

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

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

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

Also Present: Richard Cushing, Esq. Municipal Attorney
Kristine Blanchard, Borough Clerk

Mayor McDonald led everyone in the flag salute.

Mayor McDonald read the following Statement into the Record:

“The requirements of the ‘Open Public Meetings Law, 1975, Chapter 231’ have been satisfied in that adequate notice of this meeting has been published in the Star Gazette and posted on the Bulletin Board of Borough Hall stating the time, place and purpose of the meeting as required by law.”

CORRESPONDENCE:

Recreation Commission Re: Playground Mulch

Mayor McDonald entertained a motion to received and file the correspondence.

Motion made by Higgins, seconded by Jewell and adopted.

Ayes: 7, Nays: 0
Motion Carried

Recreation Chairman Cioni requested Council consider funding a \$4500.00 line item in the Recreation O/E Budget for the purpose of mulch for the playground. The playground area is largely devoid of mulch and right now is considered a safety hazard. Council is in agreement and a motion was made by Jewell, seconded by Higgins to fund the \$4500.00 for the Recreation Commission in the Recreation O/E Budget for the purposes of playground mulch.

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

Councilwoman Gleba stated she would like to see more money allocated to the Recreation Commission for the purposes of capital improvements to the concession stand and for the hiring of someone licensed to use weed killer, etc. Councilman Valentine stated that if

Councilwoman Gleba has a chance to talk to the Recreation Commission prior to the next budget workshop they can present there needs at the workshop. Mayor McDonald stated Council will set the time and date of the next workshop during Council remarks.

AUDIENCE:

Mayor McDonald opened up the audience portion of the meeting.

Edna Detlaf 27 Fisher Avenue

Ms. Detlaf questioned the budget process and if the public was going to be given an opportunity to weigh in on the budget. Mayor McDonald stated that once the budget is introduced; a public hearing is scheduled prior to adoption of the municipal budget.

Hearing no further comments from the public; motion made by Higgins, seconded by Jewell to close the audience portion.

Ayes: 7, Nays: 0
Motion Carried

ORDINANCES:

None

REPORTS:

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

1. Managers Report
2. Municipal Court Report
3. DPW Report
4. Code Enforcement Annual Report

Ayes: 7, Nays: 0
Motion Carried

COMMITTEE REPORTS:

Manager Search Sub Committee

Councilman Valentine noted that the committee continues to review resumes and send additional questions to qualified candidates. To date the committee has received approximately twenty five resumes.

OLD BUSINESS:

2012 Budget Information

Councilwoman Gleba asked if Council thinks the Manager Salary line item needs to be increased. Do we have enough money to pay the Manager what we owe him for sick and vacation time? Mayor McDonald stated the number will be confirmed by the first week in March. Council discussed how the payments will be made to the Manager for his sick and vacation time. Council will discuss in Executive Session under Contractual Negotiations.

Councilwoman Gleba stated she still thinks the Group Health Insurance line item is too high. The Borough Clerk explained that the Council needs to take into consideration the possibility of a life changing event for one of the covered employees; birth of a child, marriage etc. Administration is also aware of one possible addition to the health insurance of an eligible employee who is not opting in right now. Councilwoman Gleba would like Council to consider decreasing this number.

Councilman Jewell commented the Planning Board budget is higher than last year. Councilwoman Gleba reminded Councilman Jewell that last year we needed to transfer money to the Planning Board. Councilman Jewell also noted the OEM line item is higher. Mayor McDonald indicated it is a requirement to have a Deputy OEM and we are in the process of looking for a Deputy now.

Councilwoman Gleba requested that the Planning Board and the CFO be in attendance at the budget workshop.

NEW BUSINESS:

Permission for Relay for Life to Place Ribbons in the Downtown Area April 29th through May 11th.

Motion made by Gleba seconded by Jewell and approved.

Ayes: 6, Nays: 0
Abstain: 1 (Higgins)

Resolution 49-2012 Redemption of Tax Sale Certificate

Motion made by Higgins, seconded by Jewell and adopted.

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

Ayes: 7, Nays: 0
Motion Carried

RESOLUTION #49-2012

RESOLUTION FOR REDEMPTION OF TAX SALE 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 Borough of Washington, 100 Belvidere Avenue, Washington, NJ 07882 in the amount of \$1,678.01 for taxes or other municipal liens assessed for the year of 2010 and in the name of Phillips, Eric V, as supposed owners, and in said assessment and sale were described as 36 Taylor Street, Block 31 Lot 2, which sale was evidenced by Certificate #11-00011.

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 2-14-2012 and before the right to redeem was cut off, as provided by law, Eric V Phillips claiming to have an interest in said lands, did redeem said lands claimed by Borough of Washington, and last above mentioned, by paying to the Collector of Taxes of said taxing district of Washington Borough the amount of \$3,373.75, which is the amount necessary to redeem Tax Sale Certificate #11-00011.

NOW THEREFORE BE IT RESOLVED, on this 21st day of February, 2012 by the Mayor and Council of the Borough of Washington, County of Warren authorizes the Mayor to sign Certificate #11-00011 for cancellation.

BE IT FUTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 31Lot 2 from the tax office records.

Resolution 50-2012 Redemption of Tax Sale Certificate

Motion made by Higgins, seconded by Jewell and adopted.

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

Ayes: 7, Nays: 0
Motion Carried

RESOLUTION #50-2012

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 November 17, 2009 to US Bank Cust CCTS Capital, LLC, TLGS; 2 Liberty Place, 50 South 16th Street Ste 1950, Philadelphia, PA 19102, in the amount of \$2,205.77 for taxes or other municipal liens assessed for the year 2008 in the name of Helgensen, John III & Donna Marie, as supposed owners, and in said assessment and sale were described as 102 E Washington Avenue, Block 25.01 Lot 3, which sale was evidenced by Certificate #09-00010; and

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 2-08-12 and before the right to redeem was cut off, as provided by law, Attorney Solomon/Dr Warren Lorch, claiming to have an interest in said lands, did redeem said lands claimed by US Bank Cust CCTS Capital, LLC, by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$41,266.02, which is the amount necessary to redeem Tax Sale Certificate #09-00010.

NOW THEREFORE BE IT RESOLVED, on this 21st day of February, 2012 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to US Bank Cust CCTS Capital, LLC, TLGS; 2 Liberty Place, 50 South 16th Street Ste 1950, Philadelphia, PA 19102 in the amount of **\$46,266.02 (Certificate redemption amount \$41,266.02 + \$5,000 premium)**.

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 25.01 Lot 3 from the tax office records.

Resolution 51-2012 Redemption of Tax Sale Certificate

Motion made by Higgins, seconded by Jewell and adopted.

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

Ayes: 7, Nays: 0
Motion Carried

RESOLUTION #51-2012

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 FWDSL & Associates LP, 290 US Highway 22, Green Brook, NJ 08812, in the amount of \$4,350.40 for taxes or other municipal liens assessed for the year 2010 in the name of Turnbull, Andrew H & Cheryl A, as supposed owners, and in said assessment and sale were described as 201 Belvidere Avenue, Block 19.02 Lot 4, which sale was evidenced by Certificate #11-00006; and

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 2-3-12 and before the right to redeem was cut off, as provided by law, Cheryl Turnbull claiming to have an interest in said lands, did redeem said lands claimed by FWDSL & Associates LP by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$4,569.17, which is the amount necessary to redeem Tax Sale Certificate #11-00006.

NOW THEREFORE BE IT RESOLVED, on this 21st day of February, 2012 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to FWDSL & Associates LP, 290 US Highway 22, Green Brook, NJ 08812 in the **amount of \$4,569.17**.

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 19.02 Lot 4 from the tax office records.

VOUCHERS

Mayor McDonald entertained a motion to approve the vouchers and claims in the amount of \$1,663,674.79.

Motion made by Valentine, seconded by Torres and approved.

Councilwoman Gleba asked if there was another department paying their own bills this year like the Fire Department. The Borough Clerk will review and get back to Council. Councilman Torres asked how much is left on the Forensic Audit Contract. The Borough Clerk will look into this too.

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

Ayes: 7, Nays: 0

Abstain: 3 Higgins (Fire Department)
Jewell (EMS and Fire Department)
Gleba (Finelli Consulting)

RECAP

The Borough Clerk will reach out to the Planning Board to invite them to the Budget Workshop when a date is determined. She will find out the remainder of the amount on the Forensic Audit Contract and will see if there was another department that was going to pay their own bills this year.

COUNCIL REMARKS:

Councilwoman Gleba stated that the Borough has come a long way with the budget and the departments have done a great job keeping costs down. She also noted she has given a lot of thought to the letter from the Concerned Citizens. She agrees that the Borough is at a crossroads and just wanted to get a feel from Council if they were interested in changing the form of government. Mayor McDonald stated if the Council wants to change the form of government a minimum time frame is at least two years due to the formation of a Charter Study Commission and placing the question on the ballot. Councilwoman Gleba asked for clarification if this is something the Governing Body wishes to pursue. Council discussed the pros and cons of changing the form of government. Councilman Higgins and Councilman Jewell stated they

would be in favor of a study. Councilman Boyle stated he would rather see a petition from the people if that is what they want; however he prefers the checks and balances that we have now. Councilman Valentine would be in favor of a study but would proceed cautiously. Councilman Torres noted he would be in favor of a study as long as there was no cost to the Borough. The general consensus of Council is everyone is happy with the form of government.

Councilman Higgins stated he had provided information to Council and the Manager a few months ago about a scrap metal company that provides the dumpster and they pick up all the metal. They would also pay the Borough for this service. Councilman Higgins will provide the information to the Borough Clerk.

Councilman Jewell thanked the Manager Search Committee and thanked the Borough Clerk for filling in as Manager.

Councilman Boyle also thanked the Borough Clerk for filling in as Acting Manager as well.

Mayor McDonald also thanked the Borough Clerk. Mayor McDonald also thanked the outgoing Manager for all the work he has done for the Borough and the accountability that he has brought to the Borough.

Mayor McDonald asked for dates for the Budget Workshop. The workshop will be held on February 27, 2012 at 6:00 p.m. The Planning Board, Tax Assessor, Recreation, and Washington Township Police Department will be invited to attend.

Mayor McDonald entertained motion to enter Executive Session.

Motion made by Higgins, seconded by Torres to enter Executive after a 10 minutes recess.

Ayes: 7, Nays: 0
Motion Carried

Council entered Executive at 8:10 p.m.

52-2012

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;

 X 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 Update. Manager Payout The public disclosure of such information at this time would have a potentially negative impact on the municipality's position in the litigation or negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

_____Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: _____

_____ OR _____ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.);

_____Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is: 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 8:40 p.m.

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

Mayor Scott McDonald

Kristine Blanchard, RMC Borough Clerk