

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – May 1, 2012**

The Regular Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 6:30 P.M.

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

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.”

EXECUTIVE SESSION:

Motion made by Torres seconded by Gleba to enter Executive Session for the purpose of contract negotiations – Trust for Public Land.

84-2012

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: _____ Trust for Public Land _____. 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 entered Regular Session at 7:00 p.m.

PROCLAMATION:

Mayor McDonald read the following proclamation in honor of Older Americans Month.

PROCLAMATION
Borough of Washington

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

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

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

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

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

COORESPONDENCE:

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

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

Ayes: 5, Nays: 0
Motion Carried

MINUTES:

Motion made by Higgins, seconded by Valentine to approve the minutes of April 3, 2012 and April 17, 2012 and the Executive Session minutes of April 3, 2012 and April 17, 2012.

Ayes: 5, Nays: 0
Motion Carried

COUNCIL APPEARANCE:

Schneider and Co. Forensic Auditor

Warren Schneider presented the forensic account investigation he conducted to years 2006, 2007, 2008, 2009, and 2010 to the Governing Body.

Mr. Schneider began by giving some background information on the project. He stated that the firm analyzed certain accounting records of the Borough. They obtained all of the semi monthly bill lists for the period of January 1, 2006 through December 31, 2010. Mr. Schneider noted that in May of 2008 the Borough changed financial software vendors. He stated they were told only account balances were brought over into the new system and that no electronic back up of the detailed financial data was maintained. Even if it were kept the Borough has no working copy of the old financial software. He noted that in addition only sporadic hard copies of certain ledger prior to May 2008 were kept.

Mr. Schneider stated that in order for his firm to accomplish the investigation they had to manually input the bill lists from January 2006 through May of 2008. They were then able to reconcile the total amount of disbursements.

Mr. Schneider also pointed out that the Borough changed its chart of accounts in May 2008; it is possible that the certain transactions would have been summarized in different accounts.

Mr. Schneider stated that his firm has summarized \$150,226.71 of disbursements by account code and then listed them by descending dollar value.

At this time, Mr. Schneider explained his observations and findings. He noted the first item as the DPW – Garage. The amounts allocated to the project totaled \$2,970,000 from 2000 through 2007. He noted that in 2007 the bid specs called for \$75,000 in additional design fees after \$1,300,000 were expended from Ordinances in 2000 and 2005 in soft costs and design fees. He stated that it is not clear whether the 1.3 million expended in those ordinances had any value. The total amount spent on the garage over the course of seven years was \$2,970,000 of which only \$1,570,935 were actual hard costs associated with the garage.

Downtown Streetscape

Mr. Schneider noted that a total of \$2,273,265 were allocated to the downtown streetscape project. He noted that in the late stages of the project \$403,750 had to be funded by long term debt and it appears that the project might have been better planned and budgeted so that all of the late stage costs could have been absorbed in the Federal and State grants the Borough was receiving to fund the project.

Interfund Transfers

Mr. Schneider noted the practice of interfund transfers to maintain cash liquidity between certain operating and capital funds is not within good fiscal policy and shows the Borough may not have had an adequate understanding of the timing of its cash needs in certain operating and capital funds.

Borough Park Pool Improvements

Mr. Schneider noted the Recreation Commission and the Borough bonded \$713,200 for Borough park and pool improvements. Mr. Schneider noted a change order was approved by Council in February 6, 2008 to include lifeguard stands and starter blocks. He noted it appears that the contractor may have begun work on the stands and starter blocks on January 24, 2008. It is Mr. Schneider's opinion that the contractor took a risk of non payment by beginning work prior to a formal approval.

Fire Truck Purchases.

Mr. Schneider stated the Borough appropriated \$400,000 to purchase a pumper truck in 2006. Three bids were received with the lowest being Rosenbauer. The Borough then determined the lowest bidder had numerous issues of non compliance with the bid procedure. The Borough awarded the bid to Pierce Manufacturing. Rosenbauer then communicated to the Borough that the specifications published by the Borough Fire Chief were proprietary to Pierce Manufacturing.

The Borough also purchased a new Aerial truck in late 2008. When bids were received the Borough's \$875,000 appropriation was insufficient to accept the \$891,000 bid from Pierce Manufacturing. The Borough adopted a resolution on December 31, 2008 to supplement the shortfall. Mr. Schneider noted that a reasonable person could argue; 1. only one bid was received, bidders were given only 12 days for bid responses, and the time pressure to execute a contract was only 8 days including Christmas.

Mr. Schneider noted he would like to thank the Borough employees for their cooperation.

Mayor McDonald asked Mr. Schneider if he suspected any criminal activity. Mr. Schneider stated there is no mention of criminal activity in his report.

Councilman Torres stated this report does not contain any mention of the items on the revenue side. There is no mention of revenue compared to expenditures. He asked if there was a physical inventory of equipment. Mr. Schneider stated that he asked for a physical inventory and he was told there was none. He asked if prior managers were consulted during the audit. Mr. Schneider noted that Mr. Phelan was the only manager he consulted with. Mr. Torres asked if there was a reconciliation of bank accounts. It is quite possible there is money sitting in an old account. Mr. Schneider stated that some of those things were his call. Mr. Torres asked how many people in interviewed. Mr. Schneider stated that his report speaks for itself.

Councilman Higgins noted that the Borough expended 150 million over five years. According to the municipal audit the Borough only spent roughly 20 million per year. The Borough could have only spent 1 million over five years. Mr. Schneider noted that some disbursements could have been counted more than once. For example; the Borough paid Recreation then Recreation Commission paid vendors. The Borough funded other funds. Mr. Higgins asked if the sewer accounts were included in the interfund reconciliation. Mr. Schneider stated yes he did. Mr. Higgins asked if there was anything illegal about the Borough's bidding practices. Mr. Schneider stated he is not a lawyer. Mr. Higgins asked why there is no value in the original 1.3 million allocated for the garage. Mr. Schneider noted that the Borough started over with design plans. Therefore there was no value; there was inadequate design by the previous engineer as noted in the report as a quote from Suburban Engineering. Mr. Higgins asked other than staff how many individuals were interviewed and was any current sitting council member interviewed. Mr. Schneider stated no.

Councilwoman Gleba asked if the Borough was over or under the 2.9 million expended on the garage. Mr. Schneider stated that at the end of the day it is our feeling that the 1.3 million dollars had no value; only 53% of the total amount was spent on hard costs of the building project. Mrs. Gleba asked for explanation of exhibits 17 and 20. Mr. Schneider explained that you need to add those two exhibits take the five columns on 17 and two on 20. Mrs. Gleba will look at those numbers. Mrs. Gleba asked if we canceled the rest of the money that was appropriated for the aerial truck. Mr. Schneider stated that he does not know if it was canceled. It would have had to have been expended for them to pick this up. Mrs. Gleba asked for any recommendations for the Borough? Mr. Schneider stated that this was his report. Mr. Schneider noted that they looked at every single area and this is what rose to the top. Mrs. Gleba asked if we will get copies of the data that was compiled. Mr. Schneider stated it is not in a readable data form. Mayor McDonald noted that questions could be forwarded to the CFO and Manager and they will do their best to investigate.

Mayor McDonald thanked Mr. Schneider for his report and noted that Mr. Schneider will not take questions from the public right now.

Motion made by Higgins, seconded by Torres to take a five minutes recess.

Ayes: 5, Nays: 0
Motion Carried

Council reconvened with everyone present.

Mayor McDonald opened the audience portion of the meeting.

Rudy Bescherer Broad Street

Mr. Bescherer asked why the people, the residents, permitted to ask questions. He stated the contract states that he will interview employees, vendors, and volunteers. He was contacted by a number of volunteers and citizens and he did not get back to anyone. Mr. Bescherer asked if the auditor met with the DPW Supervisor regarding the DPW dump truck or the Fire Chief regarding the two fire trucks. Mr. Bescherer noted that he did not look at revenue. He only looked at disbursements. That is of no value. He asked if he had been paid his full amount. Borough Manager Blanchard stated no. Mr. Bescherer requested the Council not pay this auditor until the residents get answers.

Elaine Geschardt 105 Harding Drive

Ms. Geschardt stated that this is a disgrace and she hoped the Mayor does not get re-elected.

Penny Shaw 22 School Street

Ms. Shaw asked if the Mayor's vote is equal to the rest of Council. Mr. Higgins stated yes. Ms. Shaw asked how the Mayor could justify letting the auditor leave without asking questions. She asked how Council could stand for this. Ms. Shaw stated the Mayor told Mr. Schneider that he did not have to answer questions. Mayor McDonald stated that Mr. Schneider earlier that he was not comfortable answering questions. The Mayor stated that as the facilitator of the meeting he did not feel allow the public to ask questions.

Mrs. Sloan Grand Avenue

Mrs. Sloan stated that she was pleased with the audit. He categorically did not find fraud. The man spent countless hours proving that our town is not fraudulent. He did say that we were improving. She stated it's in the report line by line and we as citizens should look through the report.

Rudy Bescherer Broad Street

Mr. Bescherer stated that he requests the audit report be available to the public and that Mr. Schneider be asked to attend a Council meeting in June. He also requested that Mr. Schneider not receive payment until he attend an upcoming Council meeting.

ORDINANCES:

3-2012 Refunding Bond Ordinance Providing for the Refunding of Certain General Obligation Bonds of the Borough of Washington, Appropriating \$850,000 and Authorizing the Issuance of \$850,000 Bonds of Notes of the Borough for Financing the Cost Thereof (Public Hearing/Adoption)

Mayor McDonald entertained a motion to introduce Ordinance #3-2012 on final adoption and have the clerk read by title.

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

Ayes: 5, Nays: 0
Motion Carried

The Clerk read Ordinance #3-2012 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 explaining that by adopting this ordinance it allows the Borough to refinance debt saving money and interest on debt payments.

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

Ayes: 5, Nays: 0
Motion Carried

Motion made by Valentine, seconded by Torres to adopt Ordinance 3-2012 on final passage.

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

Ayes: 5, Nays: 0
Motion Carried

REPORTS:

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

1. Borough Managers Report
2. Municipal Court Report
3. Police Activity Report January, February, March 2012

Ayes: 5, Nays: 0
Motion Carried

COMMITTEE REPORTS:

None

OLD BUSINESS:

None

PUBLIC HEARING ESTABLISHING SEWER CONNECTION FEES

The new sewer connection fee for 2012 has been advertised as required by Borough of Washington Ordinance.

Hearing no public comments motion made by Gleba, seconded by Torres to close the public hearing.

Ayes: 5, Nays: 0
Motion Carried

RESOLUTION 83-2012 Approval of Sewer Connection Fee 2012

Motion made by Torres, seconded by Gleba to approve Resolution 83-2012.

Ayes: 5, Nays: 0
Motion Carried

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the sewer connection fee be increased to \$4,881.00.

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

NEW BUSINESS:

Resolution 81-2012 To Designate Plan Coordinator for ICMA- Retirement Corporation 457 Deferred Compo Plan for the Borough of Washington.

Motion made by Higgins, seconded by Gleba to approve Resolution 81-2012.

Ayes: 5, Nays: 0
Motion Carried

RESOLUTION #81-2012

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

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

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

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

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

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

Resolution 82-2012 Redemption of Tax Sale Certificate

Resolution 82-2012 was moved on a motion made by Torres, seconded by Valentine and adopted.

Ayes: 5, Nays: 0
Motion Carried

RESOLUTION #82-2012

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on December 15, 2011 to Arthur Frustaci, 1178 Fifth Avenue, Alpha, NJ 08865, in the amount of \$756.11 for taxes or other municipal liens assessed for the year 2010 in the name of Elmalhy, Amr & Genevieve, as supposed owners, and in said assessment and sale were described as 83 Lenape Trail, Block 101 Lot 15.49, which sale was evidenced by Certificate #11-00024; and

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

NOW THEREFORE BE IT RESOLVED, on this 1st day of May, 2012 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Arthur Frustaci, 1178 Fifth Avenue, Alpha, NJ 08865 in the **amount of \$7,482.78.**

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

Approval of Shared Service Agreement for Library Director Between the Borough of Washington and the Washington Borough Board of Education.

Motion made by Valentine, seconded by Gleba and adopted.

Ayes: 4, Nays: 1 (Higgins)

Motion Carried

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

THIS AGREEMENT, made this May 1 2012, between the **BOROUGH OF WASHINGTON,** a municipal corporation in the County of Warren, State of New Jersey, having its principal offices

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

WITNESSETH

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

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

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

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

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

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

SERVICES TO BE PROVIDED

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

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

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

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

LOCATION OF AND DAYS OF OPERATION

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

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

PAYMENT BY THE BOROUGH FOR SERVICES

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

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

TERM OF AGREEMENT

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

EARLY TERMINATION

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

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

Resolution 85-2012 Authorizing the Contract for Audit of the Wastewater System Contract Operator

Resolution 85-2012 was moved on a motion made by Torres, seconded by Valentine and adopted.

Ayes: 4, Nays: 1 (Gleba)
Motion Carried

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

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

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

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

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

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

2-05-55-502-000-020

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

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

Resolution 86-2012 Appointing Clean Communities Coordinator

Resolution 86-2012 was moved on a motion made by Higgins, seconded by Valentine and adopted.

Ayes: 5, Nays: 0
Motion Carried

RESOLUTION 86-2012

RESOLUTION TO APPOINT KRISTINE BLANCHARD AS CLEAN COMMUNITIES COORDINATOR

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

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

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

Request for Clean Communities Grant Funding – Recreation Commission Recycling/Garbage Containers

Motion made by Higgins, seconded by Gleba to approve the Recreation Commissions request for Clean Communities funding in the amount of \$9,698.40 for the purchase of recycling and garbage containers for Borough parks.

Ayes: 4, Nays: 1 (Torres)
Motion Carried

VOUCHERS

Mayor McDonald entertained a motion to approve the vouchers and claims in the amount of \$1, 452,448 with the exception of the Washington Township tax bill

Motion made by Valentine, seconded by Gleba and approved.

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

Ayes: 5, Nays: 0

Abstain: Higgins – Fire Dept. Gleba - Finelli

RECAP

Council requested several items during the recap session of the meeting. The Manager will request that all departments make purchases off the co-ops that the Borough belongs to. She will look in to the laws surrounding the payment of taxes to other municipalities. She will make copies of the audit investigation for the public and place a digital copy on the website. She will discuss with the Municipal Attorney the contract with the forensic auditor and the possibility of a violation of the contract.

COUNCIL REMARKS:

Councilman Higgins noted that Mr. Schneider made a comment that the 1.3 million dollars spent on the garage initially had no value and he is upset by that comment. He would like to know if there was any value at all in the 1.3 million. Councilman Higgins also noted that Mr. Schneider commented there was a lot of friction with the Recreation and the fire trucks. He would like to know who he talked to. Councilman Higgins also stated he was disappointed with the fact the Mayor made a decision to not have Mr. Schneider speak with the public.

Councilwoman Gleba stated the JCP&L representative was able to secure a \$500 sponsorship for the car show sponsored by the BID. She asked the Mayor if he would ask the Recreation Commission to hold an event for the senior citizens of the Borough to celebrate older Americans months. She noted she was happy that there was no fraudulent activities reported in the forensic investigation. She asked what Council will do with the information. Mayor McDonald suggested everyone read the audit and bring recommendations to the next meeting. She also stated that she would like to see some of the clean communities money be used for graffiti abatement. The Borough Manager will reach out to the DPW Department for a cost estimate of graffiti abatement materials.

Councilman Torres stated he agrees with Councilman Higgins and Councilwoman Gleba's comments regarding the audit. He feels it is incomplete and is missing the revenue side.

Mayor McDonald stated some Warren Hills Students have a graduated drivers license program and are entering a contest to win a driving simulator. He encouraged everyone to like Warren Hills on Face Book to so they receive points in the contest.

Hearing no further business motion made by Torres, seconded by Valentine to adjourn the meeting at 9:45 p.m.

Mayor Scott McDonald

Kristine Blanchard, RMC Borough Clerk