

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – November 14, 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: Valentine, Gleba, Torres, McDonald, Higgins, Boyle, Jewell

Also Present: Lorraine Staples, Esq. 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:

Motion made by Jewell, seconded by Higgins to approve the minutes of the regular meeting of October 18, 2011, November 1, 2011 and the Executive Session minutes of October 18, 2011 and November 1, 2011.

The clerk noted one correction.

Ayes: 7, Nays: 0
Motion Carried

CORRESPONDENCE:

None

AUDIENCE:

Mayor McDonald opened up the audience portion of the meeting.

Bill DeHass 79 N. Jackson Avenue.

Councilman Higgins recused himself from this portion of the meeting. Mr. DeHass stated he had received a letter from the Municipal Attorney regarding the exposed manhole cover in the roadway. Attorney Cushing indicated in the letter to the Mayor and Council that there is sufficient clearance for motorists. Mr. DeHass gave photographs of the roadway for Council to review. Mr. DeHass wanted Council to review the pictures because he feels they are not being giving all of the information.

Michael Nachbaur 8 Alvin Sloan

Mr. Nachbaur read a prepared statement to the Governing Body, copies of which were handed out to Council. In his statement Mr. Nachbaur stated that during the meetings in the fall of 2011, the recreation committee members responsible for sport, physical activity, and recreation programs debated the 2012 fee schedule and recognized the important connection between activity registration fees and appropriate provision of recreation and sport facilities. The committee members identified parks, recreation and sport field maintenance and rehabilitation as a very high priority that is beyond the scope and responsibility of just the recreation department.

Mr. Nachbaur further stated that hundreds of individual residents connected to the parks and sports programs will be the direct beneficiaries of a program that results in the development, renewal and rehabilitation of recreation and sport infrastructure throughout the borough. Indirectly the municipality, local businesses and community members on the whole will benefit from well maintained and attractive and active parks.

Mr. Nachbaur noted that in executive summaries published in 2010 by the National Recreation and Parks Association, the benefits associated with well maintained parks and recreation programs include but are not limited to the following:

An increase of events with out of town visitors increased spending in the community, increased sense of pride in the community, and in an era of economic downturn people turn to public parks and activities for their primary physical activity. Major benefits for the youth include: reduction in juvenile delinquency, increasing positive and reducing negative behaviors, exposing youth to less violence, and increasing civic responsibility and participation.

Mr. Nachbaur finished by stating as a resident and volunteer on the Recreation Committee he strongly support the themes presented by the National Recreation and Parks Association on behalf of the community. He respectfully requests that this position be endorsed and the themes included in the Council's deliberations concerning the rehab and maintenance of borough owned properties parks, recreation programs and associated fee schedule ordinance.

Marianne Van Deursen – Planning Board Chair

Mrs. Van Deursen stated she had sent a memo to Council for their last meeting regarding the Planning Board budget and the overages incurred. She apologized for not being able to attend the last Council meeting but wanted to appear tonight in case there were any questions. She explained the Planning Board has worked on several ordinances this year; including the Solar Panel Ordinance. The Planning Board also reviewed the Ordinances related to land use as per the

Codebook Committee's request. This did involve the use of professionals and unfortunately this was a little more involved than the Planning Board originally thought. As soon as the board realized we had gone over budget all work was halted. The Planning Board respectfully requests a transfer resolution be done in order to cover the costs of the professionals.

Motion made by Councilman Boyle, seconded by Councilman Jewell to include the Planning Board in the transfer resolution for the amount to pay the professionals; approximately \$5300.00

Ayes: 5, Nays: 0
Abstain: Valentine, Gleba
Motion Carried

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

Ayes: 7, Nays: 0
Motion Carried

ORDINANCES:

Ordinance 9-2011 An Ordinance Establishing Recreation Department Program Fees
(Introduction)

Motion made by Gleba, seconded by Valentine to introduce Ordinance 9-2011 on first reading and have the Clerk read by title.

Ayes: 4, Nays: 2 (Higgins, Jewell)
Motion Carried

The Clerk read, "Ordinance 9-2011 An Ordinance Establishing Recreation Department Program Fees."

Council Discussion: Councilman Boyle asked if the financial information regarding the trust account had been provided. Recreation Chair Victor Cioni stated that all trust information was provided to the Borough Manager the day after it was requested. Councilman Higgins asked how the Recreation Committee can be certain that these proposed fee ranges will help memberships for the recreation programs and the pool. Recreation Chair Cioni explained that extensive research had been done prior to proposing these fees ranges to the Governing Body. These ranges are based on competition from other municipal pools and an analysis of previous year's fees and memberships. Mayor McDonald reminded Council this is an introduction of the fee ranges; not the actual fees. The actual fees will be set by resolution once the fee ranges are set via Ordinance. Councilman Jewell noted that there was not enough backup information for him to feel comfortable with this; most of the information he received seemed to be verbal. Councilman Torres asked why the all of the non-borough resident fees had been removed from the Ordinance. Recreation Chair Cioni explained to the Governing Body this set of fee ranges is the Recreation Committee's recommendation to Council based on extensive research. Non

resident fees were removed in order to attract more people to the pool. By charging a higher rate for non residents; non resident memberships remain low. Other municipalities do not charge a higher rate for non residents. This is driving people to join other municipal pools instead of the Borough's pool. Belvidere does not charge out of town rates, they are successful and 70% of their memberships come from outside of Belvidere. Increased memberships means the pool can be self-sustaining and return a greater profit at the concession stand as well. Councilman Torres stated he wants to see different rates for Borough and non Borough residents.

Mayor McDonald entertained a motion to approve Ordinance 9-2011 on first reading.

Motion made by Gleba, seconded by Valentine.

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

REPORTS:

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

1. Managers Report
2. Tax Collectors Reports
3. CFO Report
4. DPW Report

Ayes: 7, Nays: 0
Motion Carried

COMMITTEE REPORTS:

Policy Committee – Councilman Valentine stated the draft resolution included in the council packets is the recommendation of the policy committee in order to be compliant with the state's best practices. The requirements of the resolution are taken from the state statute on meeting attendance. Council agreed to place on the next meeting agenda for consideration.

Codebook Committee – Councilwoman Gleba stated the codebook committee has scheduled a Webinar to review E-Code 360 with council members. The Webinar is scheduled for Thursday December 1. Council should respond to the Borough Clerk if they are attending.

Streets Committee – Councilman Boyle noted he had spoken to the engineers at the county regarding the Pleasant Valley Mill Dam and its possible removal and whether or not they

would be interested in helping the Borough with dam removal when they are doing roadwork. The engineers were interested and Councilman Boyle will follow up.

OLD BUSINESS:

None

NEW BUSINESS:

Resolution 186-2011 Redemption of Tax Sale Certificate

Resolution 186-2011 was moved on a motion made by Boyle, seconded by Jewell and adopted.

Ayes: 7, Nays: 0
Motion Carried

RESOLUTION # 186-2011

**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 November 17, 2009 to US Bank-Cust/Sass Muni V dtr, TLSG; 2 Liberty Place, 50 South 16th St Ste 1950, Philadelphia, PA 19102, in the amount of \$2,275.00 for taxes or other municipal liens assessed for the year 2008 in the name of DTW Realty, LLC, as supposed owners, and in said assessment and sale were described as 200-202 Belvidere Avenue, Block 35 Lot 35, which sale was evidenced by Certificate #09-00011; and

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 11-4-11 before the right to redeem was cut off, as provided by law, DTW Realty LLC claiming to have an interest in said lands, did redeem said lands claimed by U.S. Bank-Cust/Sass Muni V dtr by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$47,334.20, which is the amount necessary to redeem Tax Sale Certificate #09-00011.

NOW THEREFORE BE IT RESOLVED, on this 14th day of November 2011 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to US Bank-Cust/Sass Muni V dtr, TLSG; 2 Liberty Place, 50 South 16th St Ste 1950, Philadelphia, PA 19102, in the amount of **\$68,334.20** (this amount consists of \$47,334.20 amount to redeem the certificate + \$21,000 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 35 Lot 35 from the tax office records.

Resolution 187-2011 Release of Escrow – Kerns

Resolution 187-2011 was moved on a motion made by Boyle, seconded by Jewell and adopted.

Ayes: 7, Nays: 0
Motion Carried

RESOLUTION #187-2011

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

WHEREAS, Edward Kerns, 9 Willow Street, Washington, NJ 07882 has requested the return of the funds remaining in the escrow account #7760883293; and

WHEREAS, the Law Offices of Scholl, Whittlesley & Gruenberg, LLC was paid their final invoice on November 2, 2011, and there are no outstanding engineering invoices, it has been determined that the escrow account money can be released.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Municipal Treasurer is hereby authorized to issue a check to Edward Kerns for the actual account balance in the Edward Kerns escrow account.

Resolution 188-2011 Title Search Cattelle Ct and Adjacent Properties

Resolution 188-2011 was moved on a motion made by Torres. There was no second.

VOUCHERS

Motion made by Higgins, seconded by Gleba to pay the vouchers and claims in the amount of \$795,273.52.

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

RECAP

Manager Phelan will prepare the transfer resolution for December. He will also prepare the meeting attendance resolution for the next meeting.

COUNCIL REMARKS:

Councilman Higgins noted that the pay to play Ordinance adopted by Council limits our ability to hire firms in Warren County. Manager Phelan stated without the Ordinance we are not in compliance with the DCA's best practices. Councilman Higgins thanked all of the Veterans for their service. Councilman Higgins asked if Manager Phelan had sent out all of the trust fund balances as requested at the last meeting. He noted he did not receive the information. Manager Phelan will resend.

Councilwoman Gleba stated she is disappointed that Council did not adopt the Recreation Fee Ordinance and stated we need to have a better effort in supporting the Recreation Committee.

Councilman Boyle asked if there had been any further developments with planning for snow removal in the downtown area. Manager Phelan stated there had not been. Council discussed who is responsible for snow removal in the downtown area. Councilman Higgins noted that new legislation had been passed regarding this topic and it was discussed at the training session at the last meeting. Councilman Higgins requested a transcript of that portion of the meeting be presented to Council at the next meeting for clarification on snow removal, seconded by Councilman Torres. All in favor.

Councilman Torres asked if the Borough will be lighting the tree outside of Borough Hall this year. Manager Phelan stated that Council decided if there is no offsetting revenue for a recreation event; money would not be expended. Lighting the tree costs money. A motion was made by Torres to obtain a quote on installing the lights on the tree outside of Borough Hall and research what this had cost in the past, seconded by Higgins. All in favor.

Mayor McDonald reported the Varsity and JV Washington Redskins teams were in the championship games and wished them luck and congratulations.

Hearing no further business Motion made by Torres, seconded by Valentine to adjourn the meeting at 8:40 p.m.

Mayor Scott McDonald

Kristine Blanchard, RMC Borough Clerk