 94, LOT 57, ALLEGAR STREET GARAGE**

WHEREAS, bids were accepted by the Borough Purchasing Agent for the sale of Block 94, Lot 57, Allegar Street Garage, on October 28, 2011 at 10:00 AM; and,

WHEREAS, the property was advertised for public sale pursuant to all requirements and procedures set forth in the Local Lands and Buildings Law (NJSA 4A:12-1 et seq.) on October 13, 2011 and October 20, 2011; and,

WHEREAS, the Borough received one (1) bid in the amount of \$1,100.00 from Gibson's Gym, Inc. (75 E. Washington Ave., Washington, NJ 07882).

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Washington hereby authorizes the sale in accordance with the terms and conditions stated in Resolution 171-2011 to Gibson's Gym, Inc.

BE IT FURTHER RESOLVED that a copy of this Resolution, be forwarded to Chief Financial Officer, Borough Attorney, Tax Collector, and Gibson's Gym, Inc.

### **VOUCHERS**

Motion made by Higgins, seconded by Jewell to pay the vouchers and claims in the amount of \$1,925,414.83.

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

Ayes: 7, Nays: 0

Abstain: 2 (Higgins – Fire Dept. Jewell – EMS, Fire Dept.)

Motion Carried

### **COUNCIL REMARKS:**

Mayor McDonald stated he received notification that our entries for Innovation in Governance Award all received honorable mention.

Councilman Torres stated the maps he used this evening will be available in the Council office for review. Mayor McDonald thanked Councilman Torres for his efforts.

Councilman Valentine thanked Councilman Torres as well.

Councilman Higgins also thanked Councilman Torres. He asked for the trust fund balance for all the trust accounts. Motion made by Gleba, seconded by Higgins – All in favor. Councilman Higgins asked who authorized the paving of Vanatta Street. Manager Phelan stated that the paving is part of routine maintenance. Councilman Torres stated there are many roads that need paving. The cost was \$4,600. Councilman Higgins stated the streets committee should have been



notified. Councilman Higgins stated it is time to do the managers evaluation. Motion made by Higgins, seconded by Torres to have the evaluations prepared for the first meeting in December. Ayes – 7 Motion Carried.

Councilman Jewell also thanked Councilman Torres.

Councilman Boyle thanked Councilman Torres as well.

Motion made by Valentine, seconded by Torres to enter Executive Session.

**186-2011**  
**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: DPW Garage. 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 10:38 p.m.

## **RECAP**

Manager Phelan will contact Richard Sheola regarding the catch basins. He will following up on the two resident concerns this evening regarding potholes and street repair. Manager Phelan will provide contact information for the RR Company and will obtain documentation from the RR Company stating that they own the property. He will obtain the balances of the Trust Accounts as well. After discussion it was determined that Councilman Torres will reach out to Attorney Cushing with the information on the title search and RR Company concerning the property at 77 N. Jackson Ave.

Motion made by Boyle, seconded by Valentine to have Councilman Higgins and Mayor McDonald attend a meeting with Attorney Cushing regarding DPW Garage litigation. Councilman Torres will serve as the alternate.

Hearing no further business Motion made by Torres, seconded by Valentine to adjourn the meeting at 10:44 p.m.

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Mayor Scott McDonald

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Ann Kilduff, Acting Borough Clerk