

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – August 21, 2012**

The Regular Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 7:00 P.M.

Roll Call: Gleba, McDonald, Higgins, Boyle
Torres- Arrived at 7:45 P.M.
Absent – Jewell, Valentine

Also Present: Kristine Blanchard, Manager/Borough Clerk
Judy Kopen, Attorney

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.”

COUNCIL APPEARANCE:

NJ American Water

Kevin Watsey- Government Affairs Manager; Frank Hadley- Superintendent of Field Operations

Mr. Watsey explained that a few months ago, NJ American Water had met with the Borough Manager, Ms. Blanchard, and they spoke about the company receiving an easement on a property that is owned by the Borough, but located in Washington Township. He explained that the purpose of their Council appearance tonight was to see if the Borough was interested in working together to get an easement on the property. He noted that they are looking to build a water tower on the property.

Council asked what the tower was going to be made of, how often it was going to be cleaned and how it was going to be cleaned. Mr. Watsey explained that they have tank maintenance program and the tower would be inspected on a regular basis to insure it is operationally okay and aesthetically pleasing to the town.

Councilman Boyle asked how they would get the water for the water tank. Mr. Hadley explained that the water would come from several wells throughout the town. He also explained that it would tap into the water main.

Mr. Watsey explained that if everything went smoothly, they planned to have the Water Tower in service in 2014.

Ms. Kopen noted that if this were to move forward, NJ American Water would present a form of a proposed option agreement.

Motion made by Gleba, seconded by Boyle to enter into negotiations with NJ American Water.

Ayes: 4, Nays: 0
Motion Carried

CORRESPONDENCE:

1. DASACC- Re: Borough Parking Lot
2. Kathy Kinney- Speed Limit Sign on Monroe St.

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

Councilman Boyle discussed the letter received from the resident on Monroe St. Ms. Blanchard explained that the resident wishes to make the speed limit lower on the street, to 15 MPH.

Ms. Blanchard noted that the Borough has changed speed limits on several of its streets in the Codebook. She also noted that there have been formal complaints filed from the woman and her neighbor regarding speeding on the street.

Councilman Boyle asked what the costs of changing the speed limit would be. Ms. Blanchard explained that the Borough would have to adopt an ordinance, have the ordinance reviewed by the Borough Engineer, and purchase of required signs, approximately \$1500.

Mayor McDonald said that he felt it was a case of enforcement rather than to lower the speed limit.

Ms. Blanchard noted that an option was to put the speed indicator sign on Monroe St, which may deter the speeding.

Councilman Boyle explained that speed bumps may be appropriate for Monroe St.

Mayor McDonald also noted that a sign that said disabled child may be appropriate, to make people more aware.

Ms. Kopen explained that it may be controlled by State Statute as to when those signs can be placed.

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

Ayes: 4, Nays: 0
Motion Carried

Motion made by Boyle, seconded by Higgins to ask the Manager to research the cost involved with Speed Limit signs, speed bumps, rumble strips and to notify the residents that the Borough is looking into it.

Ayes: 4, Nays: 0
Motion Carried

Council discussed DASACC- Re: Borough Parking. Ms. Blanchard explained that because the Borough owns the property, they can make it a handicap spot without going to the state or planning board. She also noted that the engineer suggests doing an engineer drawing to have on file, which Council would vote on.

Councilman Higgins asked who would paint the spot blue and purchase the sign. Ms. Blanchard explained that the Borough could paint it blue, but would have to purchase the sign.

Mayor McDonald noted that if DASACC wants to place a sign there, they can purchase it.

Motion made by Gleba, seconded by Boyle, to paint the spot blue.

Ayes: 4, Nays: 0
Motion Carried

MINUTES: **Regular Meeting July 17, 2012**
 Regular Meeting August 7, 2012

Motion made by Higgins, seconded by Gleba to approve the minutes of July 17, 2012 and August 7, 2012.

Councilwoman Gleba asked what the decision was regarding overnight parking within the Borough.

Councilman Boyle explained that the matter was not resolved. He noted that the Street Committee has no opinion of keeping the ordinance as such or dissolving the ordinance. He noted that it has nothing to do with safety, and it was probably designed for street sweeping purposes.

Regular Meeting July 17, 2012

Ayes: 3, Nays: 0
Abstain: Gleba (Absent)

Motion Carried

Regular Meeting August 7, 2012

Ayes: 3, Nays: 0
Abstain: McDonald (Absent)

Motion Carried

AUDIENCE:

Edna Detlaf - Fisher Ave

Ms. Detlaf discussed the open space tax. She asked why if those who wanted to put the question in the referendum, why did they not word it so that it asked the general opinion of the residents. She also noted that she originally thought the Borough should have the referendum for the residents, but after reading the minutes from the previous meeting she felt the Borough was being forced into an agreement that was unclear. She also questioned the rollback taxes that would be due on the property if the property was sold.

Ms. Blanchard explained that any land that is farm land assessed means that they have an actual working farm, so they are taxed at a much lower rate. She explained that if they sell that property, and the people that buy it are not going to use it for farm land, two years of roll back taxes are due to the municipality.

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

Ayes: 4, Nays: 0
Motion Carried

REPORTS:

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

1. Borough Managers Report
2. Highway Department Overview for July 2012
3. Municipal Court Report
4. CFO Report
5. Tax Collectors Reports- June and July

Councilman Higgins noted that for the Road department for July, a water leak was discovered at the park. He questioned if this was part of the ongoing water leak problem in the same area. Ms. Blanchard explained that it was. Councilman Higgins asked if the Borough could fix it the way it needs to be fixed, so that there were not any future problems.

Ms. Blanchard said that the Commission keeps finding new leaks that they were not aware of when they fixed the last leak. She noted that she can get a report from the Commission as to what their plan is for the future.

Council directed Ms. Blanchard to get a cost estimate from the Commission to completely repair the pipes.

Councilman Higgins also noted that he was quite pleased with the percentages from the Treasury at 91%.

Councilwoman Gleba noted that she was concerned with those percents.

Councilman Higgins explained that these numbers are better than they were last year, and are increases.

Ayes: 4, Nays: 0
Motion Carried

OLD BUSINESS:

1. Volunteer Background Checks

Councilwoman Gleba explained that when they introduced the ordinance at the last meeting, there were some questions. She wanted to share the Attorney's response and to give everyone the option to ask questions. She thanked the Codebook Committee and Ms. Blanchard for all the work they've done to help with this Ordinance. Councilwoman

Gleba noted the question Councilman Higgins had last week, specifically towards non-sponsored Borough events, if it includes visiting teams as the ordinance stands now. Councilwoman Gleba explained that the attorney reviewed it, and it is interpreted as including visiting teams. She explained that the intent of the ordinance is not to make it difficult or prevent people from participating in Boroughs events. She noted that the Attorney suggested including in the ordinance that it only applies to the home team or to the organization requesting to use the Borough's facilities. Councilwoman Gleba asked Attorney Judy Kopen if the Ordinance has to include the section on non-Borough sponsored events, and if it could be removed.

Ms. Kopen explained that they could remove that section if they choose to do so, and have it only applied to Borough sponsored teams. She noted that they could include a provision saying that non-Borough teams present a certification signed saying they had issued background checks. However, there is a potential for a problem should an issue arise and it was determined that a background as defined in the States authorizing statute was not done, there could be additional liability to the Borough. She explained that if the Borough did not adhere to all of the provisions that were in the enabling statute, someone could make an argument that the Borough is liable.

Councilwoman Gleba explained that the ordinance was written to follow the State process, and unfortunately that process makes it harder and more restricting. She noted that this affects organizations that may issue a background check on volunteers or coaches, but it might not be a state issued background check. She noted that Recreation is not in favor of this due to the cost, and they feel they will lose a lot of volunteers that are not going to want to get a background check. She explained that she thought it was critical to have background checks, including the employee background checks.

Councilman Higgins asked if there was a state statute that needed to be followed when there are volunteers working with children. Councilwoman Gleba answered yes, there was a state law that allows municipalities to pass ordinances to issue background checks for certain groups of individuals using the municipalities facilities.

Councilman Higgins asked if that statute is requiring municipalities to issue background checks, or if it is giving them the option to do so. Ms. Kopen said it is giving them the authority to pass the ordinance if they chose too. Councilman Higgins asked if there was a statute that required anyone that is working with children to get a background check. Ms. Kopen answered that she was not aware of that.

Ms. Kopen noted that the more the Borough goes along with what the State Statute says, the less someone would be able to make an argument that the actions of the town were palpably unreasonable. She said it was a reasonable position to take the provision out saying that it was necessary for visiting teams to have background checks if they were using the facilities.

Councilwoman Gleba noted that the ordinance was specifically written so that the first year, the Megan Kanka Foundation will be providing the funding. Councilwoman Gleba asked how it worked if they did not get the Megan Kanka Foundation funding.

Ms. Kopen said there is a severability clause which says that if there is something that is not able to be used, that part is severed from the rest of the ordinance.

Councilwoman Gleba said she is hoping to hear back from the Megan Kanka Foundation before September 4th.

Councilman Boyle stated that he did not believe this ordinance was developed or looked at for potential lawsuits, and that the intent was to do things the right way. He said that he agrees with the Commission, but there are instances when ordinances that cannot be enforced/or they do not know how to enforce them. He questioned how the ordinance would be enforced.

Councilman Torres explained that it would be on the applicant, and it is possible to put the language in the application itself to tell the outside groups that they are liable.

Ms. Kopen noted that she has seen Ordinances from other municipalities where when they get the background check, they get issued a photo I.D. and they have to wear it, identifying who is okay and who is not.

Councilwoman Gleba said that was in the Ordinance but they had decided to take it out.

Ms. Kopen noted that if they wished to take out the provision that stated it necessary for visiting teams to have background checks if they were using the facilities, the ordinance would have to be reintroduced because it was a substantial change.

Council agreed to amend the ordinance to remove language that would require visiting teams to undergo a back ground check. The Council would like the Recreation Commission to attend the Sept. 4th meeting for discussion of this Ordinance. The Council will re-introduce the Ordinance on Sept. 18, 2012.

Motion made by Gleba, seconded by Higgins to amend the ordinance to remove language that would require visiting teams to undergo a back ground check and to ask the Recreation Commission to attend the September 4th Council meeting.

Ayes: 5, Nays: 0
Motion Carried

NEW BUSINESS:

1. Resolutions #132-2012, #134-2012 Redemption of a Tax Sale Certificate

Motion made by Higgins, seconded by Boyle to approve Resolutions #132- 2012 and #134-2012.

Roll Call: McDonald, Torres, Gleba, Higgins, Boyle
Ayes: 5, Nays: 0
Motion Carried

RESOLUTION # 132-2012

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

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 US Bank Cust Pro Capital I LLC, TLSG, 50 S 16th Street Suite 1950, Philadelphia, PA 19102, in the amount of \$159.03 for taxes or other municipal liens assessed for the year 2009 in the name of Eichlin, Paul & Lucille E, as supposed owners, and in said assessment and sale were described as 70 W Stewart Street, Block 14 Lot 8, which sale was evidenced by Certificate #10-00010; and

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 8-8-12 and before the right to redeem was cut off, as provided by law, M & T Bank,/CoreLogic claiming to have an interest in said lands, did redeem said lands claimed by US Bank Cust Pro Capital I LLC by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,825.91, which is the amount necessary to redeem Tax Sale Certificate #10-00010.

NOW THEREFORE BE IT RESOLVED, on this 21st day of August, 2012 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 Pro Capital I LLC in the amount of **\$1,825.91**.

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 14 Lot 8 from the tax office records.

RESOLUTION # 134-2012

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

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 Stonefield Inv Fund I, LLC, 21 Robert Pitt Drive #202, Monsey, NY 10952, in the amount of \$299.33 for taxes or other municipal liens assessed for the year 2009 in the name of Sohi, Seyed H Hashemi, as supposed owners, and in said assessment and sale were described as 238-242 Belvidere Avenue, Block 35 Lot 42, which sale was evidenced by Certificate #10-00018; and

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 8-10-12 and before the right to redeem was cut off, as provided by law, Ocwen Loan claiming to have an interest in said lands, did redeem said lands claimed by Stonefield Inv Fund I, LLC by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$5,322.22, which is the amount necessary to redeem Tax Sale Certificate #10-00018.

NOW THEREFORE BE IT RESOLVED, on this 21st day of August, 2012 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Stonefield Inv Fund I, LLC, 21 Robert Pitt Drive #202, Monsey, NY 10952 in the amount of **\$5,322.22**.

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 35 Lot 42 from the tax office records.

2. Resolution #133-2012 Close Escrow Account – Cioletti

Motion made by Higgins, seconded by Gleba to approve Resolutions #132- 2012 and #134-2012.

Roll Call: McDonald, Torres, Gleba, Higgins, Boyle
Ayes: 5, Nays: 0
Motion Carried

RESOLUTION #133-2012

A RESOLUTION AUTHORIZING THE RELEASE OF FUNDS

**FROM PAUL CIOLETTI ESCROW ACCOUNT
HELD IN TRUST BY THE BOROUGH OF WASHINGTON**

WHEREAS, Paul Cioletti, 3 Wolfe Run Court, Long Valley, N.J. 07853, has submitted a letter requesting the closure of the funds remaining in the developer's escrow account number #7200020898; and

WHEREAS, the engineers and attorneys representing the Borough of Washington have advised that they have been paid in full and there are no outstanding invoices and it has been determined that the escrow account monies 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 Paul Cioletti in the amount of the actual balances remaining in Acct. #7200020898.

3. Resolution #136-2012 Agreement with CitiNet – ACH Payments

Motion made by Higgins, seconded by Torres to approve Resolution 136-2012.

Councilwoman Gleba asked if there was anything in writing stating that CitiNet has waived the application fee and set up fee for 2012.

Ms. Blanchard explained that they had provided a letter to the CFO; however it did not mention that. Councilman Torres noted it was in the minutes during their presentation.

Roll Call: McDonald, Torres, Gleba, Higgins, Boyle
Ayes: 5, Nays: 0
Motion Carried

RESOLUTION 136-2012
**RESOLUTION TO ENTER INTO AN AGREEMENT WITH CITI NET FOR THE
PROCESSING OF ACH PAYMENTS OF TAX AND SEWER**

WHEREAS, in an effort to offer tax and sewer payment options to the citizens of Washington Borough, the Governing Body has reviewed several proposals regarding online payment (ACH) service companies;

WHEREAS, Citi Net has offered the best proposal to the Borough of Washington, which includes; business office core module – property tax and sewer payments and the process payment form – property tax and sewer payments; and

WHEREAS, Citi Net has agreed to waive the annual application subscription fees and the user set up fees for the year 2012; and

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Washington wish to enter into an agreement with Citi Net for the ACH processing of property tax and sewer related payments; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the Chief Financial Officer, the Tax and Sewer Collector, and Citi Net.

VOUCHERS:

Mayor McDonald entertained a motion to approve the vouchers and claims in the amount of \$761,144.72.

Motion made by Gleba, seconded by Torres and approved.

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

Ayes: 5, Nays: 0

Abstain: Higgins – Fire Dept.

Gleba – Finelli Consulting Engineers

RECAP:

Borough Manager Blanchard will work with Ms. Kopen regarding the agreement with NJ American Water. She will reach out to the family that wrote about Monroe street and tell them they were working towards a possible solution for the problem, and look into possible enforcement, speed bumps, and signs, checking with the engineer on those and state statute. Manager Blanchard will reach out to DASACC and let them know that the Borough will change the parking spot to handicap, and DASACC can purchase the sign. Manager Blanchard will also reach out to the Recreation Commission to discuss the ongoing water leak, and have them attend the 9/4 meeting to discuss the background check ordinance.

Councilman Boyle noted regarding the handicap sign, there are sign ordinances. Manager Blanchard agreed that she will inform DASACC of the types of signs they can use.

Ms. Blanchard read a memo to Council. In one of the 2005 ordinances, the Governing Body at the time did approve an application for a federal grant. The Borough did receive the money at the time, and the project was completed. However, there have been many management changes during those times, including engineer, so unfortunately the reports

were never filed to receive the money. Manager Blanchard explained that she was able to put the reports together and explain the situation with the federal government, and they have agreed to give the Borough the money that was owed to the Borough. Manager Blanchard reported that they received a check for \$112,407.42 from the federal government to help pay of debt for the downtown streetscape.

COUNCIL REMARKS:

Councilwoman Gleba wanted to thank Manager Blanchard, the CFO and the finance office for all their help.

Councilman Boyle noted that the overnight parking was discussed a few weeks back as to whether or not it would be kept as an ordinance. He explained he would like to start the process on that, and bring it to council for discussion on that as to what they would want to do.

Councilman Higgins discussed the Finelli agreement. Manager Blanchard stated that the Borough has completed their end of the agreement, and Finelli is reviewing it at this time. Councilman Higgins also discussed the Belvidere Ave crosswalk sign. Manager Blanchard noted that they had received it, and it is not a permanent sign. She explained her plan is to find someone to put it out in the morning. Council discussed having the Road Department put the sign up in the morning. Councilman Higgins also discussed the agreement with Washington Township regarding Police services, and asked about the meetings that will be held for both municipalities to meet during budget times. Manager Blanchard explained that she had discussed this with Washington Township's administrator, who thought it was an excellent idea and he will let them know when they are available. Councilman Higgins also asked about the Capital projects at the sewer plant. Manager Blanchard noted that those projects are moving along as planned. Councilman Higgins also asked when they have to register for the convention. Manager Blanchard said as soon as council decides, she will do it, and that it was \$45.

Councilman Higgins also thanked Manager Blanchard for all the help with getting the \$112, 407.42.

EXECUTIVE SESSION

Motion made by Boyle, seconded by Higgins to enter Executive Session to discuss litigation.

Resolution #135-2012 Executive Session

Hearing no further business motion made by Higgins, seconded by Gleba to adjourn the meeting at 8:45 p.m.

Mayor Scott McDonald

Kristine Blanchard, RMC Borough Clerk