

**BOROUGH OF WASHINGTON, WARREN COUNTY, NJ
COUNCIL AGENDA
May 1, 2012
6:30 PM**

STATEMENT OF ADEQUATE NOTICE:

ROLL CALL: Clerk will call the Roll

EXECUTIVE SESSION: 6:30 pm to 7:00 pm

Resolution 84-2012 – Executive Session
Trust for Public Land/Washington H.O.P.E

PROCLAMATION:

Older Americans Month

CORRESPONDENCE:

- State of NJ RE: Green Street
- Assemblyman Erik Peterson

MINUTES:

Regular Meeting April 3, 2012
Executive Session April 3, 2012
Regular Meeting April 17, 2012
Executive Session April 17, 2012

COUNCIL APPEARANCE:

Schneider & Co. – Forensic Audit

AUDIENCE:

Remarks, petitions, statements and testimony from guests

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: _____ Trust for Public Land – Contract Negotiation _____). 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: Borough Manager Position 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.

Date:

Kristine Blanchard, RMC

PROCLAMATION
Borough of Washington

WHEREAS, it has become a tradition that the Month of May is designed as Older Americans Month; and

WHEREAS, the growing population of older adults in our county and our municipality continues to make innumerable positive contributions through their efforts as volunteers and citizens; and

WHEREAS, the Borough of Washington wishes to honor our older adults for their past and present contributions and encourages our older residents to remain in the mainstream of life as they continue to play a vital role in our society, and particularly our local community;

NOW, THEREFORE, BE IT RESOLVED, that I, Mayor Scott McDonald of the Borough of Washington, hereby proclaim May 2012 as OLDER AMERICANS MONTH in Washington Borough.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of May, 2012 .

Scott McDonald, Mayor



State of New Jersey
DEPARTMENT OF TRANSPORTATION
P.O. Box 600
Trenton, New Jersey 08625-0600

CHRIS CHRISTIE
Governor

JAMES S. SIMPSON
Commissioner

KIM GUADAGNO
Lt. Governor

April 9, 2012

The Honorable Scott G. McDonald
Mayor, Washington Borough
100 Belvidere Avenue
Washington, NJ 07882-1498

Dear Mayor McDonald:

Thank you for your application requesting funds for your municipality under the New Jersey Department of Transportation's (NJDOT) Fiscal Year 2012 Municipal Aid Program.

Unfortunately, the NJDOT is unable to provide a Municipal Aid grant for Green Street Roadway and Pedestrian Walkway Improvements. The Municipal Aid Program continues to be a popular and competitive program. This year's solicitation resulted in 661 applications requesting more than \$257 million of the \$78.75 million available. NJDOT makes every effort to fund as many projects as possible, but the funding needs far exceed available resources.

NJDOT encourages you to apply for the upcoming Fiscal Year 2013 Municipal Aid Program. Please contact our Local Aid District Offices for assistance in developing an application.

Thank you for applying.

Sincerely,

Michael Russo
Director
Division of Local Aid and Economic Development

c Municipal Clerk
Municipal Engineer



NEW JERSEY GENERAL ASSEMBLY

ERIK PETERSON
ASSEMBLYMAN, DISTRICT 23
HUNTERDON, SOMERSET AND
WARREN COUNTIES

178 CENTER STREET, SUITE 2B
CLINTON, NEW JERSEY 08809
TELEPHONE: (908) 238-0251
FACSIMILE: (908) 238-0256
ELECTRONIC MAIL: AsmPeterson@njleg.org

April 12, 2012

Ms. Kristine Blanchard
Clerk
Borough of Washington
100 Belvidere Avenue
Washington, NJ 07882

Dear Ms. Blanchard:

Thank you for sending me a copy of the Borough of Washington's resolution expressing support for Assembly Concurrent Resolution No. 133 and Senate Concurrent Resolution No. 101, both of which would urge the Division of Rate Counsel to end settlement negotiations with New Jersey-American Water and pursue a \$45.8 million rate decrease. I appreciate learning the Borough's position on this matter.

Assembly Concurrent Resolution No. 133 is in the Assembly Telecommunications and Utilities Committee. Senate Concurrent Resolution No. 101 is in the Senate Economic Growth Committee. I will be sure to keep the Borough's views in mind should either bill come before me in the Assembly.

Best wishes.

Sincerely,

A handwritten signature in black ink, appearing to read "Erik Peterson".

Erik Peterson

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – April 3, 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, Torres, Valentine, Jewell, Higgins, Boyle

Also Present: Kristine Blanchard, Acting Manager/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.”

CORRESPONDENCE:

1. Recreation Commission – Wood Chips
2. Michael Franks – Nunn Avenue Community Relief Proposal
3. BID – Adult Soap Box Derby

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

Ayes: 7, Nays: 0
Motion Carried

Recreation Commission Wood Chips

The Recreation Commission requested guidance from Council regarding the usage of wood chips along the embankments at the park. The Commission is hoping to utilize the usage of free chips and build on partnerships. They would like the ability to store wood chips at the DPW site with Council’s permission.

Motion made by Higgins, seconded by Jewell to allow the Recreation Commission to utilize wood chips along the embankments at the park and to store the chips at the DPW Garage site as long as there are no DEP requirements for the storage of wood chips. Acting Manager Blanchard will confirm if there are any such requirements.

Ayes: 7, Nays: 0
Motion Carried

Recreation Commission Bylaws

Councilwoman Gleba noted a few changes to the bylaws that she has already discussed with the Recreation Chairman. The word “board” should be changed to “commission”, she recommended under Recreation Director duties year end financial reports and goals and objectives be provided to Council.

Motion made by Gleba, seconded by Jewell to approve the Recreation Commission Bylaws with the noted changes.

Ayes: 7, Nays: 0
Motion Carried

AUDIENCE:

Mayor McDonald opened up the audience portion of the meeting.

Kevin Hopkins – Gibson Gym East Washington Ave

Mr. Hopkins stated his concerns and difficulties he has had with getting the environmental bond of \$500,000 released after the paving of the parking lot. He stated that he will provide a packet of information to Council later in the week with all of the documentation and correspondence relating to the release and the paving. It seems that the Borough of Washington’s Engineer is not in agreement with Mr. Hopkins’ engineer regarding the release. Mr. Hopkins stated that the contract states that he is to place an impermeable cap on the parking lot and this was completed as per the contract. The Borough’s Engineer is now stating that there are other things that need to be done environmentally before he will sign off on the project. Mr. Hopkins stated he is not in a position to do this and these items were never a part of the original agreement.

Councilman Boyle asked if we can bring the Borough Engineer to the next meeting for a discussion on this if it is not settled prior to the next meeting. Motion made by Higgins, seconded by Torres to have the Borough Engineer appear before Council at the next meeting to discuss this issue if it is not settled before then.

Ayes: 7, Nays: 0
Motion Carried

Stan Prater – JCP&L

Mr. Stan Prater introduced himself to the Governing Body as the municipal representative for JCP&L. He provided information regarding storm support, community involvement, and programs and assistance programs that are available to customers.

Councilman Jewell asked about LED lighting in the downtown area. Mr. Prater stated that he would be happy to discuss with Council LED lighting with Borough possibly in an Executive Session. There are many considerations to take into account.

Councilwoman Gleba asked if JCP&L provided contributions to the community or volunteers to the community if there is a festival in town etc. Mr. Prater stated that if the Borough has something specific they are looking for a contribution for or volunteers; the Borough can contact him.

Councilman Higgins asked about the recent storm related criticisms. Mr. Prater noted that in the event of sever storms as we saw over the summer and the October snow storm the plans have always been to first bring in the tree professionals to remove any tree debris; then to bring in the JCP&L crews along with their sister crews from other states. Mr. Prater stated that one of the main things learned during these storms was that JCP&L needed to have better communications with their customers. Mr. Prater reviewed some of the assistance programs as well. The Borough will provide this information to residents when requested.

Michael Franks - Nunn Avenue

Mr. Franks commented on his letter provided to the Governing Body regarding the Nunn Avenue area and the recent applications to the Planning Board/Board of Adjustment in the area that could potentially open Nunn Avenue to through traffic.

Mr. Nunn would like the Governing Body to consider possible mechanisms in preventing opening Nunn Avenue to through traffic such as the possibility of vacating the lower portion of Nunn Ave to the residents in order to protect their safety and the family friendly environment on Nunn Avenue.

The Borough Clerk/Manager will provide the information to Council on the process and impacts of vacating the lower end of Nunn Avenue.

Ken Royer 108 Youmans Avenue

Mr. Royer stated that he has a reoccurring issue at his home during rainstorms. Mr. Royer would like permission to install a drain in his yard to enter directly into the storm basin. Ms. Blanchard will follow up with Mr. Royer on the process.

Rudy Bescherer 191 Broad Street

Mr. Bescherer stated at the last meeting he was told it by the Municipal Attorney and the Mayor that it was not legal to have a citizen involved in the hiring process for the manager. Mr. Bescherer stated that in his review of minutes from December of 2008; the minutes reflect a motion and a second with approval to have Mr. Turner continue on in the hiring process of the Manager even though his term as elected official was over.

Ms. Blanchard will review the minutes and try to determine whether or not Mr. Turner was involved after his term of office had expired.

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

Ayes: 7, Nays: 0
Motion Carried

ORDINANCES:

Ordinance 3-2012 Refunding Bond Ordinance Providing for the Refunding of Certain General Obligation Bonds of the Borough of Washington Appropriating \$850,000 therefore and Authorizing Issuance of \$850,000 Bonds or Notes of the Borough for Financing Costs Thereof. (Introduction)

Motion made by Higgins, seconded by Gleba to introduce Ordinance 3-2012 on first reading.

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

Ayes: 7, Nays: 0
Motion Carried

Council Discussion:

Councilman Higgins explained to the audience that this Ordinance allows the Borough to re-finance debt. By doing this, the Borough looks to save \$7,000.00 on debt payments.

Mayor McDonald entertained a motion to approve Ordinance 3-2012 on first reading.

Motion made by Valentine, seconded by Gleba and adopted.

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

Ayes: 7, Nays: 0
Motion Carried

Public Hearing of Ordinance 3-2012 will be held on May 1, 2012 and advertisement in the Star Gazette on April 19, 2012.

Ordinance 3-2012

REFUNDING BOND ORDINANCE PROVIDING FOR
THE REFUNDING OF CERTAIN GENERAL
OBLIGATION BONDS OF THE BOROUGH OF
WASHINGTON, NEW JERSEY, APPROPRIATING
\$850,000 THEREFOR AND AUTHORIZING THE
ISSUANCE OF \$850,000 BONDS OR NOTES OF THE
BOROUGH FOR FINANCING THE COST THEREOF.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF
WASHINGTON, NEW JERSEY (not less than two-thirds of all members thereof
affirmatively concurring) AS FOLLOWS:

Section 1. The Borough of Washington, New Jersey (the "Borough") is hereby authorized to pay an aggregate amount not exceeding \$850,000 for the redemption, including redemption premium, of \$810,000 principal amount of the Borough's General Bonds of 2001, issued in the original aggregate principal amount of \$2,410,000, dated April 1, 2001, which bonds are subject to redemption (on or after April 1, 2010) prior to their stated dates of maturity, and which mature on April 1, in each of the years 2013 to 2016 in an aggregate amount of \$810,000 inclusive (the "Refunded Bonds"), and in accordance with the provisions of the resolutions of the Borough Council of the Borough, duly adopted March 6, 2001, a copy of which is on file in the office of the Clerk of the Borough.

Section 2. An aggregate amount not exceeding \$20,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-51(b) has been included in the aggregate principal amount of refunding bonds authorized herein.

Section 3. In order to finance the cost of the project described in Section 1 hereof, negotiable refunding bonds are hereby authorized to be issued in the principal amount not exceeding \$850,000 pursuant to the Local Bond Law.

Section 4. In anticipation of the issuance of the refunding bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law. All refunding bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations.

All notes issued hereunder may be renewed from time to time, but all such notes including renewals shall mature and be paid no later than the tenth anniversary of the date of the original notes; provided, however, that no notes shall be renewed beyond the first or any succeeding anniversary date of the original notes unless an amount of such notes, at least equal to the first legally payable installment of the bonds in anticipation of which

the notes are issued, determined in accordance with the maturity schedule for the bonds approved by the Local Finance Board, is paid and retired on or before such anniversary date; and provided, further, that the period during which the bond anticipation notes and any renewals thereof and any permanent bonds are outstanding, shall not exceed the period set for the maturity of the bonds by the Local Finance Board.

The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the debt provided in this refunding bond ordinance by an amount not to exceed \$850,000 with a maximum deduction from the debt due to the refunding of the Refunded Bonds (i.e. \$810,000). The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law. Upon issuance of the Bonds and determination of the final amount thereof, if less than the \$850,000 authorized hereby, an amended Supplemental Debt Statement shall be made and filed, along with any other required filings, and this Council shall, by resolution, approve the cancellation of such amount authorized hereby, which has not been issued.

Section 6. A certified copy of this refunding bond ordinance as adopted on first reading has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption, together with a complete statement in the form prescribed by the Director of the Division of Local Government Services and signed by the Chief Financial Officer of the Borough as to the indebtedness to be financed by the issuance of the refunding bonds authorized herein.

Section 7. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 8. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law, provided

that the consent of the Local Finance Board has been endorsed upon a certified copy of this ordinance as finally adopted.

REPORTS:

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

1. Managers Report

Ayes: 7, Nays: 0
Motion Carried

COMMITTEE REPORTS:

Manager Search Sub Committee

Councilman Valentine the committee continues telephone interviews and has received additional resumes. The job posting closed on March 31, 2012.

OLD BUSINESS:

None

NEW BUSINESS:

Resolution 67-2012 – 2011 Recycling Tonnage Grant

Resolution 67-2012 was moved on a motion made by Higgins, seconded by Jewell and adopted.

Ayes: 7, Nays: 0
Motion Carried

RESOLUTION # 67 - 2012

**OF THE MAYOR AND COUNCIL OF THE BOROUGH OF WASHINGTON,
WARREN COUNTY. TO APPLY FOR A 2011
RECYCLING TONNAGE GRANT**

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for the **2011 Recycling Tonnage Grant** will memorialize the commitment of this municipality to recycling and to indicate the assent of the Borough Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Kristine Blanchard, Interim Borough Manager, to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED, that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Resolution 69-2012 Authorizing the Borough of Washington to Submit an Application for the Refunding Bond Ordinance to be filed with the Local Finance Board.

Resolution 69-2012 was moved on a motion made by Higgins, seconded by Valentine and adopted.

Ayes: 7, Nays: 0
Motion carried

Resolution No. 69-2012

RESOLUTION OF THE BOROUGH OF WASHINGTON AUTHORIZING THE
APPLICATION
FOR REFUNDING BOND ORDINANCE TO BE FILED
WITH THE LOCAL FINANCE BOARD
PURSUANT TO N.J.S.A. 40A:2-51

WHEREAS, The Borough of Washington desires to provide funds in the amount not to exceed \$850,000 to finance the cost of refunding certain of its bonds (hereinafter called "purpose"), a purpose for which obligations are permitted by the Local Bond Law, and

WHEREAS, pursuant to N.J.S.A. 40A:2-51, obligations to finance said purpose may be issued, with the consent of the Local Finance Board in the Division of Local Government Services, in the Department of Community Affairs, which consent is to be endorsed upon a certified copy as passed on first reading of the ordinance authorizing such obligations, if said Board is satisfied, and makes the findings required, and

WHEREAS, the Borough of Washington intends to pass on first reading an ordinance entitled "Refunding Bond Ordinance Providing for the Refunding of Certain General Obligation Bonds of the Borough of Washington, New Jersey, Appropriating \$850,000 Therefor and Authorizing the Issuance of \$850,000 Bonds or Notes of the Borough for Financing the Cost Thereof," which proposed ordinance authorizes obligations for said purpose,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Washington as follows:

Section 1. The Borough Council of the Borough of Washington believing that said proposed ordinance authorizes obligations for a purpose for which obligations are permitted by the Local Bond Law and that the Borough's application to the Local Finance Board for its consent shows:

- (a) it is in the public interest to accomplish such purpose,
- (b) the amounts to be expended for each such purpose or improvements are not unreasonable or exorbitant,
- (c) it will effect a restructuring of annual debt service payments.

The application to the Local Finance Board is hereby approved by the Borough Council of the Borough of Washington, and the Chief Financial Officer of the Borough of Washington is hereby authorized to execute such application together with such other Borough officials as deemed proper.

Section 2. The Clerk of the Borough Council of the Borough of Washington be and she is hereby directed to prepare and file a certified copy of said proposed ordinance after passage on first reading with the Local Finance Board as a part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record by resolution its findings as provided in said subsection of the Local Bond Law and to endorse its consent upon a certified copy of said ordinance as passed on first reading.

Resolution 70-2012 Authorizing the Issuance of Tax Anticipation Notes Not to Exceed 1,165,000 for the Year 2012.

Resolution 70-2012 was moved on a motion made by Valentine, seconded by Torres and adopted.

Roll Call: Valentine, Torres, Gleba, McDonald, Jewell - Yes
Boyle, Higgins - No

Ayes: 5, Nays: 2
Motion Carried

RESOLUTION AUTHORIZING THE ISSUANCE OF TAX
ANTICIPATION NOTES NOT TO EXCEED \$1,165,000
FOR FISCAL YEAR 2012 OF THE BOROUGH OF
WASHINGTON IN THE COUNTY OF WARREN, NEW
JERSEY

BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY, AS FOLLOWS:

Section 9. Section 1. In anticipation of the collection of taxes for the Fiscal Year 2012 levied or to be levied in such year or in anticipation of other revenue of such year, and for the purposes provided for in the budget or for which taxes are levied or to be levied for such year, Tax Anticipation Notes of 2012 of the Borough of Washington, New Jersey, are hereby authorized to be issued at one time or from time to time in the aggregate principal amount not to exceed \$1,165,000 (at any one time outstanding) pursuant to the Local Budget Law of the State of New Jersey, constituting Chapter 169 of the Pamphlet Laws of 1960 of the State of New Jersey and codified at N.J.S.A. 40A:4-1 et. seq. (the "Local Budget Law").

Section 10. The following matters in connection with said notes are hereby determined:

TITLE:	Tax Anticipation Notes of Fiscal Year 2012 (each additional series, if any, shall be designated with a corresponding alphabetical letter)
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DATE, NUMBER, DENOMINATION AND PLACE OF PAYMENT:	As may be determined by the Borough Chief Financial Officer
MATURITY:	As may be determined by the Borough Chief Financial Officer
INTEREST RATE:	As may be determined by the Borough Chief Financial Officer
FORM:	Substantially in the form attached hereto

Section 11. The borrowing power of the Borough on Tax Anticipation Notes for the fiscal Year 2012 is \$5,213,813.94 as determined by a certificate of the Borough Chief Financial Officer filed in the office of the Borough Clerk, such certificate being as follows:

CERTIFICATE

I, Natasha S. Turchan, Borough Chief Financial Officer of the Borough of Washington, in the County of Warren, New Jersey does HEREBY CERTIFY as follows:

1. **The gross borrowing power in respect of Tax Anticipation Notes of Fiscal Year 2012, being 30% of the tax levy of the next preceding fiscal year for all purposes, plus 30% of the amount of miscellaneous revenues realized in cash during the next preceding fiscal year is \$5,213,813.94.**
2. **The amount of notes outstanding in anticipation of the collection of taxes of the 2012 fiscal year, except such notes as will be renewed by or paid from the proceeds of the notes to be issued, is \$0.**
3. **The net borrowing power, being the excess of the first over the second of the two above amounts is \$5,213,813.94.**

IN WITNESS WHEREOF, I have hereunder set my hand this ___th day of April 2012.

/s/ Natasha S. Turchan
Chief Financial Officer

Section 12. The Borough Chief Financial Officer signing such notes is hereby authorized and directed to determine all matters in connection therewith not determined by this or a subsequent resolution and his signature upon said notes shall be conclusive evidence that all such matters have been so determined in manner and effect consistent with the form and substance of such notes. The Borough Chief Financial Officer is hereby authorized to sell said Tax Anticipation Notes of 2012 at public or private sale at not less than par and to deliver the same to the purchasers thereof upon receipt of the purchase price plus accrued interest from the dates of the notes to the date of delivery thereof and payment therefor.

Section 13. Said notes shall be general obligations of the Borough and the full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on said obligations, and, unless otherwise paid or payment provided for, taxes shall be levied in an amount sufficient to pay the principal of and interest on said obligations as the same shall become due and payable.

Section 14. The Borough Chief Financial Officer is authorized and directed to report in writing to this Borough Committee at the meeting next succeeding the date when the sale of any of said notes pursuant to this resolution is made, such report to include the amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser, and such report shall be entered in full in the minutes of such meeting.

Section 15. This resolution shall take effect immediately.

Resolution 71-2012 Release of Street Opening Escrow – Habitat for Humanity

Resolution 71-2012 was moved on a motion made by Higgins, seconded by Jewell and adopted.

Ayes: 7, Nays: 0
Motion Carried

RESOLUTION # 71-2012

**A RESOLUTION AUTHORIZING THE RELEASE OF
FUNDS FROM AN ESCROW ACCOUNT ESTABLISHED
IN THE NAME OF HABITAT FOR HUMANITY IN TRUST
BY THE BOROUGH OF WASHINGTON**

WHEREAS, Habitat for Humanity applied for a street opening permit 12 Prosper Way; and

WHEREAS, funds were posted in escrow to cover the cost of professional review of this application; and

WHEREAS, Municipal Engineer Andrew S. Holt, P.E. has determined after reviewing the site 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 Habitat for Humanity for street opening escrow account for the \$1,000.00.

Resolution 73-2012 Award of Bid for the Beethoven Avenue Roadway and Drainage Improvement Project

Resolution 73-2012 was moved on a motion made by Higgins, seconded by Jewell and adopted.

Councilman Higgins asked how much the Borough has already spent outside of the grant on the project. Acting Manager Blanchard stated the total amount is \$12,500.00

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

Ayes: 6, Nays: 1
Motion Carried

RESOLUTION # 73-2012

**A RESOLUTION AWARDED BID FOR THE
BEETHOVEN AVENUE ROADWAY AND
DRAINAGE IMPROVEMENT PROJECT**

WHEREAS, the Borough of Washington advertised in the Star-Gazette for qualified bidders for the above project; and

WHEREAS, the Borough received four (4) bids from contractors at the Bid Opening on February 24, 2012; and

WHEREAS, the bids received are depicted on the attached chart; and

WHEREAS, the bids were received and reviewed by the Municipal Engineer, Andrew S. Holt P.E. and a recommendation was made for the lowest responsible bidder; and

WHEREAS, the bids were also received and reviewed by the Municipal Attorney, Judy Kopen, Esq.

WHEREAS, the lowest bid was submitted by Tony's Concrete Construction Company of Newark, NJ in the amount of \$119,526.95; and

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 award the Beethoven Avenue Roadway and Drainage Improvements bid to Tony's Concrete Construction Company of Newark NJ in the amount of \$119,526.95;

BE IT FURTHER RESOLVED, that the Acting Borough Manager and Municipal Engineer prepare the contract documents as soon as possible and for the Mayor and Borough Clerk to execute the contracts. A Certification of Available Funds is attached and made part of this document; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to Andrew Holt, P.E., Borough Engineer and Tony's Concrete Construction Co.

Resolution 76-2012 Not Exceed Resolution for Suburban Consulting Engineers – Contract Administration and Inspections for Beethoven Ave. Reconstruction

Resolution 76-2012 was moved on a motion made by Torres, seconded by Gleba and adopted.

Ayes: 6, Nays: 1 (Higgins)
Motion Carried

RESOLUTION 76-2012
RESOLUTION AUTHORIZING SUBURBAN CONSULTING ENGINEERS
TO PERFORM CONTRACT ADMINISTRATION AND ENGINEERING OVERSIGHT
FOR THE BEETHVOEN AVENUE PROJECT NOT TO EXCEED \$10,000

WHEREAS, the Borough Council of the Borough of Washington received bids on February 24, 2012 for the Beethoven Avenue Reconstruction project; and

WHEREAS, on March 30, 2012 the Borough Engineer submitted a letter to Council outlining the cost oversight of the project; and

WHEREAS, the construction oversight and contract administration will be broken down as follows:

Construction Administration	\$2,500
Inspection	\$7,500
Total	\$10,000

WHEREAS, the construction administration of \$2,500 will be paid by the Borough of Washington – General Engineering; and

WHEREAS, the inspection fees of \$7,500 are reimbursable by the NJ DOT as part of the Beethoven Avenue Roadway Reconstruction grant; and

BE IT RESOLVED, that Suburban Consulting Engineers is authorized for contract administration and inspection as it relates to the Beethoven Avenue Roadway project in an amount not to exceed \$10,000; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the Chief Financial Officer and Suburban Consulting Engineers.

Resolution 74-2012 Shade Tree Appointment – Suzanne Marr

Resolution 74-2012 was moved on a motion made by Higgins, seconded by Jewell and adopted.

Ayes: 7, Nays: 0
Motion Carried

RESOLUTION # 74-2012

**RESOLUTION APPOINTING A MEMBER TO THE
SHADE TREE COMMISSION**

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

WHEREAS, the Borough of Washington, Warren County, New Jersey under this plan is directed and authorized to appoint a **Shade Tree Commission** in accordance with N.J.S.A. 40:64-2 et. seq.

BE IT RESOLVED, that the following named person is hereby appointed by the Mayor to serve as a member of the Shade Tree Commission for a term to expire 12/31/2016.

Suzanne Marr

Name

Resolution 75-2012 Close Municipal Alliance Trust Fund

Resolution 75-2012 was moved on a motion made by Higgins, seconded by Valentine and adopted.

Ayes: 7, Nays: 0
Motion Carried

Resolution 75-2012

Resolution to Close the Municipal Alliance Trust Fund

WHEREAS, the Borough of Washington in the County of Warren, State of New Jersey has a balance of \$2.79 in account Municipal Alliance Trust fund, and

WHEREAS, those funds are no longer required for Municipal Alliance program, and

WHEREAS, the Chief Financial Officer desired to close this bank account and move the balance to the Borough's Current Fund.

NOW, THEREFORE, BE IT RESOLVED that account Municipal Alliance in the Trust Fund be closed, and

BE IT FURTHER RESOLVED that the balance of \$2.79 be transferred to Current Fund.

VOUCHERS

Mayor McDonald entertained a motion to approve the vouchers and claims in the amount of \$678, 957.29.

Motion made by Gleba, seconded by Jewell and approved.

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

Ayes: 7, Nays: 0
Abstain: Boyle – QC Laboratories, Higgins – Fire Dept. Jewell – EMS, Fire Dept. Gleba - Finelli

RECAP

Acting Borough Manager will contact the Borough Engineer regarding the bond release for Gibsons Gym. She will reach out to Judy Kopen regarding the process of vacating a portion of Nunn Avenue. The Acting Manager will also review the minutes from late 2008 and early 2009 regarding who was in attendance during Manager interviews. She will reach out to the CFO and have her review the information presented

by Washington Township. She will also work with Edmunds to try and resolve the duplication of salary and wages on the sewer bill list and the current fund bill list. She will find out if we received any funding for Green Street. She will invite the scrap metal haulers in and will prepare the Resolution recommended by Councilman Higgins regarding statutory raises.

COUNCIL REMARKS:

Councilman Jewell stated he was happy to see the Recreation Commission doing such a good job. He reminded everyone about the Beefsteak Dinner for the Washington Fire Department on April 21, 2012.

Councilwoman Gleba welcomed four new businesses to the Borough of Washington; Get a Grip, Aflac Insurance, Intuitions, and Make it Happen Recording Studio. She stated the BID is busy working on the Spring Art Festival and the Thursday's Art Walk. The Art Walk in May will include a story walk for children. She noted that the information regarding the Warren Hills School taxes is showing a decrease in school taxes, the Borough is flat or possibly a decrease in taxes. This will be a good tax year. She stated we don't have information regarding the local schools yet. She also asked the Acting Borough Manager to double check on the grant awards given by the State DOT to find out if the Borough was awarded funds for Green Street.

Councilman Higgins requested Cinelli Scrap Metal be contacted to present to the Governing Body. He also requested a resolution in support of amending NJSA 40A:9-165 regarding Tax Assessor, Municipal Clerks, and Tax Collector salaries.

EXECUTIVE SESSION:

Resolution 72-2012 Executive Session

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

72-2012

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 purchase, 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 - Depositions _____. 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: Borough Manager Position 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 9:30 p.m.

Hearing no further business motion made by Torres, seconded by Valentine to adjourn the meeting at 9:30 p.m.

Mayor Scott McDonald

Kristine Blanchard, RMC Borough Clerk

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – April 17, 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, Torres, Valentine, Jewell, Higgins, Boyle

Also Present: Judy Kopen, Esq. Municipal Attorney
Kristine Blanchard, Acting Manager/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.”

PROCLAMATION:

Mayor McDonald read the following proclamation in honor of Arbor Day.

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called **ARBOR DAY**, was first observed with the planting of a more than a million trees in Nebraska; and

WHEREAS, **Arbor Day** is observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our Borough increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever their planted, are a source of joy and spiritual renewal; and

NOW, THEREFORE, I, Scott McDonald, Mayor of the Borough of Washington do hereby proclaim Monday, **April 23 2012** as

ARBOR DAY

In the **BOROUGH OF WASHINGTON**, I urge all citizens to support efforts to protect our trees and woodlands to support our Borough's rural forestry program; and

FURTHER, I urge all citizens to plant trees to gladden hearts and promote the well-being of present and future generations.

COUNCIL APPEARANCE:

Washington H.O.P.E. – Dave DeSanto

Mr. DeSanto appeared before the Governing Body concerning a Charitable Conservancy Trust Fund Committee Application for the acquisition of 125 acres of open space in the Borough of Washington. Mr. DeSanto explained that Washington H.O.P.E is working to acquire and to preserve the land formerly known as the Baker tract, Block 1,2,3,4 Lot 97 and Block 1 Lot 97.01. Washington H.O.P.E has partnered with the Trust for Public Land which is a national non profit that supports local community priorities for land conservation. Mr. DeSanto explained that the Trust for Public Land has been in contact with the owners of the 125 acres and a purchase price has been agreed upon. Mr. DeSanto stated that this will not be able to move forward without support from the Borough.

Mr. DeSanto stated that Washington H.O.P.E is looking to the Borough for assistance in applying for Warren County Land Preservation funding and to also contribute funding for this conservation acquisition.

Several questions from the Governing Body were asked such as who will take ownership of the property if it is acquired, who will be responsible for maintaining this property, and what is the purchase price of the property? Mr. DeSanto explained that the Trust for Public Land would like to discuss these details with the Governing Body in an Executive Session if they are willing.

Council agreed to meet with the Trust for Public Land in an upcoming Executive Session.

CORRESPONDENCE:

1. Borough Engineer Re: Taft Terrace
2. Acting Manager Re: Municipal Parking Lot

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

Ayes: 7, Nays: 0
Motion Carried

Motion made by Higgins, seconded by Jewell to allow the homeowners at 111 and 113 Taft Terrace to connect to the storm drain system in order to alleviate the standing water on Taft Terrace.

Ayes: 7, Nays: 0
Motion Carried

MINUTES:

Motion made by Higgins, seconded by Jewell to approve the minutes of March 20, 2012.

Ayes: 7, Nays: 0
Motion Carried

AUDIENCE:

Mayor McDonald opened up the audience portion of the meeting.

Mike Franks – Nunn Avenue

Mr. Franks stated that at the last meeting he had presented to the Governing Body a request to consider various options for preserving the 125 acre tract previously known as the Baker tract. Mr. Franks stated that an opportunity had presented itself to Council with the request from Washington H.O.P.E. requesting the Borough's assistance in acquiring this land. He is hopeful that Council will assist Washington H.O.P.E. on its mission to acquire and preserve this land.

Ms. Blanchard also updated Mr. Franks on the process of vacating a portion of lower Nunn Avenue as requested by Mr. Franks in his previous letter to Council. Mr. Franks will keep this as an option as well.

Rudy Bescherer - Broad Street

Mr. Bescherer asked the Municipal Attorney what the specific statute is stating that a citizen can not assist the Governing Body in a search for a new Borough Manager. Ms. Kopen cited the Open Public Meetings Act and the Open Public Records Act.

Sandi Cerami – Business Improvement District

Ms. Cerami stated the BID is holding an Art Walk this Thursday from 5:00 p.m. to 8:00 p.m. as well as an Art Festival this Saturday afternoon. She also stated that a future Art Walk will include a Story Walk for children as well.

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

Ayes: 7, Nays: 0
Motion Carried

ORDINANCES:

None

REPORTS:

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

1. Borough Managers Report
2. DPW March 2012
3. CFO Report
4. Tax Collectors Report

Ayes: 7, Nays: 0
Motion Carried

COMMITTEE REPORTS:

Manager Search Sub Committee

No report at this time.

OLD BUSINESS:

None

MUNICIPAL BUDGET PUBLIC HEARING

Mayor McDonald opened the public hearing.

Rudy Bescherer Broad Street

Mr. Bescherer questioned the police services contract for 2.2 million and asked what the Borough has saved in using a contracted police department. Councilman Torres provided Council and Mr. Bescherer with a spreadsheet he had prepared. Councilman Torres stated that he did this spreadsheet because he is concerned that this is costing the Borough more than anticipated. He stated that in 2005, 2006, and 2007 the police budget is 21% of the Municipal Budget. In 2008 it went up to 28%; in 2009, 2010, and 2011 the percent of the police budget is 30%. The CFO did note that Councilman Torres's information does not include pension costs which will make the percentages go down.

The CFO also explained the process for adopting the budget tonight. If the budget is not adopted this evening the Borough runs the risk of losing points on the Best Practices Checklist which is used for State Funding. Councilman Torres asked if the police budget could immediately to mediation and still move forward with the Budget.

The CFO stated that at this point; it is in the best interest of the Borough to move forward with the budget adoption and if Council wishes to move forward with negotiations with the Washington Township Police Department for 2013.

The CFO did point out that in her review of the actual numbers provided by Washington Township it would be a good idea to sit down and negotiate with them. If you remove the administrative costs; there is a savings that could be realized for the Borough.

Councilwoman Gleba would like to request that the CFO and the Acting Manager obtain the actual numbers from the Township for 2009 and 2010 which we still haven't received in order to do an analysis. Mayor McDonald stated that any savings would be based on a projection of what the police department would have cost us.

Mr. Bescherer also questioned the savings on the Municipal Court. The Acting Manager and CFO will review those numbers as well.

Hearing no further comments a motion made was by Valentine, seconded by Gleba close the public hearing.

Ayes: 7, Nays: 0
Motion Carried

Resolution 80-2012 Adoption of the 2012 Municipal Budget

Resolution 80-2012 was moved on a motion made by Valentine, seconded by Gleba and adopted.

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

RESOLUTION #80-2012

RESOLUTION ADOPTING 2012 MUNICIPAL BUDGET

BE IT RESOLVED, by the Mayor and Common Council of the Borough of Washington, County of Warren, State of New Jersey that the **2012 Municipal Budget** herein set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums thereof set forth as appropriations and authorized of the amount of \$ 7,202,795.56 for Municipal purposes and \$2,748,227.30 for Sewer Utility.

At this time a motion was made by Torres, seconded by Valentine to open negotiations with Washington Township regarding the Shared Service Police Contract. The actual expenditures should be obtained for the years 2009 (Aug – Dec) and the year 2010.

Mayor McDonald noted that he feels this is premature.

Ayes: 7, Nays: 0
Motion Carried

Motion made by Higgins, seconded by Torres to form a Police Services Sub Committee to review the Shared Service Police Contract, the police services budget and expenditures, and the costs associated with starting a new police department.

Mayor McDonald stated that we are going down a dangerous road and does not sit well with him. Councilman Jewell noted that every year our requests are not met and we should be taking a closer look at the police department budget.

Ayes: 5, Nays: 1 (McDonald)
Abstain: 1 (Gleba)

The Committee will consist of the Acting Manager and or the CFO, Councilman Higgins, Councilman Torres, and Councilman Jewell.

A request was made by Councilman Valentine for the quarterly expenditure reports regarding the police department budget. Council agreed the Acting Manager should reach out to the CFO of Washington Township to obtain this information as well.

NEW BUSINESS:

Request for Clean for Clean Communities Grant Money

Acting Manager Blanchard stated that there is a request from Dove Environmental who provides clean community litter abatement programs to the local borough schools, the public library, and summer programs at Kid Care. Ms. Blanchard stated that this is something that the Borough has supported in the past and is not sure why we have stopped.

Currently there is \$41,000 in our Clean Community Grant line item. Ms. Blanchard stated that we do need to use this money on Clean Community programs. The current request from Dove Environmental is \$4,980.00 for ten programs throughout the remainder of the year.

Motion made by Valentine, seconded by Gleba to approve the request by Dove Environmental for Clean Communities Programs in the amount of \$4,980.00.

Ayes: 7, Nays: 0
Motion Carried

Resolution 77-2012 In Support of Amending N.J.S.A. 40A: 9-165

Motion made by Higgins, seconded by Jewell and adopted.

Ayes: 7, Nays: 0
Motion Carried

RESOLUTION NO.77-2012

WHEREAS, N.J.S.A. 40A:9-165 entitled “Salaries, wages or compensation; officers and employees; establishment by Governing Body; protest; petition; ratification by voters;” provides in pertinent part that matters of salaries, wages and compensation may be fixed and determined by ordinance from time to time and may be increased, decreased, or altered by said ordinance with the expressed stipulation, however, that no such ordinance shall reduce the salary of or deny without good cause an increase in salary given to all of the municipal officials and employees, to any Tax Assessor, CFO, Tax Collector or Municipal Clerk during the term which he shall have been appointed,

WHEREAS, the Appellate Division of the Superior Court of New Jersey has interpreted the foregoing statute as expressly requiring raises to the aforementioned officers in circumstances where “**all**” employees of a municipality have not received raises, and;

WHEREAS, the foregoing statute is special legislation and confers upon the named municipal officials entitlements that are not accorded to other municipal employees, therefore creating a preference in favor of said named officials; and

WHEREAS, the Borough Council of the Borough of Washington and the Governing Body of many municipalities within the State of New Jersey are faced with severe financial crises which in some cases have resulted in layoffs, limitation of hours, reduction in salaries, and the like; and

WHEREAS, NJSA 40A:9-163 as it is presently written immunizes the specifically referenced officials, to wit, the Tax Assessor, CFO, Tax Collector, and the Municipal Clerk from all of the foregoing and creates a special employment class which is in direct conflict with the stated authority of the municipalities to establish salaries, wages and compensation; and

WHEREAS, the Borough Council of the Borough of Washington has determined that the exception to its authority to determine salaries, wages and compensation as referenced in NJSA 40A:9-165 is inimical to and not in the best interest of the residents of the Borough of Washington or any other municipalities because it infringes on the rights of the municipalities to fix salaries, wages, and compensation, and further that it creates within a municipality a special and preferred class of employees which the Borough of Washington finds offensive and not in the best interest of its residents.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Washington that it does hereby request the Governor of the State of New Jersey and the New Jersey Legislature to effect the amendment of NJSA 40A:9-165 so as to delete there from the special treatment accorded to the Tax Assessor, CFO, Tax Collector, and Municipal Clerk in respect to salaries, wages and compensation.

BE IT FURTHER RESOLVED by the Borough of Washington that it does hereby request the Governor of the State of New Jersey and the New Jersey Legislature to amend the aforesaid statute and define the term “**all**” as it relates to matters of salaries, wages and compensation in its common meaning, to wit, **without exception** and not as defined by the Superior Court of the State of New Jersey, as being “some”.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to Governor Chris Christie, Senate President Steven M. Sweeney; Speaker of the New Jersey Assembly Sheila Oliver, Senator Michael J. Doherty; Assemblyman John DiMaio; and Assemblyman Erik Peterson.

Resolution 78-2012 Refund of Tax Monies per Tax Court Appeal

Resolution 78-2012 was moved on a motion made by Valentine, seconded by Jewell and adopted.

Ayes: 7, Nays: 0
Motion Carried

RESOLUTION # 78-2012

A RESOLUTION TO REFUND TAX MONIES PER TAX COURT APPEAL

WHEREAS, the Tax Collector has received a Tax Court Judgment for the year 2010 for the property listed below:

<u>BLOCK</u>	<u>LOT</u>	<u>NAME OF OWNER/ PROPERTY LOCATION</u>	<u>YEAR</u>	<u>AMOUNT</u>
37	1	Pechiney Plastics Packaging Inc 191 Route 31 North	2010 Taxes	15,430.97
			2011 Taxes	7,715.49
			TOTAL	23,146.46

Refund payable to: Bruce A Stavitsky FBO Pechiney Plastics, 341 Broad Street,
Clifton, NJ 07013

WHEREAS, due to Tax Court Judgment Docket #009505-2010, the assessed value for the improvements has been reduced from 3,853,600 to 3,511,250 which changes the amount of taxes due thus creating these overpayments.

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.

Resolution 81-2012 Authorizing the Release of Site Improvement Performance Bond for Gibsons Gym

Resolution 81-2012 was moved on a motion made by Higgins, seconded by Gleba and adopted.

Ayes: 7, Nays: 0
Motion Carried

RESOLUTION #81-2012

A RESOLUTION AUTHORIZING THE RELEASE OF SITE IMPROVEMENT \$500,000 PERFORMANCE BOND FOR GIBSON'S GYM FOR THE IMPROVEMENTS TO THE FORMER DPW ALLEGER STREET GARAGE HELD IN TRUST BY THE BOROUGH OF WASHINGTON

WHEREAS, Gibson's Gym has requested the release of the Site Improvement Performance Bond issued for the site improvements to the Department of Public Works Alleger Street Garage; and

WHEREAS, Andrew S. Holt, PE, PP, CME, Borough Engineer, advised that his office performed an inspection of the property and received confirmation from Frank Brockerhoff LSRP in a letter dated April 5, 2012 that the site improvement work is satisfactory; and

WHEREAS, Suburban Consulting Engineers, in a letter dated April 17, 2012 (attached) recommends the performance Bond which was posted for the site improvement (environmental) in the amount of \$500,000 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 Borough Clerk is authorized to release Performance Bond in the amount of \$500,000.00 as per Andrew Holt's letter of April 17, 2012.

VOUCHERS

Mayor McDonald entertained a motion to approve the vouchers and claims in the amount of \$568,687.52.

Motion made by Higgins, seconded by Jewell and approved.

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

Ayes: 7, Nays: 0

Abstain: Higgins – Fire Dept. Jewell – EMS, Fire Dept. Gleba - Finelli

RECAP

The Acting Borough Manager will reach out to Washington Township regarding actual expenditures for 2009 and 2010 as well as quarterly expenditure reports. She will review the Municipal Court projected savings. She will also schedule a meeting with the Trust for Public Land with the Governing Body.

COUNCIL REMARKS:

Councilman Torres stated he was glad that we discussed the budget in public with the intention of reviewing the shared service agreement.

Councilman Valentine stated he was glad Council agreed to fund the Dove Environmental Programs.

Councilman Higgins asked the CFO to explain the impact of the municipal budget on the tax bills this year. The CFO stated that the municipal budget overall was decreased by \$2700. The taxes to be raised by the municipality and the library will remain flat.

EXECUTIVE SESSION:

Resolution 79-2012 Executive Session

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

79-2012

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: _____). 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: Borough Manager Position 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 9:10 p.m.

A motion was made by Higgins, seconded by Jewell to appoint Kristine Blanchard the Borough Manager for a term of three months with an evaluation at ten weeks to determine if this will become a permanent appointment.

Ayes: 7, Nays: 0
Motion Carried

A motion was made by Torres, seconded by Jewell to allow the Borough Manager to hire temporary part time assistance for the clerk's office if necessary.

Ayes: 7, Nays: 0
Motion Carried

Hearing no further business motion made by Torres, seconded by Valentine to adjourn the meeting at 9:15 p.m.

Mayor Scott McDonald

Kristine Blanchard, RMC Borough Clerk

Ordinance 3-2012

REFUNDING BOND ORDINANCE PROVIDING FOR THE REFUNDING OF CERTAIN GENERAL OBLIGATION BONDS OF THE BOROUGH OF WASHINGTON, NEW JERSEY, APPROPRIATING \$850,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$850,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE COST THEREOF.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF WASHINGTON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The Borough of Washington, New Jersey (the "Borough") is hereby authorized to pay an aggregate amount not exceeding \$850,000 for the redemption, including redemption premium, of \$810,000 principal amount of the Borough's General Bonds of 2001, issued in the original aggregate principal amount of \$2,410,000, dated April 1, 2001, which bonds are subject to redemption (on or after April 1, 2010) prior to their stated dates of maturity, and which mature on April 1, in each of the years 2013 to 2016 in an aggregate amount of \$810,000 inclusive (the "Refunded Bonds"), and in accordance with the provisions of the resolutions of the Borough Council of the Borough, duly adopted March 6, 2001, a copy of which is on file in the office of the Clerk of the Borough.

Section 2. An aggregate amount not exceeding \$20,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-51(b) has been included in the aggregate principal amount of refunding bonds authorized herein.

Section 3. In order to finance the cost of the project described in Section 1 hereof, negotiable refunding bonds are hereby authorized to be issued in the principal amount not exceeding \$850,000 pursuant to the Local Bond Law.

Section 4. In anticipation of the issuance of the refunding bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law. All refunding bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations.

All notes issued hereunder may be renewed from time to time, but all such notes including renewals shall mature and be paid no later than the tenth anniversary of the date of the original notes; provided, however, that no notes shall be renewed beyond the first or any succeeding anniversary date of the original notes unless an amount of such notes, at least equal

to the first legally payable installment of the bonds in anticipation of which the notes are issued, determined in accordance with the maturity schedule for the bonds approved by the Local Finance Board, is paid and retired on or before such anniversary date; and provided, further, that the period during which the bond anticipation notes and any renewals thereof and any permanent bonds are outstanding, shall not exceed the period set for the maturity of the bonds by the Local Finance Board.

The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the debt provided in this refunding bond ordinance by an amount not to exceed \$850,000 with a maximum deduction from the debt due to the refunding of the Refunded Bonds (i.e. \$810,000). The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law. Upon issuance of the Bonds and determination of the final amount thereof, if less than the \$850,000 authorized hereby, an amended Supplemental Debt Statement shall be made and filed, along with any other required filings, and this Council shall, by resolution, approve the cancellation of such amount authorized hereby, which has not been issued.

Section 6. A certified copy of this refunding bond ordinance as adopted on first reading has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption, together with a complete statement in the form prescribed by the Director of the Division of Local Government Services and signed by the Chief Financial Officer of the Borough as to the indebtedness to be financed by the issuance of the refunding bonds authorized herein.

Section 7. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 8. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law, provided that the consent of the Local Finance Board has been endorsed upon a certified copy of this ordinance as finally adopted.

CERTIFICATION

I, Kristine Blanchard, Borough Clerk of the Borough of Washington, Warren County, New Jersey do hereby certify that the attached Ordinance is a true and correct copy of an Ordinance introduced by majority vote of the members of the governing body at their regularly scheduled meeting held on the 3rd day of April 2012.

IN WITNESS WHEREOF, I have hereunder set my hand and the official seal of this body this 3 day of April, 2012.



Kristine Blanchard, RMC
Borough Clerk – Borough of Washington

NOTICE OF PENDING BOND ORDINANCE

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Borough of Washington, in the County of Warren, State of New Jersey, on April 3, 2012. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held in the Borough of Washington at the Municipal Building, 100 Belvidere Avenue, Washington, New Jersey, on May 1, 2012 at 4 o'clock PM. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: Refunding Bond Ordinance Providing For The Refunding Of Certain General Obligation Bonds Of The Borough of Washington, New Jersey, Appropriating \$850,000 Therefor And Authorizing The Issuance Of \$850,000 Bonds Or Notes Of The Borough For Financing The Cost Thereof.

Purpose(s): Refund a portion of the Borough's outstanding \$2,410,000 General Bonds of 2001 dated April 1, 2001.

Appropriation: \$850,000

Bonds/Notes Authorized: \$850,000

Grants (if any) Appropriated: None

Section 20 Costs: \$20,000

Useful Life: N/A

Kristine Blanchard, Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-17.

Ordinance 3-2012

REFUNDING BOND ORDINANCE PROVIDING FOR THE REFUNDING OF CERTAIN GENERAL OBLIGATION BONDS OF THE BOROUGH OF WASHINGTON, NEW JERSEY, APPROPRIATING \$850,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$850,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE COST THEREOF.

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Section 2. An aggregate amount not exceeding \$20,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-51(b) has been included in the aggregate principal amount of refunding bonds authorized herein.

Section 3. In order to finance the cost of the project described in Section 1 hereof, negotiable refunding bonds are hereby authorized to be issued in the principal amount not exceeding \$850,000 pursuant to the Local Bond Law.

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All notes issued hereunder may be renewed from time to time, but all such notes including renewals shall mature and be paid no later than the tenth anniversary of the date of the original notes; provided, however, that no notes shall be renewed beyond the first or any succeeding anniversary date of the original notes unless an amount of such notes, at least equal

to the first legally payable installment of the bonds in anticipation of which the notes are issued, determined in accordance with the maturity schedule for the bonds approved by the Local Finance Board, is paid and retired on or before such anniversary date; and provided, further, that the period during which the bond anticipation notes and any renewals thereof and any permanent bonds ore outstanding, shall not exceed the period set for the maturity of the bonds by the Local Finance Board.

The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the debt provided in this refunding bond ordinance by an amount not to exceed \$850,000 with a maximum deduction from the debt due to the refunding of the Refunded Bonds (i.e. \$810,000). The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law. Upon issuance of the Bonds and determination of the final amount thereof, if less than the \$850,000 authorized hereby, an amended Supplemental Debt Statement shall be made and filed, along with any other required filings, and this Council shall, by resolution, approve the cancellation of such amount authorized hereby, which has not been issued.

Section 6. A certified copy of this refunding bond ordinance as adopted on first reading has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption, together with a complete statement in the form prescribed by the Director of the Division of Local Government Services and signed by the Chief Financial Officer of the Borough as to the indebtedness to be financed by the issuance of the refunding bonds authorized herein.

Section 7. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 8. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law, provided that the consent of the Local Finance Board has been endorsed upon a certified copy of this ordinance as finally adopted.

NOTICE OF PENDING BOND ORDINANCE

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Title: Refunding Bond Ordinance Providing For The Refunding Of Certain General Obligation Bonds Of The Borough of Washington, New Jersey, Appropriating \$850,000 Therefor And Authorizing The Issuance Of \$850,000 Bonds Or Notes Of The Borough For Financing The Cost Thereof.

Purpose(s): Refund a portion of the Borough's outstanding \$2,410,000 General Bonds of 2001 dated April 1, 2001.

Appropriation: \$850,000

Bonds/Notes Authorized: \$850,000

Grants (if any) Appropriated: None

Section 20 Costs: \$20,000

Useful Life: N/A

Kristine Blanchard, Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-17.



ACTING MANAGERS WEEKLY REPORT

4/20/12

In reference to the presentation by Washington H.O.P.E at the most recent council meeting; the Trust for Public Land will meet with the Governing Body at the May 1 meeting in Executive Session. The information he presented on April 17 has been placed in your mailboxes.

I have reached out to Washington Township requesting the actual Police Department expenditures for August through December 2009 and for the year 2010. Once received, the CFO and I will compile all of the information for Council and the police shared service committee. The CFO and I have started compiling our own information for the years the Borough funded its own police department. I will keep you informed as to the status.

The cost comparison through 2013 regarding the Municipal Court Shared Service Agreement (prepared in 2010) is being reviewed for accuracy. Some pension numbers need to be updated as the numbers used in 2010 were estimated. I will have the updated comparison shortly.

I have requested quarterly expenditure reports for the Washington Township Police Department be submitted to my office.

I am attending a budget preparation workshop May 3 given by Edmunds. I will also be attending a session presented by the NJ DOT entitled Complete Streets. This session will cover policy and design.

Veolia Water – Washington Borough Sewer Plant has won a Municipal Opex Award. The award is second place out of 300 regional Veolia Water Plants for safety, ingenuity, and community service.

The Shared Service Agreement for the Library Director is expiring. The Library Board will review minor changes to the agreement at their Board Meeting on Monday night. The change will be in salary (contractual.) Currently the Borough (Library out of the state required funding) pays 49.9% of salary/benefits. The new cost to the Library will be \$33,433 vs. the last shared service agreement of \$32,500. If the Library Board is in agreement we will present the Shared Service Agreement on May 1 to the Governing Body.

Borough of Washington Municipal Court
Monthly Financial Report

Washington Borough	Current Month	Year to Date
Check # 1094 Tres, Warren County	\$ 2,022.50	\$ 5,207.25
Check # 1095 Tres, Borough of Washington Title 39	\$ 7,001.08 ✓	\$ 18,310.90
Check # 1096 Tres, Borough of Washington POAA	\$ 22.00 ✓	\$ 44.00
Check # 1097 Tres, State of NJ Judiciary	\$ 345.00	\$ -
Check # Various Restitution Tres, County W & M	\$ 345.00	\$ 345.00
Check # Tres, State of NJ ACH	\$ 4,953.42	\$ 11,304.85
Check # Over Payments	\$ -	\$ -
Check # NJ Dept. of Environmental Protection	\$ -	\$ -
Check # Tres, Borough of Washington PD	\$ 20.00	\$ 20.00
Check # Tres, State of NJ W & M	\$ -	\$ -
Check # Tres, Borough of Washington, non-cashed checks	\$ -	\$ -

Month: March 2012
Respectfully Submitted: Jerilyn Harris C.M.C.A.

**Borough of Washington Municipal Court
Monthly Report**

Category		Year to Date
<u>Added:</u>		
DWI	2	4
Moving	63	197
Parking	44	166
Indictable Disorderly Person	14	28
Disorderly Person	9	20
All Other	12	72
<u>Disposed:</u>		
DWI	2	7
Moving	104	266
Parking	29	120
Indictable Disorderly Person	16	32
Disorderly Person	22	40
All Other	58	89

Month: March 2012
Respectfully Submitted: Jenilyn Harris C.M.C.A.

WASHINGTON TOWNSHIP POLICE

DEPARTMENT

MONTHLY REPORT

2012

ACTIVITY	JANUARY
POLICE DISPATCHED INCIDENTS	2,942
TOTAL CRIMINAL INVESTIGATIONS	TOWNSHIP = 52
	BOROUGH = 38
	OXFORD = 6
TOTAL CRIMINAL ARREST	TOWNSHIP = 27
	BOROUGH = 18
	OXFORD = 2
TOTAL MOTOR VEHICLE CRASHES	TOWNSHIP = 17
	BOROUGH = 16
	OXFORD = 7
MOTOR VEHICLE STOPS/COMPLAINTS	401
MOTOR VEHICLE SUMMONS	TOWNSHIP = 99
	BOROUGH = 178
	OXFORD = 35
CRIMES TO ANOTHER'S PROPERTY	63
CDS /ALCOHOL INCIDENTS	28
DOMESTIC/FAMILY ISSUES	55
ALARMS	60
EMS/FIRE CALL	125
OTHER TYPES	2,170
PATROL MILE (APPROX.)	20,122

WASHINGTON TOWNSHIP POLICE
DEPARTMENT

MONTHLY REPORT
2012

ACTIVITY	FEBRUARY
POLICE DISPATCHED INCIDENTS	2,473
TOTAL CRIMINAL INVESTIGATIONS	TOWNSHIP = 44
	BOROUGH = 27
	OXFORD = 7
TOTAL CRIMINAL ARREST	TOWNSHIP = 27
	BOROUGH = 13
	OXFORD = 1
TOTAL MOTOR VEHICLE CRASHES	TOWNSHIP = 14
	BOROUGH = 10
	OXFORD = 3
MOTOR VEHICLE STOPS/COMPLAINTS	347
MOTOR VEHICLE SUMMONS	TOWNSHIP = 95
	BOROUGH = 80
	OXFORD = 23
CRIMES TO ANOTHER'S PROPERTY	47
CDS /ALCOHOL INCIDENTS	21
DOMESTIC/FAMILY ISSUES	45
ALARMS	40
EMS/FIRE CALL	75
OTHER TYPES	1,871
PATROL MILE (APPROX.)	18,773

WASHINGTON TOWNSHIP POLICE
DEPARTMENT

MONTHLY REPORT
2012

ACTIVITY	MARCH
POLICE DISPATCHED INCIDENTS	2,757
TOTAL CRIMINAL INVESTIGATIONS	TOWNSHIP = 50
	BOROUGH = 48
	OXFORD = 9
TOTAL CRIMINAL ARREST	TOWNSHIP = 21
	BOROUGH = 24
	OXFORD = 2
TOTAL MOTOR VEHICLE CRASHES	TOWNSHIP = 15
	BOROUGH = 13
	OXFORD = 0
MOTOR VEHICLE STOPS/COMPLAINTS	427
MOTOR VEHICLE SUMMONS	TOWNSHIP = 93
	BOROUGH = 109
	OXFORD = 19
CRIMES TO ANOTHER'S PROPERTY	68
CDS /ALCOHOL INCIDENTS	37
DOMESTIC/FAMILY ISSUES	61
ALARMS	59
EMS/FIRE CALL	102
OTHER TYPES	1,975
PATROL MILE (APPROX.)	20,156

RESOLUTION # 83-2012
OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF WASHINGTON, WARREN
COUNTY, NJ ESTABLISHING SEWER
CONNECTION FEES

WHEREAS, Stephanie Lewis, Municipal Capital Management has completed the analysis of the Sewer Utility debts structure and has recommended that the Sewer Connection Fee be adjusted to \$4,881.00; and

WHEREAS, a public hearing was advertised for May 1, 2012; and

WHEREAS, said public hearing was held in Council Chambers on May 1, 2012 at 7:00 p.m.

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 sewer connection fee be increased to \$4,881.00.

BE IT FURTHER RESOLVED THAT this change will be effective immediately upon passage of this resolution.

Date:

Kristine Blanchard, RMC

MUNICIPAL CAPITAL MANAGEMENT, LLC

245 NASSAU STREET
PRINCETON, NEW JERSEY 08540
(609) 532 3896
MOBILE (609) 532 3896
FAX (609) 924 3936
EMAIL SLEWIS@MUNICAPLLC.COM

March 22, 2012

Ms. Kristine Blanchard
Acting Borough Manager
Borough of Washington
100 Belvidere Avenue
Washington NJ 07882-1417

RE: 2012 Industrial User Charges and Connection Fee

Dear Ms. Blanchard:

I have calculated the 2012 base charge and the reserve capacity charge for each of the three industrial users. For ALCAN and BASF, the base charges are determined by flow. For Port Colden Mall, the charge is by contract.

I have also calculated the connection fee for any new users who connect to the system in 2012.

For the reserve capacity charges, the calculation is based on the share of treatment plant debt service for the year that is attributable to capacity allocated but unused.

The 2012 charges, based on treatment plant capacity of 1.5 mgd are:

User	Base charge	Reserve Capacity Charge	TOTAL
Alcan	\$39,000	\$11,707	\$50,707
BASF	\$221,208	\$3,467	\$224,675
Port Colden Mall	\$16,474	\$3,618	\$20,091

Attached is a worksheet showing the industrial user charge calculations, for 2012 and indeed for all the years from 1999 on. The worksheet also sets out the methodology for the calculations and the data used.

In addition, I have calculated the per-EDU connection fee for new users for 2012. That attached worksheet also contains an explanation of how the calculation works, and includes the results.

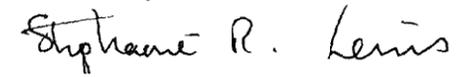
2012 Connection Fee: per EDU:

\$4,881

I hope this is what you need. If there's anything else, please do let me know.

It is a pleasure working with you. Good luck with the job!

Yours truly,



Stephanie R. Lewis, Managing Director

Cc: Richard P. Cushing, Esq. (by email)

RESOLUTION #81-2012

A RESOLUTION TO DESIGNATE PLAN COORDINATOR FOR
ICMA-RETIREMENT CORPORATION 457 DEFERRED COMPENSATION
PLAN #303949 FOR LOCATION #020720-BOROUGH OF WASHINGTON

WHEREAS, ICMA Retirement Corporation requires a resolution of the Mayor and Council to designate the Plan Coordinator and the Disbursement/Loan authority, prior to processing the Plan Level Change Form;

WHEREAS, the Mayor and Council desires to update the title of the person designated as Plan Coordinator to be the person in the position with the title of "Acting Borough Manager;"

WHEREAS, the Mayor and Council also desire the Acting Borough Manager to be responsible for signing disbursement and loan withdrawal forms;

WHEREAS, Kristine Blanchard was appointed as Acting Borough Manager by Resolution #55-2012 effective March 5, 2012;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey hereby approves Kristine Blanchard, Acting Borough Manager, as the Plan Coordinator and Disbursement/Loan authority for the ICMA-RC 457 Deferred Compensation Plan #303949 for the Borough of Washington, effective March 5, 2012.

The above resolution was moved by _____, seconded by _____
_____ voted and carried this 1st day of May, 2012.

Roll Call:

Ayes: Nays:

Kristine D. Blanchard, R.M.C.
Borough Clerk

cc: Barbara Van Why, Admin. Clerk

RESOLUTION #82-2012

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 December 15, 2011 to Arthur Frustaci, 1178 Fifth Avenue, Alpha, NJ 08865, in the amount of \$756.11 for taxes or other municipal liens assessed for the year 2010 in the name of Elmalhy, Amr & Genevieve, as supposed owners, and in said assessment and sale were described as 83 Lenape Trail, Block 101 Lot 15.49, which sale was evidenced by Certificate #11-00024; and

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 4-18-12 and before the right to redeem was cut off, as provided by law, Amr Elmalhy 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 \$7,482.78, which is the amount necessary to redeem Tax Sale Certificate #11-00024.

NOW THEREFORE BE IT RESOLVED, on this 1st day of May, 2012 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 \$7,482.78.**

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 101 Lot 15.49 from the tax office records.

The above Resolution was moved by _____, seconded by

_____, voted and carried this 1st day of May, 2012.

Roll Call: Ayes:

Nays:

Abstentions:

Kristine Blanchard, RMC
Borough Clerk

cc: Kay F. Stasyshan, Tax Collector
Paula Drake, Accounts Payable Clerk

A SHARED SERVICES AGREEMENT FOR LIBRARY DIRECTOR SERVICES BETWEEN THE BOROUGH OF WASHINGTON AND THE WASHINGTON BOROUGH BOARD OF EDUCATION

THIS AGREEMENT, made this _____ 2012, between the **BOROUGH OF WASHINGTON**, a municipal corporation in the County of Warren, State of New Jersey, having its principal offices at 100 Belvidere Avenue, Washington, New Jersey, 07882 (hereinafter referred to as “the Borough”); and the **WASHINGTON BOROUGH BOARD OF EDUCATION** a Local Board of Education in the County of Warren, State of New Jersey having its principal offices at 300 West Stewart Street, Washington, New Jersey 07882 (hereinafter referred to as “the Local BOE”);

WITNESSETH

WHEREAS, the current Library Director for the Washington Borough Public Library (“the Library”) has retired; and

WHEREAS, the Borough wishes to provide adequate, supervisory oversight of the Library via a qualified Library Director; and

WHEREAS, the Local BOE has a person in their employ that is close by, qualified, and available to serve as a part-time Library Director; and

WHEREAS, the sharing of this employee between the Borough and Local BOE will benefit both entities by expanding services and decreasing the costs of those services; and

WHEREAS, this Agreement is authorized under *N.J.S.A. 40A:65-1 et seq.* (“the Shared Services Act”); and

NOW, THEREFORE, with the foregoing recitals incorporated herein by reference and in consideration of the mutual covenants contained herein, the parties hereto, intending to be legally bound, hereby agree as follows:

SERVICES TO BE PROVIDED

The Local BOE will furnish a qualified employee to serve as a part-time Library Director for the Washington Borough Public Library (“the Library Director”). At all times, the Library Director will be considered an employee of the Local BOE. Notwithstanding the foregoing, the Library Director will report to the Borough Manager and/or Library Board of Trustees as appropriate.

The day-to-day operations, active-record keeping, administrative and scheduling functions of the Library shall be the responsibility of the Library Director, subject to the approval of the Borough Manager and/or Library Board of Trustees as appropriate. Said duties include, but are not limited to staff supervision, departmental budget preparation and oversight, adherence to purchasing and financial policies and regulations, program and event planning (as needed), attendance at monthly Library Board of Trustees meetings, preparation of reports as required by the Library Board of Trustees, compliance with all applicable statutes governing the operation of a public library, and facility oversight.

The Library Director shall work 49.9% of the contracted hours at the Washington Borough Public Library. When the Library Director is working at the Washington Borough Public Library, they shall report to the Library Board of Trustees and/or the Borough Manager (as applicable), as well as abide by

all Borough policies and procedures. When the Library Director is working at the Board of Education, they shall report to the Superintendent of Local Schools, and will abide by all Board of Education policies and procedures.

The Local BOE will provide workers compensation, liability and motor vehicle insurance coverage for all claims related to services provided by its employee as Library Director, regardless of where the incident that caused the claim arises. The Local BOE shall provide appropriate proof of insurance coverage at the level of coverage of the Local BOE, naming the Borough as additional insured.

LOCATION OF AND DAYS OF OPERATION

The Washington Borough Public Library is located at 20 Carlton Ave., Washington, New Jersey, 07882. Days and hours of operation are set by the Library Board of Trustees in consultation with the Library Director and may be amended from time-to-time as needed.

If the Board of Education close local schools, have a delayed opening, or early dismissal due to inclement weather, the Library Director will still need to work the contractual obligated hours indicated above.

PAYMENT BY THE BOROUGH FOR SERVICES

The Borough shall be responsible for 49.9% of the total compensation cost defined as salary and health benefits of the employee serving as Library Director. For the term of this Agreement, the total compensation cost will be \$67,000 of which the Borough's share will be \$33,433. Payment will be made by the Borough in four (4) equal quarterly installments. Bills and vouchers will be submitted by the Local BOE to the Borough before the 15th day of March, June, September and December. The bills will be paid by the Borough before the last business day of the aforementioned months. Should this Agreement be extended for additional terms, the Local BOE shall certify the new total compensation cost to the Borough in writing no later than ninety (90) days prior to the end of the then current term.

The Local BOE shall ensure that the compensation of the employee serving as Library Director is fixed by a salary ordinance, professional services contract or collective bargaining agreement in accordance with all applicable Federal, State and Local laws, regulations or ordinances governing such matters, and may be adjusted on a yearly basis.

TERM OF AGREEMENT

This initial term of this Agreement shall run from May 1, 2012 - June 30, 2013. This Agreement may be extended for subsequent fiscal year periods by approval of the Borough Council and Local BOE. In no instance can this agreement exceed a total of five (5) fiscal year terms.

EARLY TERMINATION

Either party may terminate their participation in the agreement prior to the end of the term with no financial penalty being imposed, provided that written notice of termination is given to the other party ninety (90) days in advance of the termination date.

IN WITNESS WHEREOF, the Borough of Washington and Borough of Washington Board of Education have caused these presents to be signed and attested to by their respective officers and their respective seals to be affixed hereto the day and year first above written.

ATTEST:

BOROUGH OF WASHINGTON

Kristine Blanchard, Clerk

Scott McDonald, Mayor

ATTEST:

**BOROUGH OF WASHINGTON
BOARD OF EDUCATION**

Linda Woolf, Board Secretary

Donna Golda, Board President

**RESOLUTION # 85-2012
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
WASHINGTON, WARREN COUNTY, NJ**

WHEREAS, the Borough of Washington has a need to contract for an audit of the Wastewater System Contract Operator; and

WHEREAS, Public Works Management LLC (PWM) can supply the Borough with the required services for a cost not to exceed \$12,000; and

WHEREAS, Public Works Management has completed and submitted a Scope of Services (attached) and:

WHEREAS, the aggregate fee of this professional service contract shall not exceed \$12,000.00; and

WHEREAS, the Chief Finance Officer has certified to the Borough Clerk that the funds have been budgeted for and are available in the following budget account:

2-05-55-502-000-020

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Washington, that a contract for the Audit of the Wastewater System Contract Operator is hereby authorized with Public Works Management in an amount not to exceed \$12,000.00.

BE IT FURTHER RESOLVED that the notice of this contract will be published as required by law within ten (10) days of the passage of this resolution.

May 1, 2012

Kristine Blanchard, RMC
Borough Clerk



Public Works Management LLC

35 Janeway Place, Morris Plains, NJ, 07950, ph: (973) 984-6828, fax: (973) 898-6507

Richard D. Phelan
Borough Manager
Washington Borough
100 Belvidere Avenue
Washington, NJ 07882

October 11, 2011

Re: **Proposal for Audit of Wastewater System Contract Operator**

Dear Mr. Phelan:

Background

The firm now named Veolia Water North America ("Veolia") started operating the wastewater plant and collection system in 1998 for a term of fifteen years under the Wastewater System Construction and Operation Agreement ("Agreement"). The Borough, at its sole discretion, may renew the contract for five years by providing 180 days written notice. Thus, the Borough will have to decide whether or not to renew the Agreement within approximately one year.

In 2007, the Borough hired Public Works Management, Inc. ("PWM") to conduct a limited audit of Veolia's compliance with the requirements of the Agreement. Time and funding restraints limited the audit to mostly management requirements and only two maintenance requirements, the maintenance management software and the emergency generator maintenance. The audit's December 2007 report stated that Veolia had:

- Erroneously charged the Borough for over \$70,000 of maintenance expenses.
- Erroneously asked the Borough to pay for about \$5,000 of capital improvements to a pump station.
- Asked the Borough to make over \$90,000 of improvements to the headworks of the wastewater plant to help reduce Veolia's labor costs without adequate documentation of the need and without discussion of sharing of the benefits.
- Not performed the level of generator maintenance normally conducted in the industry.
- Not provided adequate reports and documentation including maintenance expenses from the MRRA, inventories, a history of main blockages, annual reports, and more.

The 2007 audit identified a number of areas where further investigation was known to be needed or would be prudent to do.

Scope of Services

As requested, this proposal provides the same limited audit conducted in 2007. Public Works Management, Inc. ("PWM") will audit the wastewater system private contract operator as follows:

1. Meet with the contract operator's Project Manager and, if necessary, other personnel, for up to two days while auditing operations and performance and inspecting the wastewater treatment plant and pump stations.

2. Meet with the Borough Manager to determine his perspective and the Mayor and Council's perspectives.
3. Review the contract operator's Monthly Reports and other reports and records.
4. Review maintenance record keeping and general record keeping.
5. Review maintenance expenditures paid for by the Borough.
6. Review any recent history of regulatory notices or insufficiencies.
7. Analyze and follow-up on the findings of greatest interest.
8. Prepare a report and submit same to the Borough Manager.
9. Present the findings to the Mayor and Council.

The basis of judging performance will be the requirements of the Agreement, regulatory compliance, and generally recognized good operating practices. These services are contingent on the cooperation of the contract operator and the provision of requested records by the contract operator and Borough.

A comprehensive audit of all aspects of operations, maintenance, capital planning, and performance would require far more time and cost than this proposal provides. While PWM would provide such services if requested, the purpose of this proposal is to provide the same limited audit that was provided in 2007. If areas are identified that will require more significant efforts to properly evaluate, they will be brought to the Borough's attention.

The overriding goal is to assist the Borough in assuring that it obtains the services required by the Agreement. It has been PWM's experience that an auditing process helps ensure the contract operator performs well in all areas. In the long run, this also serves the contract operator as its own internal oversight processes can miss areas of needed improvement. It also can provide the Borough with confidence in the level of service it is receiving, which might help the Borough make related decisions such as whether to renew the Agreement.

Qualifications. The experience of Frank Mangravite, Ph.D., President and sole proprietor of Public Works Management, Inc, includes:

A. FAMILIARITY WITH WASHINGTON BOROUGH:

- a. Conducted a limited audit of Veolia's performance in late 2007, whose findings are summarized above as either identified savings, finding, or items needing further investigation. The latter are listed in the scope of services of this proposal.
- b. Procurement Project Manager for the Borough of Washington's Design-Build-Operate Wastewater System Procurement (1997-2000). This included auditing the existing wastewater system, preparing the RFP and Agreement, managing the procurement, evaluating the proposals, assisting the Borough in selection of the best proposal, and negotiating the Agreement.
- c. Developed much of the requirements for Article 7 of the Agreement, Wastewater Treatment System Operation and Performance.

B. FAMILIARITY WITH PRIVATIZATION CONTRACTS:

- a. Contract Negotiating Experience Representing a Private Firm. Six years (1990-1996) experience as a V.P. of Marketing for a private firm (U.S. Water) during which responsibilities included the preparation of over 50 proposals, the preparation of draft contracts, the negotiation of contracts, and continuing involvement with projects from their startup through to their completion. Completion included reversion to municipal operation, renewal of the contract without competition, and re-procurement of the services through a RFP. Examples: Easton, PA, Phillipsburg, NJ, Manchester, NJ, and Pennsville, NJ.
- b. Contract Negotiating Experience Representing Municipalities. Ten years (1997-2007) experience preparing draft contracts and supporting RFPs for municipalities to procure the operation, design, and or construction of water and or sewer facilities. Examples: Washington Borough, NJ, Maple Shade, NJ, North Brunswick, NJ, Jersey City, NJ, and Stonington, CT. PWM has helped develop comprehensive and innovative contract terms that include:
 - i. Assessing liquidated damages for late or incomplete reports.
 - ii. Assessing liquidated damages for failure to load regulatory or maintenance data into computer records.
 - iii. Excluding blanket waives of rights of subrogation of insurance coverage.
 - iv. Requiring per project rather than in aggregate insurance coverage.
 - v. Providing a detailed list of deliverables (reports, etc.).
 - vi. Specifying the detailed content of each type of report.
 - vii. Declaring the municipality's rights to access data, records and computer files without notice and mandated that all such records be kept on municipality-owned computers.
 - viii. Restricting the private firm's use of the municipality's facilities to service other contracts.
 - ix. Establishing a minimum staffing level below which the municipality must approve further staff decreases as well as share in any savings.
 - x. Competitively procuring cost-escalation formulas that limited the fraction of the CPI the private firm's annual fee increase is based on.
 - xi. Competitively procuring formulas for annual fee changes due to changes in flow or loading quality.
- c. Understand National Privatization Industry. Seventeen years of involvement with the privatization industry. PWM has assisted in the preparation of *Public Works Financing Magazine's* annual privatization industry survey and has conducted a statistical survey of effluent quality before and after privatization of wastewater treatment plants for the Water Industry Council.
- d. Understand Utility Operations. Public Works Management has worked with water and wastewater systems serving a few thousand people to cities such as Toledo, OH, Newark and Jersey City, NJ, and Toronto, ON. PWM audited the operation of the province of Ontario's municipal water and wastewater operating agency, OCWA, whose revenues exceeded \$100-million. Audits have also been

conducted of several municipally operated utilities. Dr. Mangravite has worked with over 300 water and wastewater systems during his career.

- e. Day-to-Day Experience in Utility and Contract Administration. Public Works Management provides oversight of privately operated municipal water and wastewater utilities. In this capacity, advice has been provided relative to:
 - i. Contract interpretation.
 - ii. Contractual performance.
 - iii. Dispute resolution.
 - iv. Capital planning.
 - v. Regulatory compliance.
 - vi. Regulatory correspondence.
 - vii. Maintenance and repair project and account administration.
 - viii. Computerized maintenance management.
 - ix. Private firm's proposals for maintenance expenditures.
 - x. Private firm's proposals to provide additional services.
 - xi. Personnel changes and training.
 - xii. Procurement of engineering services.
 - xiii. Procurement of construction services.
 - xiv. Assessment of liquidated damages.
 - xv. Monthly and annual reports.
 - xvi. Customer service, billing and collection.
 - xvii. Ordinance changes and rate structures.
 - xviii. IPP permitting and administration.
 - xix. I/I monitoring and reduction.
 - xx. FOG programs.
 - xxi. Collection system operation.
 - xxii. Water supply planning.
- f. Assisted municipalities oversight of private contract operators for Jersey City (ongoing since 1997), North Brunswick (ongoing since 2002), and Maple Shade (1997-2005).
- g. Audited contract operators for the above municipalities as well as for Berkeley Heights, NJ, and Easton, PA. Audited municipal water/wastewater operations for Morris Township, NJ, the Ministry of Environment, Ontario, Canada, Manchester Township, NJ, Stonington Water Pollution Control Authority, CT, and the City of Newark, NJ.

C. OTHER QUALIFICATIONS.

- a. Formed Public Works Management, Inc. ("PWM") in 1996 to advise municipalities on the procurement and oversight of contract operators, the procurement of construction and engineering services, and utility management.
- b. Conducted water/sewer rate studies for Medford Township, NJ, Maple Shade, NJ, Parsippany-Troy Hills, NJ, the Jersey City MUA, and Newark, NJ.

- c. Other previous clients include Orange County Sanitation District (CA), US Bureau of Reclamation, City of Toronto, American Water Works Association, and *Public Works Finance* magazine. The latter conducts annual surveys of the privatization industry.
- d. Chairman of an American Water Works Association ("AWWA") committee.
- e. Thesis won first place prize from AWWA. Ph.D., M.S., and B.S. from Clarkson University.
- f. 25 publications, 20 presentations.
- g. Public Works Management and Frank Mangravite are not associated with any private firm that provides privatization services.

Fee and Terms. Frank Mangravite, sole proprietor of Public Works Management LLC, will perform the services for which he will report to the Borough Manager. The audit will be conducted over a period of two months.

The services will be provided at an hourly rate of \$170 per hour. This rate includes all normal out-of-pocket costs for phone, copying, postage, mileage to Washington Borough, and facsimile expenses. Non-normal out-of-pocket expenses such as printing large documents, travel to locations other than Washington Borough, postage for distribution of large documents to several parties, etc., will be billed at cost. The aggregate fee shall not exceed \$12,000.

Professional engineering and legal opinion are beyond the scope of services. Errors and omissions insurance and general liability insurance will be provided and the Borough named an additional insured. Workers compensation and automobile insurance will be provided. Terms are net thirty days.

Summary. Public Works Management possesses unique familiarity and qualifications that can benefit the Borough of Washington audit its wastewater system contract operator's performance.

Sincerely,

Frank Mangravite, Ph.D.
President

Kristine Blanchard

From: FMH2O@aol.com
Sent: Monday, April 23, 2012 10:38 AM
To: kblanchard@washingtonboro-nj.org
Subject: Re: Borough of Washington WWTP

Hi Kristine,

The proposal is confirmed as still being valid. I look forward to working for the Borough and with you.

Regards,
Frank

Frank Mangravite, Ph.D.
President
Public Works Management LLC
35 Janeway Place
Morris Plains, NJ 07950
Business: 973-984-6828
Home: 973-359-0366
Cell: 201-532-9772
Fax: 973-898-6507
fmh2o@aol.com

In a message dated 4/23/2012 10:24:26 A.M. Eastern Daylight Time, kblanchard@washingtonboro-nj.org writes:

Hi Frank

On October 11, 2011 you sent a proposal and scope of services to Richard Phelan, Borough Manager at the time for Washington Borough. The proposal was to provide the same type of WWTP audit that was performed in 2007. The cost in the attached proposal is \$12,000.

Rich no longer works for the Borough. I am aware that this audit was budgeted for in our 2012 budget and I would like to confirm the proposal with you and prepare this for approval for the Governing Body so that we may begin.

Thanks

Kristine Blanchard

Borough of Washington

Acting Manager/Borough Clerk

100 Belvidere Ave

Washington, NJ 07882

4/25/2012

RESOLUTION 86-2012

**RESOLUTION TO APPOINT KRISTINE BLANCHARD AS CLEAN
COMMUNITIES COORDINATOR**

WHEREAS, it is a requirement of the Clean Communities entitlement Program that a Clean Communities Coordinator be designated by the Municipality and notification of the designee be provided to the NJ Clean Communities Council; and

WHEREAS, the Clean Communities Coordinator will be responsible for reporting the use of Grant Funds to the NJ Clean Communities Council and will make requests to the Borough Council for the use of Grant Funds.

NOW, THEREFORE, BE IT RESOLVED, by the Borough of Washington Council that Kristine Blanchard is hereby designated The Clean Communities Coordinator for the Borough of Washington.

Dated:

Roll Call:

Ayes: Nays:

Kristine Blanchard, RMC

Borough Clerk

KETTLE CREEK CORPORATION



PRICE QUOTATION

Quote #: 20120042

Date: 2/29/12

PRICE QUOTATION

Prepared For:

Des Fitzgerald
Washington Borough
100 Belvidere Avenue
Washington, NJ 07882

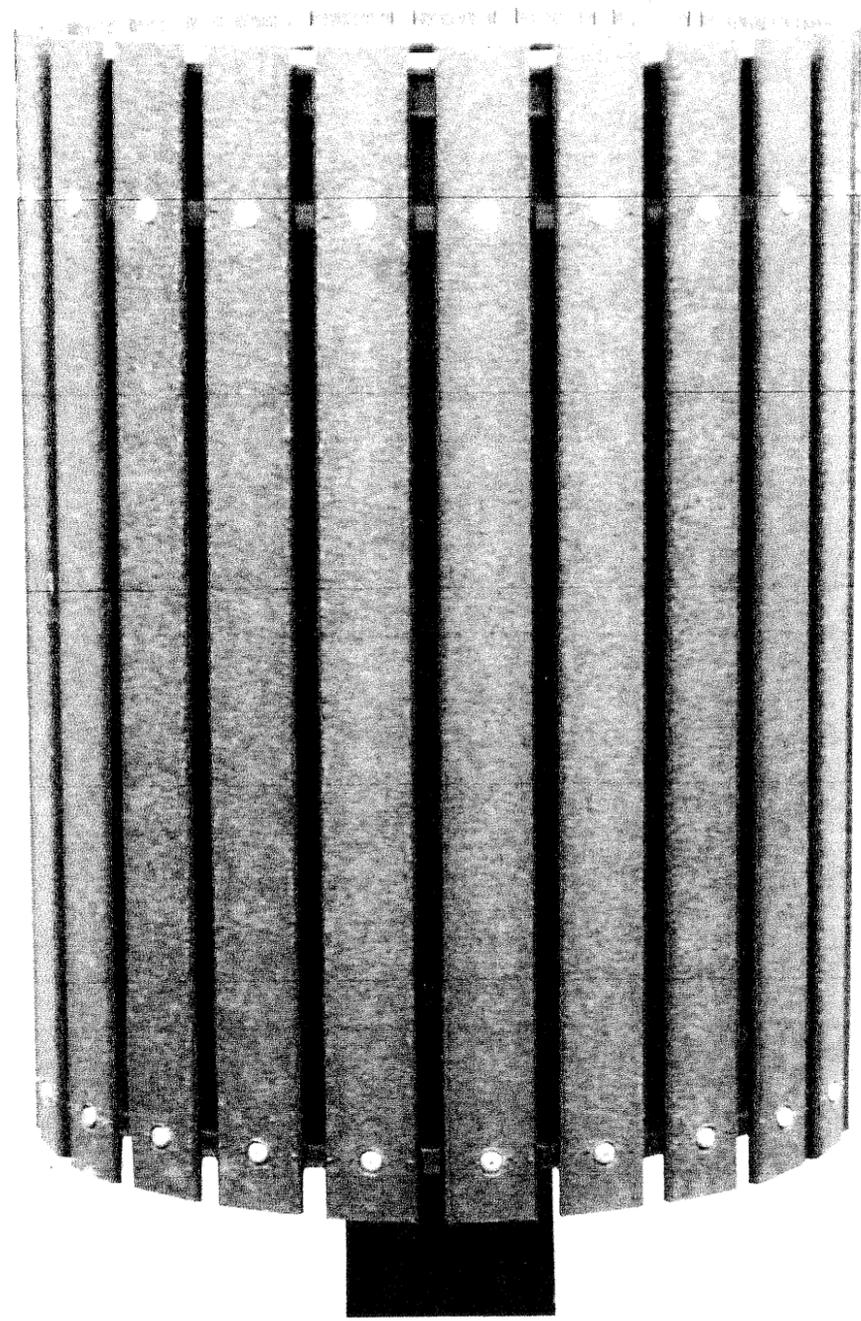
Ship To:

Washington Borough
100 Belvidere Avenue
Washington, NJ 07882

TERMS		SHIP VIA		F.O.B.		PG.
Net 30		Delivered(No Charge)		Freight Prepaid		1
QTY.	ITEM NO.	DESCRIPTION	Contract Price	DISC	EXTENDED	
24	CS 3035E	Slant Top Barrel with Aluminum Plate Lid	\$404.10		\$9,698.40	
<p><input checked="" type="checkbox"/> Prices quoted are in accordance with New Jersey State Contract #A59072 Contract expires May 31, 2012</p>						
This quotation is provided as a courtesy for the customer to purchase line items as they appear in our catalog and published price lists. It is not to be used as a competitive bid for the purchase of products that meet broad specifications. Windsor Barrel Works requires a written request for competitive bids accompanied by written specifications. This applies to both formal and informal bid processes.			SUB TOTAL		\$9,698.40	
			FREIGHT		(No Charge)	
			TOTAL		\$9,698.40	

PO Box 47, Kempton, Pennsylvania 19529
Toll-free (800) 527-7848 Telephone (610) 756-4344 Fax (610) 756-6389
Windsor Barrel Works is a division of The Kettle Creek Corporation

f



BILL LIST 5/01/12

P.O. Type: All
Range: First to Last
Format: Detail with Line Item Notes Received Date Range: 04/18/12 to 12/31/12
Include Non-Budgeted: Y

Open: N Paid: Y Void: N
Rcvd: Y Held: N Aprv: Y
Bid: Y State: Y Other: Y Exempt: Y

Vendor # Name
PO # PO Date Description Contract PO Type
Item Description Amount Charge Account Acct Type Description

Stat/Chk Enc Date Date Invoice
First Rcvd Chk/Void
Date Date Date Excl

ADPPAY ADP, INC.
12-00299 03/07/12 PAYROLL CHARGES B
4 PAYROLL CHARGES PERIOD ENDING 229.00 2-01-20-130-000-029 B FINANCIAL ADMIN Other Contr Svcs A 03/07/12 04/24/12 408411357 N
Tracking Id: 2560 Payroll (General) (Exempt)
4/15/12

Vendor Total: 229.00

ADTSEC ADT SECURITY SYSTEMS INC.
12-00255 02/23/12 APRIL-JUNE SECURITY MONITORING
3 MAY 2012 SECURITY MONITORING 271.88 2-01-26-310-000-026 B BUILDINGS & GROUNDS Maint Other Equip A 03/20/12 04/24/12 69025547 N
Tracking Id: 2990 Safety & Security (Non-Exempt)

Vendor Total: 271.88

APFIRE APPROVED FIRE PROTECTION INC.
12-00417 04/10/12 FIRE EXTINGUISHERS INSPECTION B
2 DPW - 11/FIRE EXTINGUISHERS 38.50 2-01-26-290-000-058 B STREETS & ROADS other Equip & supplies A 04/10/12 04/26/12 I11220108 N
Tracking Id: 2990 Safety & Security (Non-Exempt)
INSPECTION

Vendor Total: 38.50

FRUSTA ARTHUR FRUSTACI
12-00459 04/20/12 C#11-00024 REDEEMED 5-1-12
1 101-15.49 5-1-12 #82-2012 7,482.78 2-01-55-273-000-000 B Tax Redemptions A 04/20/12 04/25/12 N
Tracking Id: 3314 Tax Title Lien Redemptions (Exempt)
REDEMPTION OF C#11-00024 FOR BLOCK 101
LOT 15.49 AS OF MAY 1, 2012 PER
RES#82-2012

Vendor Total: 7,482.78

Vendor # Name	PO # PO Date Description	Item Description	Amount	Contract PO Type	Charge Account	Acct Type Description	Stat/Chk	Enc Date	First Rcvd Date	Chk/Void Date	Invoice	1099 Exc]
ELIZG ELIZABETHTOWN GAS	12-00062 01/10/12 NATURAL GAS - LIBRARY			B								
	5 3/8-4/9/12 NATURAL GAS-LIBRARY	Utilities - Gas (Exempt)	171.95	2-01-29-390-000-079	B MUNICIPAL LIBRARY Natural Gas	A		01/10/12	04/25/12			N
	Tracking Id: 3612											
12-00395 04/03/12 NATURAL GAS USAGE				B								
	2 3/8-4/8 NATURAL GAS MUNICIPAL	Utilities - Gas (Exempt)	951.49	2-01-31-446-000-000	B NATURAL GAS	A		04/03/12	04/25/12			N
	Tracking Id: 3612											
	3 3/8-4/8 NATURAL GAS DPW GARAGE	Utilities - Gas (Exempt)	372.29	2-01-31-446-000-000	B NATURAL GAS	A		04/03/12	04/25/12			N
	Tracking Id: 3612											
			1,323.78									
	Vendor Total:		1,495.73									
FINELL FINELLI CONSULTING ENGINEERS	12-00443 04/13/12 2/28/12 WASHINGTON CEMETERY											
	1 2/28/12 WASHINGTON CEMETERY	Professional Services - Engineering (Exempt)	86.25	T-13-00-698-000-000	B Washington Cemetery Association Inc.	A		04/13/12	04/24/12		20719	N
	Tracking Id: 2780											
	Vendor Total:		86.25									
FOSTER FOSTER & COMPANY, INC.	12-00402 04/03/12 HARDWARE & ELECTRICAL PARTS											
	2 HARDWARE & ELECTRICAL PARTS	Machinery Equip & Supplies (Non-Exempt)	284.62	2-01-26-290-000-030	B STREETS & ROADS Materials/Supplies	A		04/16/12	04/24/12		824757	N
	Tracking Id: 2350											
	Vendor Total:		284.62									
BLANCH FRANK BLANCHE SIGNS	12-00369 03/27/12 REPLACEMENT SIGN @ STEINHARDT											
	1 REPLACEMENT SIGN @ STEINHARDT	Sign Materials (Exempt)	290.00	T-16-00-858-000-814	B PARKS & PLAYGROUNDS Materials & Supplies A	A		03/27/12	04/24/12		3095	N
	Tracking Id: 3180											
	Vendor Total:		290.00									

WARREN COUNTY LIQUORS DONATED THE TOTAL COST OF THE SIGN TO WB RECREATION.

Vendor # Name	PO # PO Date Description	Item Description	Amount	Contract PO Type	Charge Account	Acct Type Description	Stat/Chk	First Rcvd	Chk/Void	1099
								Enc Date Date	Date	Excl
GPU JCP&L										
12-00068	01/10/12	ELECTRICITY MISC. DEPTS		B						
16	3/10-4/10/12	RT31 BALLFIELD	538.75		2-01-31-430-000-299	B ELECTRICITY	A	01/10/12	04/25/12	N
		Tracking Id: 3611			Utilities - Electric (Exempt)					
17	3/16-4/17/12	YOUWANS AVE	39.85		2-01-31-430-000-299	B ELECTRICITY	A	01/10/12	04/25/12	N
		Tracking Id: 3611			Utilities - Electric (Exempt)					
18	3/16-4/17/12	YOUWANS AVE-BATH	286.97		2-01-31-430-000-299	B ELECTRICITY	A	01/10/12	04/25/12	N
		Tracking Id: 3611			Utilities - Electric (Exempt)					
19	3/16-4/17/12	YOUWANS AVE-POOL	22.16		2-01-31-430-000-299	B ELECTRICITY	A	01/10/12	04/25/12	N
		Tracking Id: 3611			Utilities - Electric (Exempt)					
20	3/16-4/17/12	PAVILLION LIGHTS	3.25		2-01-31-430-000-299	B ELECTRICITY	A	01/10/12	04/25/12	N
		Tracking Id: 3611			Utilities - Electric (Exempt)					
			890.98							
12-00070	01/10/12	ELECTRICITY - STREET LIGHTS		B						
8	3/17-4/17/12	STREET LIGHTS/SV	4,609.07		2-01-31-435-000-075	B TRAFFIC LIGHTS Street Lighting	A	01/10/12	04/25/12	N
		Tracking Id: 3611			Utilities - Electric (Exempt)					
9	3/17-4/17/12	STREET LIGHTS/MER	922.56		2-01-31-435-000-075	B TRAFFIC LIGHTS Street Lighting	A	01/10/12	04/25/12	N
		Tracking Id: 3611			Utilities - Electric (Exempt)					
		AND INCAN.								
10	3/17-4/17/12	WOLFE ESTATE ST.	57.91		2-01-31-435-000-075	B TRAFFIC LIGHTS Street Lighting	A	01/10/12	04/25/12	N
		Tracking Id: 3611			Utilities - Electric (Exempt)					
		LIGHTS								
			5,589.54							
12-00394	04/03/12	ELECTRICITY - LIBRARY		B						
2	3/16-4/4/12	ELECTRICITY/LIB.	507.01		2-01-29-390-000-071	B MUNICIPAL LIBRARY Electricity	A	04/03/12	04/25/12	N
		Tracking Id: 3611			Utilities - Electric (Exempt)					
		Vendor Total:	7,037.74							
JIORLE	JIORLE'S OFFICE SUPPLIES, INC.									
12-00454	04/18/12	COPY PAPER								
1	COPY PAPER 8 1/2 x 11 WHT		169.75		2-01-20-100-000-036	B GENERAL ADMIN Office supplies	A	04/18/12	04/26/12	N
	Tracking Id: 2430				Office Supplies (General) (Non-Exempt)					

Vendor # Name	PO # PO Date Description	Item Description	Amount	Contract PO Type	Charge Account	Acct Type Description	Stat/Chk	Enc Date	First Rcvd Date	Chk/Void Date	Invoice	1099 Excl
NJPAPR NJN PUBLISHING INC.	12-00108 01/23/12 LEGAL ADVERTISING			B								
	15 4/5/12 2012 MUNICIPAL BUDGET & Advertising, Non-Legal (Non-Exempt)	Tracking Id: 132 AFFIDAVIT	48.35	2-01-20-120-000-021	B CLERK Legal Advertising	A		01/23/12	04/24/12			N
	Vendor Total:		48.35									
PITNEY PITNEY BOWES, INC.	12-00450 04/18/12 FOLDING MACHINE RENTAL											
	1 FOLDING MACHINE RENTAL DEC 30- Real Property Rental or Lease (Non-Exempt)	Tracking Id: 2910 MARCH 30, 2012	255.00	2-01-20-145-000-029	B TAX COLLECTION Other Contr Svcs	A		04/18/12	04/26/12		2618338-MR12	N
	3 FOLDING MACHINE RENTAL DEC 30- Real Property Rental or Lease (Non-Exempt)	Tracking Id: 2910 MARCH 30, 2012	255.00	2-01-20-100-000-029	B GENERAL ADMIN Other Contr Svcs	A		04/18/12	04/24/12		2618338-MR12	N
	Vendor Total:		510.00									
NJPUEM PUBLIC EMPLOYEES' RETIREMENT S	12-00366 03/26/12 PERS-ANNUAL EMPLOYER APPR. INV.											
	1 PERS-ANNUAL EMPLOYER APPR. INV. PERS/DCRP	Tracking Id: 2571	142,903.00	2-01-36-471-000-000	B PERS	P	42012	03/26/12	04/20/12	04/20/12		N
	Vendor Total:		142,903.00									
SAFETY SAFETY DOWN UNDER INC.	12-00416 04/10/12 PLAYGROUND SAFETY MULCH											
	2 100/CY PLAYGROUND SAFETY MULCH Park & Playground Supplies (Exempt)	Tracking Id: 2540	2,000.00	T-16-00-858-000-814	B PARKS & PLAYGROUNDS Materials & Supplies A			04/10/12	04/24/12		12-0580	N
	Vendor Total:		2,000.00									
SCHOLL SCHOLL, WHITTLESEY & GRUENBERG	12-00089 01/13/12 2012 PLANNING BOARD ATTORNEY			C2-00006 C								
	3 2012 PLANNING BOARD ATTORNEY Professional Services - Legal (Non-Exempt)	Tracking Id: 2810	266.00	2-01-21-180-000-027	B PLANNING BOARD Legal Svcs	A		01/13/12	04/24/12		41364	N

Vendor # Name	PO # PO Date Description	Contract PO Type	Amount Charge Account	Acct Type Description	Stat/Chk	Enc Date	First Rcvd Date	Chk/Void Date	Invoice	1099 Excl
LUKOIL WRIGHT EXPRESS FSC	12-00448 04/18/12 GASOLINE & DIESEL	B	Continued							
2 336.770/GALS DIESEL-DPW	1,236.31 2-01-31-460-000-000	B		B GASOLINE & DIESEL	A	04/18/12	04/24/12		29146712	N
	Tracking Id: 1810 Fuel (Gasoline & Diesel) (Non-Exempt)									
Vendor Total: 1,689.82										
Total Purchase Orders: 61 Total P.O. Line Items: 111 Total List Amount: 1,425,591.67 Total Void Amount: 0.00										

Fund Description	Fund	Budget Total	Revenue Total
OPERATING FUND	1-01	83.13	0.00
OPERATING FUND	2-01	1,418,694.20	0.00
ANIMAL CONTROL FUND	T-12	300.00	0.00
DEVELOPER'S ESCROW FUND	T-13	408.25	0.00
RECREATION TRUST	T-16	6,106.09	0.00
	Year Total:	6,814.34	0.00
	Total of All Funds:	<u>1,425,591.67</u>	<u>0.00</u>

P.O. Type: All
 Format: Detail with Line Item Notes
 Range: 2-05-55-000-000-000 to 2-05-55-999-999-999
 Rcvd Batch Id Range: First to Last
 Department Page Break: No
 Print Alpha Capital/Trust, Alpha Grant, & Revenue Accts: N
 Open: N Void: N Paid: Y
 Held: N Aprv: Y Rcvd: Y
 Bid: Y State: Y Other: Y Exempt: Y
 Received Date Range: 04/18/12 to 12/31/12
 Include Non-Budgeted: Y

Budget Account	Description	Item Description	Amount	Stat/Chk	Enc Date	First Rcvd Date	Chk/Void Date	PO Type
P.O. Id	Vendor						Invoice	
Fund: SEWER OPERATING FUND								
2-05-55-501-000-011	SEWER OPERATING Fu							
12-00472	1 WBPAY WASH. BOROUGH PAYROLL ACCOUNT	SEWER S&W CHARGES-4/30/12 PAY	7,813.73	A	04/26/12	04/26/12		
	Tracking Id: 2560	Payroll (General) (Exempt)						
Department Total: 7,813.73								
2-05-55-502-000-023	Telephone							
12-00156	5 VERIZON VERIZON, INC.	4/16-5/15/12 689-3913-CENTEX	28.25	A	02/01/12	04/25/12		B
	Tracking Id: 3320	Telecommunications (General) (Exempt)						
2-05-55-502-000-029	SEWER OPERATING Other Contractua	SVCS						
12-00450	2 PITNEY PITNEY BOWES, INC.	FOLDING MACHINE RENTAL DEC 30-	255.00	A	04/18/12	04/24/12	2618338-MR12	
	Tracking Id: 2910	Real Property Rental or Lease (Non-Exempt)						
MARCH 30, 2012								
2-05-55-502-000-071	SEWER OPERATING Utilities-Electricity							
12-00069	7 GPU JCP&L	3/10-4/10/12 RAMAPO WAY	15.69	A	01/10/12	04/25/12		B
	Tracking Id: 3611	Utilities - Electric (Exempt)						
12-00069	8 GPU JCP&L	2/21-3/20/12 KINNAMAN AVE	24.72	A	01/10/12	04/25/12		B
	Tracking Id: 3611	Utilities - Electric (Exempt)						
12-00069	9 GPU JCP&L	2/28-3/26/12 S PROSPECT PUMP	3.98	A	01/10/12	04/25/12		B
	Tracking Id: 3611	Utilities - Electric (Exempt)						
12-00069	10 GPU JCP&L	2/21-3/20/12 WOLFE ESTATE PUMP	266.95	A	01/10/12	04/25/12		B
	Tracking Id: 3611	Utilities - Electric (Exempt)						
12-00069	11 GPU JCP&L	3/20-4/20/12 WOLFE ESTATE PUMP	287.94	A	01/10/12	04/26/12		B
	Tracking Id: 3611	Utilities - Electric (Exempt)						
12-00461	1 GPU JCP&L	2/9-3/9/12 SEWER PLANT	9,256.86	A	04/20/12	04/24/12		
	Tracking Id: 3611	Utilities - Electric (Exempt)						

Budget Account P.O. Id Item Vendor	Description	Item Description	Amount	Stat/Chk	Enc Date	First Rcvd Enc Date	Chk/Void Date	Invoice	PO Type
2-05-55-502-000-071 ELECTRICITY	SEWER OPERATING Utilities-Electricity	Continued							
12-00462 1 GPU JCP&L	Utilities - Electric (Exempt)	3/10-4/10/12 SEWER PLANT	9,614.28	A	04/20/12	04/24/12			
Tracking Id: 3611 ELECTRICITY			<u>19,470.42</u>						
2-05-55-502-000-078	SEWER OPERATING Utilities-Water								
12-00066 5 NJWATR	NJ AMERICAN WATER CO.INC	3/15-4/17/12 WATER-SEWER/ALVIN	10.00	A	01/10/12	04/25/12			B
Tracking Id: 3615 SLOAN	Utilities - Water (Exempt)								
2-05-55-502-000-079	SEWER OPERATING Utilities-Natural Gas								
12-00023 5 ELIZG	ELIZABETHTOWN GAS	3/8-4/9/12 NATURAL GAS-ALVIN	31.77	A	01/06/12	04/25/12			B
Tracking Id: 3612 SLOAN	Utilities - Gas (Exempt)								
Department Total:			19,795.44						
CAFR Total:			27,609.17						
Fund Total: SEWER OPERATING FUND			27,609.17						
Year Total:			27,609.17						
Total P.O. Items:	12	Total List Amount:	27,609.17	Total Void Amount:	0.00				

Fund Description	Fund	Budget Total
SEWER OPERATING FUND	2-05	27,609.17
Total of All Funds:		<u>27,609.17</u>