

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY**  
**WASHINGTON BOROUGH COUNCIL MINUTES – March 20, 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, McDonald, Higgins, Gleba  
Absent - 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.”

**CORRESPONDENCE:**

Louis Starita – Resignation from Shade Tree Commission

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

Ayes: 6, Nays: 0  
Motion Carried

Council thanked Mr. Starita for his years of service to the Shade Tree Commission.

**MINUTES:**

Mayor McDonald entertained a motion to approve the minutes of the February 21, 2012, Executive Session of February 21, 2012, and March 6, 2012 Council Meetings.

Motion made by Higgins, seconded by Valentine and approved.

Ayes: 6, Nays: 0  
Abstain: Gleba, McDonald, Higgins from March 6 2012 minutes  
Motion Carried

## **AUDIENCE:**

Mayor McDonald opened up the audience portion of the meeting.

Rudy Bescherer – 191 Broad Street

Mr. Bescherer stated as a concerned citizen he has a few questions for the Mayor regarding the response sent to Mr. Feldman concerning the concerned citizens questions about the hiring process of the new Borough Manager. Mr. Bescherer stated that the letter informs them a citizen can not be a member of the search committee due to the law not allowing citizens to be a member of the committee due to confidentially reasons. Mr. Bescherer asked what statute is that found in. Mayor McDonald stated that the information came from the Municipal Attorney and he would need to confirm statute numbers with her. Mr. Bescherer stated that the letter also states that the process was developed by a citizen with Human Resource experience. Mayor McDonald explained that this person was only involved in developing the process not in the interviewing process.

Attorney Kopen stated that the statute has to do with the Open Public Records Act and privacy under the Open Public Meetings Act. There are responsibilities and statutory duties incumbent upon the Borough Council that are in effect once an oath of office is taken. Citizens are not under that same statutory umbrella.

Mr. Bescherer stated he was confused due to the fact that this time a citizen is not allowed to be involved and last time a citizen was involved in the process. Attorney Kopen stated that being involved in the process is a broad term and she can not comment on how that relates to the statute without knowing the specifics of the situation.

John Mahoney 111 Taft Terrace

Mr. Mahoney explained to Council that water from a curb drain in front of his property discharges water onto Taft Terrace and creates icing conditions in the winter and standing water conditions in the summer. Mr. Mahoney explained that his neighbor at 113 Taft Terrace has the same problem with a curb drain. He stated that these drains were in existence when he purchased the home and he believes that the curb drain was installed at the time of the subdivision construction. He also explained to Council that the standing water issue in the road only occurred in recent years after a portion of Taft Terrace was paved by DPW that created a high point in the road before the nearest catch basin. He stated that as a result the water from the curb drain does not reach the catch basin anymore.

Mr. Mahoney asked for Council to consider directing the Borough Engineer to review the situation on Taft Terrace to see if anything can be done about the standing water that has been going on for years, in his opinion, due to the paving of Taft Terrace by DPW.

A motion was made by Councilman Higgins, seconded by Council man Jewell to direct the Borough Engineer to review the situation at Taft Terrace and report to Council with a copy to the homeowners at 111 and 113 Taft Terrace.

Yes: 6, Nays: 0

Motion Carried

Alex Bocko – 102 West Washington Avenue

Mr. Bocko explained to the Governing Body that his building at 102 West Washington Avenue has had a vacancy on one side for awhile now. He is a senior citizen and is having a hard time paying for two sewer charges every month when one side of the building is not being utilized. Mayor McDonald explained to Mr. Bocko that if he can provide one year of water bills showing the usage we may be able to reduce the charge to one EDU.

Susan Sloan 89 Grand Avenue

Mrs. Sloan stated that she is not happy with the fact that the Borough is paying 2 million dollars a year for police services and this Council is not able receive important information that relates to the budget. She stated it may be time to re-evaluate the contract so that we are partners with the Township.

Councilman Higgins stated that we need to introduce the budget tonight with the numbers that they have given us. We can amend the budget later if needed, however maybe we need to contact the DCA for their assistance. The DCA was a big player in this merger.

Mayor McDonald stated that he has spoken with Mayor in the Township and he will be fair with us. Councilman Torres stated that the numbers should have been delivered to the Borough on time and now there will be a delay until April 3. This is a quarter of our budget.

Attorney Kopen noted that the contract can be terminated with one years notice and any disputes must be settled by mediation rather than litigation. After discussion it was determined by Council to request the actual expenditures for the Washington Township Police Budget be provided by April 3, 2012. If not received by April 3, the Borough will need to seek help through the DCA or a mediator.

Mrs. Sloan stated that she would also like to see more information on the monthly police activity reports provided to the Borough. She stated that it would be nice to know how many overnight parking tickets were written etc. Councilwoman Gleba motioned to request from the Washington Township Police Chief more information on the activity reports and to place the monthly activity reports on the Borough website so the public may see the statistics as well, seconded by Councilman Jewell. – Ayes: 6, Nays: 0. Motion Carried

A motion was made by Higgins to close the audience portion of the meeting, seconded by Jewell.

Ayes: 6, Nays: 0  
Motion Carried

### **COUNCIL APPEARANCE:**

Ray Rice – Jade Acquisition

Mr. Rice explained to Council that since his last appearance before them he has closed on the old PNC Bank property on Washington Avenue. He has almost reached an agreement with the former St. Cloud Hotel site as well. Mr. Rice stated that as of right now he plans on moving forward with the COAH obligation on the Washington Square site. Mr. Rice would like to inquire about the municipal parking lot on Lincoln Ave. He asked if the Borough had ever created a redevelopment council. Mayor McDonald stated no. Mr. Rice asked if it would be the Borough's intention to hear his application as a land use application or a redevelopment application since the property is in the redevelopment area downtown. Mr. Rice stated that he is interested in acquiring the Lincoln Avenue parking lot behind the old Krausers.

Councilman Higgins asked what the difference is between hearing the application as a land use application or a redevelopment application. Mr. Rice explained that the redevelopment council would have more powers than a land use board.

Mr. Rice stated that since there is no redevelopment council he would like to inquire about purchasing the Krausers lot or entering into a long term lease agreement.

After some discussion, a motion was made by Councilman Higgins to have the Tax Assessor and Borough Engineer review the municipal parking lot on South Lincoln Avenue and have some information for Council by the April 17 meeting, seconded by Councilman Jewell. Ayes: 6, Nays 0. Motion Carried.

Councilman Torres noted that he is in favor of reviewing the possibility of development council. Mayor McDonald asked Councilman Torres to review the redevelopment council ordinances and put together a proposal for Council on redevelopment councils.

### **ORDINANCES:**

None

### **REPORTS:**

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

1. Managers Report
2. DPW Report
3. Tax Collector Report Jan. and Feb. 2012

Ayes: 6, Nays: 0  
Motion Carried

### **COMMITTEE REPORTS:**

#### Manager Search Sub Committee

Councilman Valentine reported that telephone interviews have been taking place over the last two weeks. The committee continues to receive resumes until March 31, 2012.

### **INTRODUCTION OF 2012 MUNICIPAL BUDGET**

Resolution 57-2012 Introduction of 2012 Municipal Budget was moved on a motion made by Higgins, seconded by Torres and introduced.

Councilman Higgins noted that he does want the information from Washington Township regarding the actual police expenditures.

The CFO explained to the Governing Body and the audience members that there will be no increase in municipal taxes for 2012. Any suggestions from Councilman Jewell and Councilman Torres can be emailed to the CFO and can be discussed at the public hearing on April 17.

**RESOLUTION #57-2012**  
**APPROVAL OF MUNICIPAL BUDGET**  
**OF THE BOROUGH OF WASHINGTON,**  
**WARREN COUNTY, NEW JERSEY.**

**BE IT RESOLVED**, that the statements and revenues and appropriations shall constitute the Municipal Budget for the year 2012 in the amount of \$7,202,795.56 Current Fund and \$2,748,227.30 Sewer.

**BE IT RESOLVED**, that said Budget will be published in the Star Gazette in the Issue of April 5, 2012 and a Public Hearing will be held April 17, 2012. The governing body of the BOROUGH OF WASHINGTON does hereby introduce the Budget for the year 2012.

Public Hearing of the Municipal Budget is scheduled for April 17, 2012.

**NEW BUSINESS:**

**Washington Women's Club Bingo and Raffle Application**

The Washington Women's Club Bingo and Raffle Application was approved on a motion made by Higgins, seconded by Jewell and adopted.

Ayes: 6, Nays: 0  
Motion Carried.

Resolution 58-2012 Inter-local Agreement with Pollution Control and Financing Authority of Warren County for Bulk Waste Disposal

**Resolution 58-2012 was moved on a motion made by Valentine, seconded by Jewell and adopted.**

Ayes: 5, Nays: 1 (Higgins)  
Motion Carried

**RESOLUTION 58-2012**  
**OF THE MAYOR AND COUNCIL OF THE BOROUGH OF**  
**WASHINGTON, WARREN COUNTY, TO ENTER INTO AN**  
**INTERLOCAL AGREEMENT WITH POLLUTION**  
**CONTROL FINANCING AUTHORITY OF WARREN**  
**COUNTY**

WHEREAS, the Borough has participated in an inter-local agreement with the Pollution Control Financing Authority of Warren County, the "Authority" to dispose of the Borough's bulky waste; and

WHEREAS, the Authority has offer to renew the Agreement for the year 2012 at a rate of \$71.00/ton; and

WHEREAS, the Borough finds that it is in its best interest to renew the Agreement for another year; 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 that the Mayor and Clerk are hereby authorized and directed to execute the Inter-local Agreement between the Borough and the Pollution Control Financing Authority of Warren County for the year 2012 for an amount not to exceed \$71.00/ton.

**Resolution 59-2012 Refund of Overpayment on 2011 Prior Year Taxes**

Resolution 59-2012 was moved on a motion made by Higgins, seconded by Valentine and adopted.

Ayes: 6, Nays: 0  
Motion Carried

**RESOLUTION # 59-2012**

**A RESOLUTION TO REFUND OVERPAYMENT**

**ON 2011 PRIOR YEAR REAL ESTATE TAXES**

**WHEREAS**, according to the Tax Collector's records, there is an overpayment of \$2,844.02 on 2011 4th Quarter Regular Taxes paid on property located at 167 Belvidere Avenue, also known as Block 20.03 Lot 5, and in the name of Pennisi, Darryl M; and

**WHEREAS**, Wells Fargo Real Estate Tax Service, LLC and homeowner both paid the taxes; and

**WHEREAS**, the Tax Collector has been resolving the matter of tax overpayments and has received a request from Wells Fargo requesting the overpayment be refunded to them.

**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 amount of \$2,844.02 payable to:

Wells Fargo Real Estate Tax Service, LLC  
PO Box 14506  
Des Moines, IA 50306-9395

**Taxes Resolution 60-2012 Refund of Overpayment on 2012**

Resolution 60-2012 was moved on a motion made by Higgins, seconded by Valentine and adopted.

Ayes: 6, Nays: 0  
Motion Carried

**RESOLUTION # 60-2012**

**A RESOLUTION TO REFUND OVERPAYMENT**

**ON 2012 CURRENT YEAR REAL ESTATE TAXES**

**WHEREAS**, according to the Tax Collector's records, there is an overpayment of \$1,008.72 on 2012 1<sup>st</sup> Quarter Regular Taxes paid on property located at 11 Vannatta Street, also known as

Block 81.01 Lot 4, and in the name of France, Edward S; and

**WHEREAS**, Saxon Mortgage paid 1R12 taxes twice on this property for the same property owner; and

**WHEREAS**, the Tax Collector has received a written request from Saxon Mortgage requesting that the tax overpayment be refunded.

**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 amount of \$1,008.72 payable to:

Saxon Mortgage c/o CoreLogic  
1 Corelogic Drive  
Westlake, TX 76262

**Resolution 61-2012 Temporary Appropriations Current Fund**

Resolution 61-2012 was moved on a motion made by Higgins, seconded by Jewell and adopted.

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

Ayes: 6, Nays: 0  
Motion Carried

**RESOLUTION 61-2012**

**A RESOLUTION PROVIDING FOR EMERGENCY TEMPORARY  
APPROPRIATIONS FOR CURRENT FUND**

**WHEREAS**, there will be an additional delay in the adoption of the 2012 Borough of Washington, County of Warren, New Jersey, Local Municipal Budget; and

**WHEREAS**, a temporary budget in the amount of 26.25% of the total appropriations in the 2011 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance was adopted in January 2012; and

**WHEREAS**, if additional funds are not budgeted the public welfare will be adversely affected; and

**WHEREAS**, it is the recommendation of the Chief Financial Officer this emergency temporary appropriation be authorized

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Washington, County of Warren, New Jersey, that in accordance with N.J.S.A. 40A:4-20, an



emergency temporary appropriation be and same is hereby made for in the amount of \$1,432,122.37 and that said emergency temporary appropriation shall be provided in full in the 2012 budget.

|                           |            |
|---------------------------|------------|
| GENERAL ADMIN SW          | 27,469.75  |
| GENERAL ADMIN OE          | 7,414.75   |
| MAYOR & COUNCIL Part Time | 3,625.00   |
| MAYOR & COUNCIL OE        | 1,766.25   |
| CLERK SW                  | 19,093.25  |
| CLERK OE                  | 3,412.50   |
| FINANCIAL ADMIN SW        | 23,667.00  |
| FINANCIAL ADMIN OE        | 3,801.25   |
| AUDIT SERVICES            | 6,495.00   |
| TAX COLLECTION SW         | 20,355.75  |
| TAX COLLECTION OE         | 1,467.50   |
| TAX ASSESSMENT SW         | 9,222.13   |
| TAX ASSESSMENT OE         | 5,737.50   |
| LEGAL OE                  | 17,250.00  |
| ENGINEERING               | 12,500.00  |
| DOWNTOWN REDEV OE         | -          |
| PLANNING BOARD Part Time  | 931.90     |
| PLANNING BOARD OE         | 2,534.33   |
| BOARD OF ADJ Part Time    | 967.50     |
| BOARD OF ADJ OE           | 1,390.84   |
| LOCAL CODE ENF SW         | 6,030.00   |
| LOCAL CODE ENF OE         | 468.75     |
| P.E.O.S.H.A               | -          |
| LIABILITY INSURANCE       | -          |
| WORKER'S COMP             | -          |
| GROUP HEALTH INSURANCE    | 63,750.00  |
| UNEMPLOYMENT INSURANCE    | -          |
| POLICE DEPT SW            | -          |
| POLICE DEPT OE            | 557,347.99 |
| EMERGENCY MGMT Part Time  | 753.75     |
| EMERGENCY MGMT OE         | 250.00     |
| FIRE DEPT OE              | 8,400.00   |
| AID TO VOL AMBULANCE OE   | -          |
| FIRE & SAFETY CODE ENF SW | 4,930.38   |
| FIRE & SAFETY CODE ENF OE | 1,150.00   |
| FIRE HYDRANTS             | 17,250.00  |
| MUNICIPAL PROSECUTOR      | -          |
| STREETS & ROADS SW        | 94,208.25  |

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| STREETS & ROADS OE                      | 32,249.50  |
| SOLID WASTE COLLECTION                  | 66,250.00  |
| BUILDINGS & GROUNDS SW                  | 3,020.81   |
| BUILDINGS & GROUNDS OE                  | 7,548.75   |
| SHADE TREE COMMISSION SW                | 233.50     |
| SHADE TREE COMMISSION OE                | 4,371.25   |
| ANIMAL CONTROL Part Time                | 2,514.49   |
| ANIMAL CONTROL Miscellaneous            | -          |
| RECREATION SW                           | -          |
| RECREATION SW - Part-Time               | 10,334.50  |
| RECREATION OE                           | 2,000.00   |
| MUNICIPAL LIBRARY SW                    | 20,000.00  |
| MUNICIPAL LIBRARY OE                    | 48,165.75  |
| CELEBRATION OF PUBLIC EVENTS            | -          |
| ELECTRICITY                             | 14,750.00  |
| TRAFFIC LIGHTS OE                       | 20,375.00  |
| TRAFFIC LIGHTS Street Lighting          | 500.00     |
| TRAFFIC LIGHTS Traffic Lights           | -          |
| TRAFFIC LIGHTS Traffic Light Repair     | -          |
| TELEPHONE                               | 7,500.00   |
| WATER                                   | 3,750.00   |
| NATURAL GAS                             | 8,750.00   |
| HEATING OIL                             | -          |
| SEWAGE DISPOSAL                         | -          |
| GASOLINE & DIESEL                       | 3,250.00   |
| SOLID WASTE DISPOSAL                    | 43,350.00  |
| CONTINGENT                              | -          |
| Refund of Tax Appeals                   | -          |
| PERS                                    | 142,903.00 |
| SOCIAL SECURITY                         | 22,130.01  |
| CONS. POLICE & FIRE PEN                 | -          |
| PFRS                                    | -          |
| DCRP                                    | 1,000.00   |
| RECYCLING TONNAGE GRANT                 | -          |
| Municipal Alliance - State Share (DEDR) | -          |
| Municipal Alliance - Local Share        | -          |
| Municipal Alliance - OE                 | -          |
| MUNICIPAL COURT SW                      | -          |
| MUNICIPAL COURT OE                      | 42,034.50  |
| PUBLIC DEFENDER - Legal Services        | 1,500.00   |
| CAPITAL IMPROVEMENT                     | -          |
| Deferred Charges to Future Taxation     | -          |
| BOND PRINCIPAL                          | -          |
| PAYMENT OF BAN & CAPITAL NOTES          | -          |

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| TAX ANTICIPATION NOTES - PRINCIPAL                                   | -                   |
| TAX ANTICIPATION NOTES - INTEREST                                    | -                   |
| INTEREST ON BONDS                                                    | -                   |
| INTEREST ON NOTES                                                    | -                   |
| GREEN TRUST LOAN PRIN & INTEREST                                     | -                   |
| EMERGENCY APPROPRIATION-FIRE TRUCK ORD EXPENDITURE W/O APPROPRIATION | -                   |
| Over Expenditures Appropriation Reserve                              | -                   |
| PY Operating Deficit                                                 | -                   |
| RESERVE FOR UNCOLLECTED TAXES                                        | -                   |
| <b>Total</b>                                                         | <b>1,432,122.37</b> |

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**Resolution 62-2012 Temporary Appropriations Sewer Fund**

Resolution 62-2012 was moved on a motion made by Higgins, seconded by Jewell and adopted.

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

Ayes: 6, Nays: 0  
Motion Carried

**RESOLUTION 62-2012**

**A RESOLUTION PROVIDING FOR EMERGENCY TEMPORARY APPROPRIATIONS FOR SEWER UTILITY**

**WHEREAS**, there will be an additional delay in the adoption of the 2012 Borough of Washington, County of Warren, New Jersey, Local Municipal Budget; and

**WHEREAS**, a temporary budget in the amount of 26.25% of the total appropriations in the 2011 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance was adopted in January 2012; and

**WHEREAS**, if additional funds are not budgeted the public welfare will be adversely affected; and

**WHEREAS**, it is the recommendation of the Chief Financial Officer this emergency temporary appropriation be authorized

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Washington, County of Warren, New Jersey, that in accordance with N.J.S.A. 40A:4-20, an emergency temporary appropriation be and same is hereby made for in the amount of \$470,246.45 and that said emergency temporary appropriation shall be provided in full in the 2012 budget.

|                     |            |                   |
|---------------------|------------|-------------------|
| SEWER OPERATING S&W | 30,000.00  |                   |
| SEWER OPERATING OE  | 249,833.75 |                   |
| SOCIAL SECURITY     | 2,295.00   |                   |
| INFRASTRUCTURE      |            |                   |
| TRUST PRINCIPAL     | 188,117.70 |                   |
| <b>Total</b>        |            | <b>470,246.45</b> |

**Resolution 63-2012 Release of Escrow – Priority Signs Inc**

Resolution 63-2012 was moved on a motion made by Higgins, seconded by Jewell and adopted.

Ayes: 6, Nays: 0  
Motion Carried

**RESOLUTION #63-2012**

**A RESOLUTION AUTHORIZING THE RELEASE OF FUNDS  
FROM THE PRIORITY SIGN, INC. ESCROW ACCOUNT  
HELD IN TRUST BY THE BOROUGH OF WASHINGTON**

WHEREAS, Debra Covey, Accounting Manager of Priority Sign, Inc., 837 Riverfront Drive, Suite 300, Sheboygan, WI 53081 has requested the return of the funds remaining in the developer's escrow account #7760883319; and

WHEREAS, Finelli Consulting Engineers, the Law Offices of Scholl, Whittlesley & Gruenberg, LLC, and Heyer, Gruel & Associates have advised that they have been paid in full and there are no outstanding invoices, it has been determined that the escrow account monies can be released.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey, that the Municipal Treasurer is hereby authorized to issue a check to Priority Sign, Inc. for the actual balance remaining in Acct. #7760883319.

**Resolution 64-2012 In Support of Assembly Resolution 133 Urging the Division of Rate Council to End Settlement Negotiations with NJ American Water**

Resolution 64-2012 was moved on a motion made by Higgins, seconded by Gleba and adopted.

Ayes: 6, Nays: 0  
Motion Carried

**RESOLUTION 64-2012**

**IN SUPPORT OF ASSEMBLY RESOLUTION 133**

**Urging the Division of Rate Counsel to end settlement negotiations with New Jersey-American Water and pursue a \$45.8 million rate decrease.**

**A RESOLUTION** urging the Division of Rate Control to cease settlement negotiations in a rate case regarding New Jersey-American Water Inc. and pursue a \$45.8 million rate decrease at Board of Public Utilities and office of Administrative Law rate hearings.

**WHEREAS**, The American Water Works Company, headquartered in Voorhees, New Jersey, is the largest investor-owned water and wastewater utility company in the United States; and

**WHEREAS**, New Jersey-American Water, the State subsidiary of American Water, is the largest water utility in New Jersey, serving 2.5 million people in 17 counties across 188 municipalities; and

**WHEREAS**, New Jersey-American Water filed a petition on July 29, 2011 with the Board of Public Utilities seeking a \$95.5 million rate increase or approximately 16.9% over current revenues of \$565 million; and

**WHEREAS**, Rate increases must be approved by the Board of Public Utilities following public hearings that include input from the Division of Rate Counsel whose primary mission is to protect and represent ratepayers; and

**WHEREAS**, New Jersey-American Water has already received four different rate increases of 9.56% in 2004, 12.46% in 2007, 15.19% in 2008, and 6.8% in 2010 for a total compound rate increase of 51%, and with the proposed increase, the total rate increase since 2004 would surpass 75%, despite already having among the highest rates in the State; and

**WHEREAS,** The Division of Rate Counsel retained expert witnesses to evaluate New Jersey-American Water's petition and found the petition to contain "unreliable" expense projections, "misleading" revenue calculations, \$6 million in incentive compensation for non-union employees in addition to annual salary increases of over three percent, \$5 million in overstated pension costs and benefits for "top executives," \$1.4 million in attorney and other fees to support the rate increases, as well as promotional marketing fees, public relations expenses, lobbying fees, and country club fees; and

**WHEREAS,** The same expert found that New Jersey-American Water should actually be ordered to reduce its current rate by \$45 million rather than obtain a \$95.5 million increase; and

**WHEREAS,** Despite the finding of its own experts, the Division of Rate Counsel, whose mission is to protect consumers and ratepayers, has entered into negotiations with New Jersey-American Water for a compromise rate increase; and

**WHEREAS,** This untenable position by the Division of Rate Counsel comes at a time when ratepayers and residents throughout New Jersey are facing unemployment and underemployment, plunging home values, mortgage foreclosure and other mounting debt, and seniors on fixed incomes are struggling to maintain their homes and health; now, therefore,

**NOW, THEREFOR, BE IT RESOLVED:**

1. The Division of Rate Counsel in, but not of, the Department of Treasury, is urged to immediately cease negotiations with New Jersey-American Water on a settlement in the matter of BPU Docket No. WR11070460 and OAL Docket No. PUC09799-2011N and instead demand that New Jersey-American Water ratepayers receive a rate decrease of \$45 million as recommended by the Division of Rate Counsel's own experts.

2. The Division of Rate Counsel is urged to pursue a rate decrease of \$45 million before the Board of Public Utilities and the Office of Administrative Law by defending and litigating to conclusion the pending rate case petitioned for by New Jersey-American Water in BPU Docket No. WR11070460 and OAL Docket No. PUC09799-2011N.

3. A duly authenticated copy of this resolution signed by the Borough Clerk of

the Borough of Washington shall be transmitted to the Division of Rate Counsel and to Assemblyman Scott Rudder (District 8), and to our Local State Legislators, Senator Michael J. Doherty, Assemblyman John DiMaio and Assemblyman Erik Peterson.

**Resolution 65-2012 Tax Sale Certificate Redemption**

Resolution 65-2012 was moved on a motion made by Higgins, seconded by Jewell and adopted.

Ayes: 6, Nays: 0  
Motion Carried

**RESOLUTION #65-2012**

**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 Zhaou Yu, 42 Huntington Rd, Basking Ridge, NJ 07920, in the amount of \$183.97 for taxes or other municipal liens assessed for the year 2010 in the name of Deutsche Bank Nat Tr Co, As Trustee, as supposed owners, and in said assessment and sale were described as 61 W Stewart St, Block 12.01 Lot 2, which sale was evidenced by Certificate #11-00002; and

**WHEREAS**, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 2-17-12 and before the right to redeem was cut off, as provided by law, QBE First, claiming to have an interest in said lands, did redeem said lands claimed by Zhaou Yu by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$237.43, which is the amount necessary to redeem Tax Sale Certificate #11-00002.

**NOW THEREFORE BE IT RESOLVED**, on this 20th day of March, 2012 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Zhaou Yu, , NJ 08865 in the **amount of \$237.43**.

**BE IT FURTHER RESOLVED**, that the Tax Collector is authorized to cancel this lien on Block 12.01 Lot 2 from the tax office records.

Resolution 66-2012 Awarding the Bid for the Beethoven Avenue Roadway and Drainage Improvement Project was tabled in order to obtain a not to exceed amount from the Borough Engineer on contract oversight.

**Resolution 67-2012 Appointment to Shade Tree Commission – Gary Pohorely**

Resolution 67-2012 was made on a motion made by Valentine, seconded by Gleba and

adopted.

Ayes: 6, Nays: 0  
Motion Carried

**RESOLUTION # 67-2012**

**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.

**Gary Pohorley**

**VOUCHERS**

Mayor McDonald entertained a motion to approve the vouchers and claims in the amount of \$322,859.42.

Motion made by Valentine, seconded by Torres and approved.

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

Ayes: 6, Nays: 0  
Abstain: 3 Jewell (EMS and Fire Department)  
Higgins (EMS, Fire Department)  
Gleba (Finelli Consulting)  
Motion Carried

**RECAP**

The Acting Manager stated she would reach out to the Borough Engineer to review the drainage issues at 111 and 113 Flower Avenue. She will reach out to the Chief of Police to inquire about having more information placed on the monthly police reports. The Police Activity Reports will



be placed on the website. She will also reach out to the Washington Township CFO about having the actual expenditures from 2011 presented to Council on April 3, 2012. She will reach out to the Borough Engineer and Assessor regarding information on the South Lincoln Avenue Municipal Parking lot. A not to exceed amount will be obtained from the Engineer regarding the Beethoven Avenue Road Re-Construction and provided for the next Council meeting. The Acting Manager will reach out to NJ DOT regarding the road construction on Rt. 31.

**COUNCIL REMARKS:**

Councilman Jewell thanked Mr. Starita for his service to the Shade Tree. He reminded everyone about the fundraiser for the Washington Fire Department on April 21. He also asked if there is a way to recoup the costs associated our OEM and DPW departments being called out to deal with the oil spill on Broad Street. Acting Manager Blanchard will see what the costs are. It may be that they could be submitted to the homeowner's insurance company.

Councilman Higgins asked the CFO if there is a way to review the reserve capacity impact of BASF leaving the Borough in 2012 and the impact it will have on the sewer budget. He also asked the Acting Manager could find out the status of the road construction on Rt. 31. He also reminded everyone about the Easter Egg hunt coming up on March 30.

Councilman Torres thanked the CFO, Acting Manager, and the entire Council for putting this budget together.

Councilwoman Gleba asked the CFO about moving the tax sale to earlier in the year. The CFO stated that just because you move the tax sale does not mean you can anticipate more revenue. What you are losing by doing that is the 18 % interest. She noted that there is no increase in the municipal taxes however; we do not know what the impact of the county or school taxes are. Councilwoman Gleba asked what the expectations are for the Codebook Committee. She stated the committee is becoming something she did not intend for it to be. She noted that the committee is sometimes not in agreement when reviewing the Ordinances. Does Council want the committee to present items they are not in agreement with? The Governing Body suggested presenting all the information to Council with the vote of the Committee. That way the Governing Body can see all the suggestions.

Mayor McDonald thanked the previous Manager, Rich Phelan for his work on the municipal budget as well as the Auditor. He stated he has started the Mayors book club this year. Investors Savings Bank has come on board to donate \$1000.00 to the schools for the book club. He stated he will also be writing an article for the League of Municipalities Magazine concerning the book club.

Hearing no further business motion made by Torres, seconded by Valentine to adjourn the meeting at 8:50 p.m.

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Mayor Scott McDonald

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Kristine Blanchard, RMC Borough Clerk

