

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY  
WASHINGTON BOROUGH COUNCIL MINUTES – June 19, 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, Torres, McDonald, Higgins, Boyle  
Absent: Jewell, Valentine

Also Present: Kristine Blanchard, Acting Manager/Borough Clerk  
Judy Kopen, Esq, Municipal Attorney

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.”

**COUNCIL APPEAREANCE:**

**Warren Schneider – Forensic Auditor  
Schneider & Company**

Mr. Schneider answered a series of questions formulated by citizens.

1. *Where did you get your CPA certificate?* Mr. Schneider answered that he completed his undergraduate degree at Rutgers University, completed his graduate degree at the Wharton School at the University of Pennsylvania. He explained that he passes each section of his CPA exam, and was certified in New York in 1976. He obtained his Reciprocity as a CPA in New Jersey in 1978. He has been a practicing CPA for 38 years.
2. *What qualifications did you have regarding Municipal Accounting procedures?* Mr. Schneider answered that he has performed similar forensic accounting engagement for the Township of Vernon,
3. *What’s the difference between a Forensic Audit and a Forensic Accounting Investigation? If there is a difference, who is responsible for making decisions to perform an investigation and not an audit?* Mr. Schneider explained that the American Institute of Certified Public Accountants allows CPA’s to do three types of engagements. The first is Tax, the second is Financial Statement Accounting which is where an entity prepares its own financial statement. There are three areas where a CPA can come in, the first is an Audit, the second is a

- Review, and the third is a Compilation. Mr. Schneider explained that the word 'audit' is married to an audit of financial statements. He explained that he was wary as to not misuse the word 'audit'. He explained that it was his professional standards to use 'Audit of Financial Statement'. He also explained that the third area allowed for CPA's is Consulting and Evaluation. He explained that the work he did for the Borough falls under this category. He read the rules of which he is bound by. He explained Forensic Accounting Services are non-attest services, which means non-audit, and is not to be confused with audit of Financial Statements. He explained that there are two types of Forensic Accounting Services, and that he performed the second type of service, which is investigative services. He explained that there was no such thing as a forensic audit, instead he performed a forensic investigation.
4. *Is your analysis solely opinion or solely factual or a mix?* Mr. Schneider explained that his company performed procedures and then described the observations from those procedures.
  5. *What forensic accounting methodology did you use noted on page 2 paragraph 7 as well as what analytical procedures?* Mr. Schneider explained that he follows where the money is, as well as documentation, bookkeeping and accounting which records transactions. The basic premise was to follow the cash.
  6. *Were you given any direction or scope in conducting your forensic audit, by who and when? Were you or anyone in your company directed by the Borough Manager, Mayor, Counsel, and/or Council Members as to who to interview for this investigation? Were you given either verbally or in writing a list of whom not to speak with about this investigation?* He explained that the answer was 'no' to all of the questions. He stated that he was not given any direction nor did he solicit any direction. He was not directed by the Borough Manager, Mayor, Counsel, Council members or anyone else. He also explained that he was not given a list in writing of whom he could not speak to.
  7. *How come you stated in your contract that you would interview citizens, employees, etc. and you barely interviewed anyone? What residents, volunteers and employees did you contact regarding the audit? Why didn't you return our phone calls?* Mr. Schneider explained that his mantra for this investigation was to 'follow the cash'. He explained that he was interested in finding out what the citizens action committee was about and their thinking. He explained he wanted to understand why there was an issue to the point where there was a referendum and a contract. He explained on the first day of the field procedures, he made an appointment to speak with who ever wanted to show up in Mr. Del Elba's office. He explained that two citizens attended this meeting and explained that he did receive calls from citizens, but he believed he had enough information.
  8. *Did you contact the prior borough managers or borough accounting employees to see if they retained the field mapping for the prior accounting system, and if not why not?* Mr. Schneider explained that he spoke to Rich Phelan when he was Borough Manager and Natascha Turken. He explained he believed they had a good grasp of what documentation was within the Boroughs files.

9. *Who did you send progress reports to and how many?* Mr. Schneider stated that his company prepared no progress reports.
10. *Why weren't the Boroughs revenues included in your audit?* He explained that each year the boroughs auditor reports on the revenues. He stated that it was in his professional judgment to spend time on areas that were more commonly abused.
11. *Is it not the fact that the borough failed to keep electronic records or complete hard copy records a troubling aspect that should have been more thoroughly investigated?* Mr. Schneider clarified that he believed his procedures were sufficient and his company recreated what the records would have said.
12. *You mentioned manual input approximately 500 man-hours for input, creating a database. Why is it that you cannot export this database into a rich text file or directly into excel so that it may be transferred into our accounting system? Why will you not even give us a hard copy of the transactions for our record? (page 2 5<sup>th</sup> paragraph, and comments made at a Council meeting)* Mr. Schneider explained that his company created the database for their own purposes and that it was never intended to be deliberal. He explained that his company was not hired to recreate the Boroughs records.
13. *Why not look at aggregate postings less than \$100,000, they would be less likely to be looked at and be more likely to be unlawful or illegal?* Mr. Schneider explained that his company did look at these postings, and that it could be found on Exhibit 35.
14. *Why is there not a corrective action list provided for items you found to be accounting related?* Mr. Schneider explained that in each area of commentary he gave the companies comments and that the report was self explanatory.
15. *Are there any frivolous or duplicate account codes in our system that need to be removed or combined in order to clean up and stream line our processes?* Mr. Schneider explained that it is the Accounting Departments responsibility to have a proper chart of accounts, and to his knowledge was being done on a current basis. He referred the question to the Boroughs CFO.
16. *On page 17, you make a disclaimer that the procedures used do not constitute an audit, review or compilation... then you state 'had we conducted an audit...' Did you not violate the specific of the citizen approved referendum which required a Forensic Audit?* Mr. Schneider clarified that the question misquotes the report. He also explains that there are no procedures for a forensic audit published by the AICPA. He clarifies that he performed a forensic investigation. Mr. Schneider had no comment on the referendum.
17. *Why do you get to decide how we "the Council" get to use the results of this audit? (Page 1 first paragraph "it is not to be used for any other purpose")* Mr. Schneider explained that is the language that normally restricts this type of forensic work to his client, to limit it to the party that employed him for the purpose of what the party employed him for. He explained that in this case, his client was a public entity and it was not restricted in any way.
18. *How come the letter you submitted on May 10, 2011 differs so greatly from Resolution 90-2011 which was passed by council on May 17, 2011 is as far of the*

- scope of work to be done?* Mr. Schneider explained that he had independently negotiated his contract with the Council and Mayor, from which they came up with a set of procedures.
19. *Are you aware that during the course of the audit that the Borough Manager ordered the destruction of documents? If so, why did you not stop this? If not, what are you going to do about it now—evidence of wrongful accounting or illegality may have been destroyed.* Mr. Schneider clarified that he was not aware of any documents that were destroyed, nor did he have any evidence of it now.
  20. *If there is no electronic history of the boroughs finances prior to May 2008, how many years of written records exist? You state there are sporadic hard copies, does this not constitute a violation of the Financial Control Laws that municipalities must operate under? Please specify what dates do you have electronic information from the borough database? Which dates you only have paper documents? And which dates you have no information?* Mr. Schneider clarified that the Boroughs electronic ledger system from January 2006 to May 2008 was not retained. From May 2008 until December 31, 2010, the electronic ledger system was correct and available. He explained that his company asked for invoices from January 2006 to December 31, 2010 and that only 2 or 3 minor invoices could not be found. He explained that his company was amazed and pleased that the Borough had an overwhelming percentage of invoices from 2006.
  21. *What inconsistencies in specific did you note in your “best efforts of the mapping”? (page 2 paragraph 6)* Mr. Schneider stated that his company found nothing that was overwhelmingly different. He explained that there was once in a while a different account code. He described minor instances where this happened.
  22. *Who did you speak to regarding the DPW Truck and Fire Truck purchases?* Mr. Schneider explained he spoke to Richard Phelan, previous Borough Manager and looked at a significant amount of invoices and documents.
  23. *Where did you get the numbers for the DPW’s Truck?* Mr. Schneider explained that his company examined the invoice documents for disbursement of \$109,905 which was included on the bill list of June 6, 2006.
  24. *Why did you waste so much time and money reviewing and commenting on the DPW garage and the Fire Truck when there had already been an extensive state audit? This was duplicitous at best, and a serious error of judgment on your part considering the available funds.* Mr. Schneider explained that his company was mandated to look at all the years between 2006 and 2010. He explained that the state auditor did not look at the years 2008-2010, and that there were more expenses spent in the two years after the state audit.
  25. *Do you feel that an investigation into the DPW garage related ordinances 15-2000 and 8-2005 would have given you a more accurate assessment as to the questionable engineering and other expenditures you noted during your presentation? If so, why did you not ask the Council at a Council meeting to expand your analysis in regards to the ordinance? Do you not feel that at least including the 2005 ordinance in your view would have given a much clearer representation of the events regarding the DPW garage especially engineering*

- you noted?* Mr. Schneider noted that his mandate was 2006-2010. He explained that his company saw the garage was started before 2006. He explained he did not feel it was appropriate at the time of the audit to go back to the council and ask to expand the audit.
26. *You noted on page 3 paragraph 4 expenditures dispersed in 196 payments which included ordinances 15-2000 and 8-2005, so it is concluded that you must have looked at the expenditures for those two ordinances. Is this correct? I'm referring to the word looked. By your statement in paragraph 5 you did not include the two noted ordinances in your analysis, so then why are both ordinances noted in your final product and in your statements on page 4. Were payments initiated for ordinances 15-2000 and 5-2005 starting 2006?* Mr. Schneider explained that his company started with the bill payments starting in 2006 and only to the extent that payments were made in 2006. He explained that the bill list was not within the scope.
27. *Why did you plagiarize what the state auditor stated regarding the Fire Truck and DPW Garage?* Mr. Schneider explained that he read the State Auditors report before beginning the investigation. He then stated that he did not look at the State Auditors report until after he read this question. He clarifies that his company performed an independent analysis of the records based on other 23,000 disbursements.
28. *It appears that as far as your report on the fire truck purchase and the DPW you basically provided the same information as the previous State Audits. Can you detail how your data and conclusions were any different than the state audit or Mr. Ferry's audit?* Mr. Schneider explained that the State Auditor stopped in 2008 while Mr. Schneider continued until 2010. Mr. Schneider clarified that for the fire trucks, the State Auditor only commented on the 2008 fire truck, while there were actually two separate transactions for the separate fire trucks.
29. *It is understood why you chose to look into the DPW garage, interfunfs and recreation for they are each points of concern in contention to the citizens who voted for this audit, noted numerous times during citizen meetings and at council meetings. How did you come to choose the downtown streetscape as an area of further analysis?* Mr. Schneider explained that his company noticed a significant amount of resources dedicated to the downtown streetscapes.
30. *Did you review the Rec. Commission/Committee's receipts and expenses? How come you did not report on the misuse of funds by the borough in the funding of Recreation Dept. activities which were all to be individually self funded with their own accounts? How come you did not report on the Boroughs misuse of the Recreation Trust Fund money prior to the abolition of the recreation Commission?* Mr. Schneider explained that his company reviewed the Recreation commissions 2006-2008 receipts. In regards to the analysis of the Commission/Committee's expenses, Mr. Schneider referred the question to Exhibit 17 and Exhibit 20.
31. *On Exhibit 20, why are there no breakdowns for 2006, 2007 and 2008? Are these documents lacking in the Borough archives? Did you not contact the members of*

- the commission to see if they had any documentation that they may be able to share for this audit? Mr. Schneider referred the question to Exhibit 17.
32. *You state that the recreation commission received over \$713,000 in past ordinances. Can you provide the detail to support this claim? That much money was never bonded for or allocated to the Recreation Commission.* Mr. Schneider explained that the person that submitted the question misinterpreted the report. He explained that on page 11 of the report, explains that it was ordinances for borough parks including the pool and not the recreation commission.
  33. *If the interfund transfers were in violation of state statute, why have you not referred them for prosecution? Surely you must know what the law is.* Mr. Schneider explained that his professional responsibility as a CPA is to report the issues that he finds, to the responsible parties of his client. As a CPA, he is mandated to keep confidential information confidential.
  34. *On page 7 second paragraph you noted regarding interfunfs "it appears that this practice was instituted prior to our overview" how can you confirm that this practice of transferring from interfunfs existed prior to 2006? Did you look into 2005's numbers to see if the practice was a continuation of prior procedure or newly implemented in 2006? Or did you assume that was the case?* Mr. Schneider explained that the 2006 financial statements include the ending numbers of 2005.
  35. *Whose responsibility is it to have knowledge of good fiscal policy and acceptable practices? I ask this because if it is the Manager's overview to do so then why did you not ask the Manager at the time the reasons for doing so? Through your audit findings could you find any reason other than cash liquidity for the need to institute such bad accounting practices? (Page 7 paragraph 6)* Mr. Schneider explained that he did not feel a need to speak to a prior Manager.
  36. *When you look at the end of funds from 2006 through the end of 2010, did you look at all the interfunfs or just those noted to have exceeded the \$100,000 cap you chose for your analysis? (page 7 paragraph 8)* Mr. Schneider explained that his company looked at 100% of the interfund balances from 2006-2010.
  37. *Exhibit 9 Borough utilities year-over-year 2006 through 2010 including totals. I find it questionable that the amounts of gasoline and diesel totaled decreased year after year while the cost of fuel increased year after year for the same time. For the years 2006 through 2008, how did this audit tally those sums?* Mr. Schneider explained that the questioner is incorrect in is interpretation of Exhibit 9. He explained that 2009-2010 the cost of gasoline goes down because the police shared services began during that period.
  38. *Why is it the liability insurance increased from 2008 to 2009 x 200% on exhibit 7?* Mr. Schneider explained that it increases because the 2009 number includes \$54,543 of workman's compensation, whereas in one exhibit it is listed separately under 'workman's comp' but in this exhibit it is included in the total.
  39. *What exactly is tax redemption on Exhibit 2 and why does it go from approximately 95k in 2007 and 2008 to double that in 2009 and than 10 times the amounts of 2007-2008 for 2010?* Mr. Schneider explained that account is when the Borough has a tax lien, and expels the tax lien to a third party, however when the homeowner decides to redeem the tax lien he/she must go to the borough and

pay the taxes therefore the borough does a pass-through disbursement to the owner of the tax claims. Mr. Schneider explained the reason this fluctuates from year to year is due to the amount of people in certain years that redeem their tax claims.

40. *On exhibit 22 clerks, clerk other expenses of 2008, why is there a markedly increase from approximately \$1500 in 2007 to over \$7000 in 2008?* Mr. Schneider explained that his company pulled the invoice and on March 18<sup>th</sup>, 2008 there was a \$6,305 disbursement for General Code; which is the annual Codebook update.
41. *Exhibit 9 how is it possible that sewage disposal notes zero dollars for 2009 and 2010?* Mr. Schneider explained that the reader was misquoting, there is actually an \$8,000 expense.

Mr. Schneider stated that he believes May 1<sup>st</sup> through today (June 19<sup>th</sup>), he more than fulfilled phase one of the terms of his contract. He explained that they are now in phase two which requires a continued engagement letter for his services and he is willing to negotiate a separate engagement letter. Mr. Schneider explained he was there as a professional courtesy, but his professional courtesy ends today. Mr. Schneider agreed to take the Mayors and Counsels verbal questions after he finished his presentation.

Councilwoman Gleba asked Mr. Schneider if the poor budgeting practices of the Borough were in violation of state statute. Mr. Schneider answered that it should be considered among council and Councils attorney. Councilwoman Gleba turned her question over to Ms. Kopen; who explained she could not answer that tonight without accounting expert advice in that regards. She explained that she is not criminal lawyer. Natasha Turchan, CFO, explained that in the audit reports the auditor writes that it is recommended, not a mandated that interfunds be eliminated.

Councilman Torres stated that he still had questions as to how Mr. Schneider got to the end product of the report. Councilman Torres asked where Mr. Schneider started his investigation. Mr. Schneider explained that it was his professional discretion within the contract to decide where to test on a transaction to transaction basis.

Councilman Higgins stated that he had several questions. He asked Mr. Schneider how he knew the starting block was a big issue for the Recreation Commission if he did not speak to anyone. Mr. Schneider explained that he could not tell where he heard it from because he could not remember who had told him about this issue. Councilman Higgins asked Mr. Schneider if the receipts and expenditures that were discussed regarding the Recreation Commission were donations the Borough gave. Mr. Schneider answered that they were. Councilman Higgins asked if they had spent any more money. Mr. Schneider answered yes, they had. Councilman Higgins asked where the money came from. Mr. Schneider explained that they were collecting user fees. Councilman Higgins discussed the general ledger from 2006-2008 that was non-existent, and questioned how to reconstruct it and create a balance in the general ledger if the Borough was missing documents. Mr. Schneider explained that the general ledger was reconciled

at the time. Mr. Schneider discussed that he took every check on every bill list and compiled the disbursements, sorted and analyzed them department by department. Councilman Higgins also discussed the 2-3 invoices that were missing, and asked Mr. Schneider if he noted what the invoices were for, and for how much. Mr. Schneider explained that he did not note them because they were not critical to the balances. Councilman Higgins then asked Mr. Schneider why, in his professional opinion, he did not look at revenues.

Councilman Torres asked if Mr. Schneider were to look at user fees and other sources of revenue, if he would have written a different report. Mr. Schneider answered that he would not have written a different report. Councilman Torres asked Mr. Schneider of all the revenues that came in during the five year period, what percentage did he look at. Mr. Schneider answered that he had not counted that.

Mayor McDonald thanked Mr. Schneider for answering these questions.

## **MINUTES:**

Regular Meeting May 15, 2012

Motion made by Gleba, seconded by Torres to approve the minutes of May 15, 2012.

Ayes: 5, Nays: 0  
Motion Carried

## **CORRESPONDENCE**

### 1. ACH Payments

Natasha Turchan, CFO, discussed the ACH system with Council.

Councilman Torres asked Ms. Turchan out of her experience, which did she feel was better, CitiNet or Edmunds. Ms. Turchan replied that she had never used Edmunds, but she has used CitiNet and it works well. Councilwoman Gleba asked if she found these programs help improve collection rates. Ms. Turchan explained that they do.

Councilwoman Gleba asked when the Borough would start this as it was not budgeted for this year. Ms. Turchan explained she would speak to CitiNet and see if something could be worked out for this year. Councilman Higgins asked if CitiNet would be willing to come in and give a presentation to the public. Ms. Turchan stated she would contact them.



Motion made by Higgins and seconded by Torres to invite CitiNet to make a presentation at the July 17<sup>th</sup> Council meeting.

Ayes: 5, Nays: 0  
Motion Carried

## 2. Bond Refunding

Ms. Turchan discussed the Refunding Bond Ordinance which consists of an outstanding note and rolling it along with the bonds to save additional money as part of issuing the bond. Otherwise, the Borough would have to pay for the refunding bond. She explained that any note that is outstanding can only be outstanding for 10 years 5 months and 1 day. She explained that after the Borough pays this years small principle, they have 6 years left to pay the note. Mr. Turchan explained she felt 6 years was too much of a burden on the next 6 years budget, instead she will convert the note into the refunding Bond which will extend the life of the payment, the Borough will have until 2027 to pay it off. She explained that the Boroughs debt payments if not refunded would be \$807,000 to \$1,157,000 which the Borough cannot afford that type of increase in debt payments. She explained that an increase of \$50,000 is a smaller debt to absorb. Ms. Turchan stated on July 3<sup>rd</sup>, Council will receive a Resolution from the Bond Council approving this note into a Bond which will be issued into a Refunding Bond.

### **AUDIENCE:**

Sandy Cerami  
Business Improvement District

Ms. Cerami wished to thank all of the volunteers, Kristine Blanchard, DPW, John Burd, the Washington Police Department and the Washington Emergency squad for helping with the car show the past Saturday.

Mr. Bob Del Elba 86 W Stewart

Mr. Del Elba stated that he believed it was a good idea that the auditor came and spoke to the citizens group, but that was not what was presented. He explained that the auditor stated that he did not want to meet with past/current employees and council members. He explained that the citizens group offered to meet with the auditor but the auditor stated that it would not be a good idea. Mr. Del Elba also noted that in the contractual agreement, revenues would be included into the research, but this was not followed through on. He also noted the violation of interfund transfer and stated it has been an issue within every audit, he believes it is an issue that Council and citizens need to focus on, in order to correct past mistakes. He noted that he believes there needs to be more legal counsel within the Borough and it should be looked into to see if there may be legal ramifications if the referendum was not followed through.

Ann Hardiman – 200 West Stewart

Ms. Hardiman stated she was impressed with the questions that were asked to the auditor. She stated that she believed that there should be a municipal attorney that knows the community well and the referendum well. She believes that contracts should be specific in outlining the needs of the Borough.

Penny Shaw

Ms. Shaw asked Council why the Auditor was not asked to supply progress reports. Council replied that the Auditor said he would not supply progress reports. Councilwoman Gleba explained that the Auditor explained if there were any major issues or red flags, he would have let Council know right away. Ms. Shaw expressed concern with the Auditor making assumptions. Ms. Shaw noted that Council should be more assertive in dealing with professional services moving forward.

Hearing no further comments from the audience a motion was made by Gleba, seconded by Torres, to close the audience portion.

**ORDINANCES:**

None

**REPORTS:**

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

1. Borough Managers Report
2. Police Activity Report
3. Municipal Court Report
4. CFO Report
5. DPW Report

Ayes: 5, Nays: 0

Motion Carried

Councilwoman Gleba asked when Council will get the final form of the Police Cost Analysis report. Manager Blanchard explained that if there are no questions, the CFO and Manager are ready to hand out the final form.

Lt. Tom Cicceral wanted to bring Mayor and Council up to date on a large-scale narcotics investigation that the Washington Police Department conducted in the Township and Borough. He explained that the main part of the investigation was conducted by the Morris County Prosecutors office. On Friday, June 1, there were approximately forty law enforcement officers from Warren County and Morris County, and they conducted the service of search warrants at four different addresses, three in the Borough of Washington and one in the Township. He explained that the investigation was a seven month joint investigation. He explained that the Washington Township Police Department assigned two officers full time for approximately two months to work on the investigation. He noted that there were a total of fifteen arrests made on June 1st, seven were Washington Borough residents, four Washington Township residents, three residents from Oxford and a suspect from Pennsylvania. As a result of the drug raid, the Washington Township Police Department seized approximately \$80,000 in vehicles, drugs and currency (two vehicles, 1,000 packages of heroin and over 5 ounces of cocaine). He wished to make Council aware that the police department is actively pursuing investigations and they are doing their job.

### **COMMITTEE REPORTS:**

None

### **OLD BUISNESS**

#### 1. Background Check Ordinance

Councilwoman Gleba stated that she will be introducing an ordinance that requires background checks for new Borough employees. She explained that she has a separate ordinance for volunteers. She noted that there is a statute that allows municipalities to do background checks for youth organizations, but it requires that it goes through the state VRO. She noted that the Megan Kanka Foundation will pay for background checks for municipal volunteers. She explained that the attorneys are now going to review these ordinances. She explained that the Megan Kanka Foundations grant which allows them to pay for background checks but it expires at the end of the year. She also noted that the only requirement they have is that the Borough completes the VRO Memorandum of Understanding with the State Borough of Investigation. Councilwoman Gleba stated that she believed it is imperative to start doing background checks. Councilman Torres explained that the background check for volunteers is completely paid for the first time and is renewable every three years. Councilman Torres explained that for the Borough new employees the cost would be \$41, not including Fire Department and First Aid squad. Councilwoman Gleba explained the Police Chief will be receiving the affirmative or disqualifying letter from the VRO, and he will report to the Recreation Director or the Borough Manager depending upon the individual being checked.

Councilman Higgins asked if the Borough is entitled to information about children under the age of 18. Lt. Tom Cicceral explained that there are certain situations where children under the age of 18 can be fingerprinted but their records cannot be released. Councilwoman Gleba explained that Council had decided that this ordinance would be for volunteers ages 18 and over. Council discussed the issue of background checks for volunteers under the age of 18.

Motioned made by Gleba, seconded by Torres instruct the Borough Manager to fill out the Memorandum of Understanding and submit it with the Division of State Police to the VRO.

Ayes: 5, Nays: 0  
Motion Carried

### **NEW BUISNESS**

#### **1. Resolution 97-2012, 98-2012, 99-2012, 100-2012, 101-2012,102-2012, 103-2012- Renewals of ABC Licenses**

Mayor McDonald entertained a motion to discuss Resolution 97-2012 through Resolution 103-2012 together. Motion made by Torres, seconded by Gleba to approve Resolutions 97-2012 through Resolutions 103- 2012, renew the ABC License for Enzo's Restaurant, Felix's Tavern, Mediterranean Bistro, Scotty's Stadium Club, Warren County Discount Liquor, Washington Discount Liquor LLC, Philberts Pub.

Ayes: 5, Nays: 0  
Motion Carried

### **RESOLUTION #97-2012**

#### **RETAIL CONSUMPTION LICENSE**

**WHEREAS**, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Consumption License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

**WHEREAS**, the following applicant has paid a fee of **\$720.00**.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Consumption License** be issued by the Borough Clerk and granted to:

VMI of Washington, Inc.  
t/a Enzo's Restaurant & Pizzeria  
328 W. Washington Ave.  
Washington, NJ 07882

From July 1, 2012 – June 30, 2013, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

**BE IT FURTHER RESOLVED**, that the following conditions be imposed on the licensee:

- A. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Washington Township Police Department for assistance.
- B. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have had an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times

**RESOLUTION #98-2012**

**RETAIL CONSUMPTION LICENSE**

**WHEREAS**, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Consumption License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

**WHEREAS**, the following applicant has paid a fee of **\$720.00**.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Consumption License** be issued by the Borough Clerk and granted to:

Washington Inn, Inc.  
t/a Felix's Tavern  
101 East Washington Ave.  
Washington, NJ 07882

From July 1, 2012 – June 30, 2013, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

**BE IT FURTHER RESOLVED**, that the following conditions be imposed on the licensee:

- A. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Washington Police Department for assistance.
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**WHEREAS**, the following applicant has paid a fee of **\$720.00**.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Consumption License** be issued by the Borough Clerk and granted to:

GRAMA, Inc  
t/a Mediterranean Bistro  
301 W. Washington Ave  
Washington, NJ 07882

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**BE IT FURTHER RESOLVED**, that the following conditions be imposed on the licensee:

- A. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Washington Police Department for assistance.
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discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have had an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times

**RESOLUTION #100-2012**

**RETAIL CONSUMPTION LICENSE**

**WHEREAS**, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Consumption License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

**WHEREAS**, the following applicant has paid a fee of **\$720.00**.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Consumption License** be issued by the Borough Clerk and granted to:

LINSCO, INC.;  
t/a Scotty's Stadium Club  
15 Belvidere Ave.  
Washington NJ 07882

From July 1, 2012 – June 30, 2013, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

**BE IT FURTHER RESOLVED**, that the following conditions be imposed on the licensee:

- A. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Washington Township Police Department for assistance.
- B. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have had an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times

**RESOLUTION 101-2012**

**RETAIL DISTRIBUTION LICENSE**

**WHEREAS**, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Distribution License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

**WHEREAS**, the following applicant has paid a fee of **\$720.00**.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Distribution License** be issued by the Borough Clerk and granted to:

Warren County Discount Liquor & Grocery, Inc.  
260 W. Washington Ave  
Washington, NJ 07882

From July 1, 2012 – June 30, 2013, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

**BE IT FURTHER RESOLVED**, that the following conditions be imposed on the licensee:

- A. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Washington Police Department for assistance.
- B. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have had an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times



**RESOLUTION #102-2012**

**RETAIL DISTRIBUTION LICENSE**

**WHEREAS**, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Distribution License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

**WHEREAS**, the following applicant has paid a fee of **\$720.00**.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Distribution License** be issued by the Borough Clerk and granted to:

Washington Discount Liquors L.L.C.  
66 Route 31  
Washington NJ 07882

From July 1, 2012 – June 30, 2013, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

**BE IT FURTHER RESOLVED**, that the following conditions be imposed on the licensee:

- A. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Washington Police Department for assistance.
- B. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have had an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times

**RESOLUTION #103-2012**

**RETAIL CONSUMPTION LICENSE**

**WHEREAS**, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Consumption License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

**WHEREAS**, the following applicant has paid a fee of **\$720.00**.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Consumption License** be issued by the Borough Clerk and granted to:

Philberts Pub  
101 B West Washington Ave  
Washington, NJ 07882

From July 1, 2012 – June 30, 2013, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

**BE IT FURTHER RESOLVED**, that the following conditions be imposed on the licensee:

- A. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Washington Police Department for assistance.
- B. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have had an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times

**2. Resolution 104-2012 Release of Escrow Funds – Stews Auto Body**

Motion made by Higgins, seconded by Torres, to approve Resolution 104-2012.

Roll Call: Gleba, Boyle, McDonald, Higgins, Torres– Yes  
Motion Carried

**RESOLUTION #104-2012**

**A RESOLUTION AUTHORIZING THE RELEASE OF FUNDS  
FROM STEW’S AUTO BODY, INC. SITE PLAN ESCROW ACCOUNT  
AND FROM STEW’S AUTO BODY, INC. LEGAL EXPENSES ESCROW  
ACCOUNT HELD IN TRUST BY THE BOROUGH OF WASHINGTON**

WHEREAS, John M. Zaiter, Esquire, of Broscius, Fischer & Zaiter, 43 Broad Street, P.O. Box 230, Washington, N J 07882, has submitted a letter on behalf of Stew’s Auto Body, Inc. requesting the closure of the funds remaining in the developer’s escrow account numbers #7200020889 and #7200020890; and

WHEREAS, the engineers and attorneys representing the Borough of Washington have advised that they have been paid in full and there are no outstanding invoices and 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 Stew’s Auto Body, Inc. in the amount of the actual balances remaining in Acct. #7200020889 and Acct. #7200020890.

**3. Resolution 105-2012 Extension of Time to the Power Purchase Agreement to Washington Community Solar to September 30, 2012.**

Motion made by Gleba, seconded by Torres, to approve Resolution 105-2012.

Ayes: 5, Nays: 0  
Motion Carried

**RESOLUTION # 105-2012**

**RESOLUTION AUTHORIZING THE MAYOR AND CLERK  
TO EXECUTE AN AMENDMENT TO THE POWER  
PURCHASE AGREEMENT WITH WASHINGTON  
COMMUNITY SOLAR, LLC**

**WHEREAS**, the Borough of Washington (“Borough”) and Washington Community Solar, LLC (“WCS”) entered into a Power Purchase Agreement (“PPA”) dated January 17, 2012, for the purpose of providing solar energy to certain Borough facilities through solar facilities to be constructed by WCS on property in Washington Township adjacent to property owned by the Borough; and

**WHEREAS**, by the terms of the PPA, WCS had six months from the Effective Date of the PPA to obtain all required State and local regulatory permits, consents and approvals to enable it to construct its solar facilities; and

**WHEREAS**, WCS has requested that the Borough grant it an approximate three month extension of time so that it will have until September 30, 2012 to obtain the required permits and consents; and

**WHEREAS**, WCS has represented to the Borough that the requested extension will not affect its ability to begin providing electricity to the Borough within one year from the Effective Date of the PPA as required by the PPA; and

**WHEREAS**, the Mayor and Council have reviewed the request of WCS for an extension of time to obtain its permits and have determined that the request should be granted because it will not impact the date on which WCS will begin providing electricity to the Borough.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey, as follows:

1. The Mayor and Council consent to the amendment of Section 2 of the PPA to provide that Washington Community Solar, LLC shall have until September 30, 2012 to obtain all required State and local regulatory permits, consents and approvals, to design, permit, acquire, construct and install its solar facility.
2. The Mayor and Clerk are hereby authorized to sign a letter agreement to be prepared by the Borough Attorney amending Section 2 of the PPA as set forth above.

**VOUCHERS:**

Motion made by Higgins, seconded by Torres, to approve the payments and claims in the amount of 242,178.07.

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

Ayes: 5, Nays: 0

Higgins (Abstain Fire Department)

Gleba (Abstain Finnelli Consulting)

**RE-CAP**

Borough Manager Blanchard will invite Citinet to a Council Meeting for a presentation to the public on July 17<sup>th</sup>. Councilwoman Gleba would like to make the Police Analysis available to the public through the Boroughs website and an email blast so that everyone can see the cost comparison/analysis Council concurred. Manager Blanchard will fill out the information for the VRO Memorandum of Understanding and she will look into the Comcast grant of \$25,000.

**COUNCIL REMARKS:**

Councilman Torres stated that in regards to the Audit, he requested that there will be further discussion and Council can make a recommendation of what the next step will be. He also wanted to remind Council and the public that Washington Celebrates America is coming up, and to contact Rich Maguire for that.

Councilwoman Gleba also discussed what the next steps would be in regard to the Audit. She also requested that the Code Enforcement officer be invited to a Council meeting to answer public questions.

Councilman Higgins stated that he would like Council to ask the Borough Attorney for a written opinion as to whether the Referendum regarding the audit was a binding or non-binding referendum. He also thanked the Police Department. Councilman Higgins discussed the Quick Chek being built, and whether they would be connected to the Boroughs sewer-system.

Hearing no further business motion made by Higgins, seconded by Boyle, to adjourn the meeting at 10:55 p.m.

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Mayor, Scott McDonald

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Kristine Blanchard, RMC Borough Clerk