

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY**  
**WASHINGTON BOROUGH COUNCIL MINUTES – March 6, 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, Valentine, Jewell, Boyle – Present  
McDonald, Higgins, Gleba - Absent

Also Present: Kristine Blanchard, Acting Manager/Borough Clerk

Deputy Mayor Boyle led everyone in the flag salute.

Deputy Mayor Boyle read the following Statement into the Record:

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

**MINUTES:**

Deputy Mayor Boyle entertained a motion to approve the minutes of the February 7, 2012 Council Meeting.

Motion made by Valentine, seconded by Torres and adopted.

Ayes: 4, Nays: 0  
Motion Carried

**COUNCIL APPEARANCE:**

Shade Tree Commission – Lou Starita

Mr. Starita stated that the Shade Tree Commission has recommended an update the Shade Tree Ordinance. He briefly reviewed the changes recommended by the Shade Tree Commission. The changes were mostly made to the fines. The new fines recommended by the Commission is a \$500.00 fine for unauthorized removal of a Shade Tree. Councilman Valentine asked if this covers the cost of replacing the tree. Mr. Starita stated no, it does not. The actual cost would vary from tree to tree. Councilman Jewell asked if someone strikes a tree with a vehicle can the Shade Tree Commission go after the insurance company for payment. Mr. Starita stated yes; recently the Shade Tree Commission did receive reimbursement from an insurance company for damages made to a Shade Tree during a motor vehicle incident. Deputy Mayor Boyle asked what

constitutes a Shade Tree. Mr. Starita stated that a tree that is maintained and inventoried by the Commission is a Shade Tree. Homeowners can not trim or prune shade trees; they must be pruned by certified tree experts. Mr. Starita stated a homeowner can contact the Commission if they feel the tree needs to be trimmed or maintained.

Mr. Starita stated that he also received some recommendations to the Ordinance from the Municipal Attorney. He will be bringing these recommendations to the Shade Tree Commission for their review at their meeting on March 12.

Councilman Torres asked how closely the Shade Tree Commission works with the Planning Board. Mr. Starita stated that we are beginning to work more closely with the Board. Councilman Torres recommended a liaison to the Planning Board from the Shade Tree Commission. Mr. Starita stated he will discuss with the Commission at the next meeting.

Councilman Boyle asked if there were any plans to replace the shade trees that were lost during the October snow storm. Mr. Starita stated no; at this time the money in the budget will be used to maintain the existing trees. If money becomes available the commission can look into replacing some of the trees. Councilman Boyle asked if a homeowner can purchase a shade tree on their own. Mr. Starita stated yes; they would need to contact the commission for a list of state authorized trees.

Deputy Mayor Boyle thanked Mr. Starita for his time.

### **AUDIENCE:**

Deputy Mayor Boyle opened up the audience portion of the meeting.

Mrs. Sloan 89 Grand Avenue

Mrs. Sloan noted that she had seen children playing at an abandoned house today in the Borough and was curious who is responsible for abandoned homes; she stated it was a foreclosed home. Deputy Mayor Boyle explained that a foreclosed home would become the responsibility of the bank.

Paul Jones 108 Harding Drive

Mr. Jones asked when the results of the forensic audit could be expected. Acting Manger Blanchard stated the contract calls for a report to Council this May. Currently, auditor is on track and expects to provide a report at a May Council Meeting.

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

Ayes: 4, Nays: 0  
Motion Carried

**ORDINANCES:**

2-2012 An Ordinance to Exceed the Municipal Budget and Establish CAP Bank (Public Hearing/Adoption)

Deputy Mayor Boyle entertained a motion to introduce Ordinance #2-2012 on final adoption and have the clerk read by title.

Motion made by Jewell, seconded by Torres to introduce on final reading and have the clerk read by title only.

Ayes: 4, Nays: 0  
Motion Carried

The Clerk read Ordinance #2-2012 by title only and stated that this ordinance had been published in the Star Gazette as required by law; a copy was posted on the bulletin board and copies available upon request from the Clerk's office.

**Public Hearing:**

A brief explanation of the Ordinance was given by the CFO.

Hearing no comments from the public motion made by Jewell, seconded by Valentine to close the public hearing.

Ayes: 4, Nays: 0  
Motion Carried

Motion made by Jewell, seconded by Valentine to adopt Ordinance 2-2012 on final passage.

Roll Call: Jewell, Boyle, Valentine, Torres

Ayes: 4, Nays: 0  
Motion Carried

**2-2012  
CALENDAR YEAR 2012  
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS  
AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized

by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Borough Council of the Borough of Washington in the County of Warren finds it advisable and necessary to increase its CY 2012 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Borough Council hereby determines that a 1 % increase in the budget for said year, amounting to \$ 31,809.04 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Borough of Washington, in the County of Warren, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2012 budget year, the final appropriations of the Borough of Washington shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$111,331.63, and that the CY 2012 municipal budget for the Borough of Washington be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

**REPORTS:**

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

1. Managers Report
2. CFO Report

Ayes: 4, Nays: 0  
Motion Carried

**COMMITTEE REPORTS:**

Manager Search Sub Committee

Councilman Torres reported on behalf of Councilman Valentine that the search committee has re-advertised on the League of Municipalities website and continues to receive resumes. There is a meeting scheduled for Monday, March 12.

**INTRODUCTION OF 2012 MUNICIPAL BUDGET**

Resolution 54-2012 Self Examination of Municipal Budget

Resolution 54-2012 was moved on a motion made by Torres, seconded by Valentine and adopted.

Ayes: 4, Nays: 0  
Motion Carried

54-2012  
SELF-EXAMINATION OF BUDGET RESOLUTION  
*[as required by DCA]*

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Washington Borough has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2012 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Washington Borough that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:

- a. Payment of interest and debt redemption charges
- b. Deferred charges and statutory expenditures
- c. Cash deficit of preceding year
- d. Reserve for uncollected taxes
- e. Other reserves and non-disbursement items
- f. Any inclusions of amounts required for school purposes.

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate and correctly stated,
- b. Items of appropriation are properly set forth
- c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Resolution 56-2012 Introduction of 2012 Municipal Budget

Motion made by Valentine, seconded by Boyle for discussion.

Councilman Torres stated that he is proud of this budget and is very happy there is no tax increase however; he is not comfortable moving forward introducing the budget without the actual expenditures from the previous year being provided by the Washington Township Police Department. Councilman Jewell and Deputy Mayor Boyle concurred with Councilman Torres. Councilman Valentine stated that it is a mistake to not at least introduce the budget and still request the information from Washington Township. He noted changes could be made after introduction if necessary.

Roll Call: Torres, Boyle, Jewell – No  
Valentine – Yes

Ayes: 1, Nays: 3  
Motion Failed

Motion made by Councilman Torres, seconded by Jewell to request actual expenditures from Washington Township Police Department with a due date of March 16, 2012 at 9:00 a.m.

Ayes 4, Nays: 0  
Motion Carried

**NEW BUSINESS:**

Approval of Fire Department Member – David Gittings

Motion made by Valentine, seconded by Torres and approved.

Ayes: 3, Nays: 0  
Abstain: 1 (Jewell)

Resolution 52-2012 Release of Performance and Surety Bonds for Park Hill Apartments

Resolution 52-2012 was moved on a motion made by Jewell, seconded by Torres and adopted.

Ayes: 4, Nays: 0  
Motion Carried

**RESOLUTION #52-2012**

**A RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE  
AND SURETY BONDS FOR THE PARK HILL APARTMENTS PROJECT  
HELD IN TRUST BY THE BOROUGH OF WASHINGTON**

WHEREAS, Andrew S. Holt, PE, PP, CME, Borough Engineer submitted a letter stating that the applicant had a final inspection on October 20, 2011. As the NJDEP close-out process is generally long, and due to the particular nature of this project and the License Site Remediation Professional involvement for this project, the Borough Engineer recommends that the Performance Bond posted with the Borough, in the amount of \$395,437.20 (10% CASH - \$39,543.72, plus interest) and the 90% Surety Bond \$355,893.48 be released; and

WHEREAS, Municipal Engineer Andrew S. Holt, P.E. of Suburban Consulting Engineers has determined that the final site work is acceptable and the bond can be released upon the receipt of two (2) signed and sealed As-Built plans and a copy of the filed Deed Notice showing restrictions as recommended by NJDEP; and

WHEREAS, the As-Built plans were delivered to the Municipal Clerk on November 17,

2011 and a copy of the Deed Notice reflecting the required restrictions as recommended by NJDEP was received on November 18, 2011;

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 Park Hill Apartments for the 10% of the Performance Bond, plus interest, from their escrow account #7760883228.

BE IT FURTHER RESOLVED, that the Borough Clerk is authorized to release the 90% Surety Bond in the amount of \$355,893.48.

Resolution 53-2012 Release of Site Improvement Performance Bond for Gibson's Gym

Resolution 53-2012 was moved on a motion made by Valentine, seconded by Jewell and adopted.

Ayes: 4, Nays: 0  
Motion Carried

RESOLUTION #53-2012

A RESOLUTION AUTHORIZING THE RELEASE OF SITE IMPROVEMENT  
PERFORMANCE BOND NO. 28804 FOR GIBSON'S GYM FOR THE  
DEMOLITION OF THE FORMER DEP 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 No. 28804 issued for the building demolition of the former 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 on February 16, 2012 and found the required demolition work has been completed;

WHEREAS, Suburban Consulting Engineers recommends the performance guarantee which was posted for the building demolition in the amount of \$25,000.00 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 #28804 in the amount of \$25,000.00.

Resolution 55-2012 Appointing Kristine Blanchard as Acting Borough Manager

Resolution 55-2012 was moved on a motion made by Torres, seconded by Jewell and adopted.

Ayes: 4, Nays: 0



Motion Carried

**VOUCHERS**

Deputy Mayor Boyle entertained a motion to approve the vouchers and claims in the amount of \$603,975.00.

Motion made by Valentine, seconded by Jewell and approved.

Roll Call: Torres, Jewell, Valentine, Boyle

Ayes: 4, Nays: 0

Abstain: 1 Jewell (EMS and Fire Department)

**RECAP**

The Acting Manager will reach out to the Washington Township CFO and request the actual police department expenditures for the years 2010 and 2011 with a due date of March 16, 2012.

**COUNCIL REMARKS:**

Councilman Torres stated that the codebook committee is on the process of scheduling a meeting now that the new codebooks have been received.

Councilman Jewell reminded everyone that the Washington Fire Department is having a Comedy Show April 21, 2012 and tickets are available.

Hearing no further business motion made by Torres, seconded by Valentine to adjourn the meeting at 7:50 p.m.

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Deputy Mayor Patrick Boyle

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Kristine Blanchard, RMC Borough Clerk