

**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 AWARDING 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 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: _____ 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