

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – April 6, 2010**

The Regular Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 7:30 P.M.

Roll Call: Housel, Boyle, Cioni, Gleba, McDonald, Higgins, Valentine - Present

Also Present: Richard Cushing, Esq. Municipal Attorney
Richard Phelan, Borough Manager
Kristine Blanchard, 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.

MINUTES:

Motion to approve the minutes from the Regular meeting of March 16, 2010 and the Budget Meeting of March 22, 2010 was made by Gleba, seconded by Cioni and approved.

Councilwoman Gleba noted several corrections.

Roll Call: Gleba, Cioni, Boyle, McDonald, Housel, Valentine
Higgins – abstain from March 16, 2010

Ayes: 6, Nays: 0
Motion Carried

CORRESPONDENCE:

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

Emergency Management Report
Gibson’s Gym – Outdoor Seating Request
Kaffe Kaprys – Outdoor Seating Request

Motion made by Higgins, seconded by Cioni to approve the outdoor seating request by Gibson's Gym and Kaffe Kaprys.

Ayes: 7 Nays: 0
Motion Carried

AUDIENCE

Rachel Semonche - Carlton Ave.

Mrs. Semonche stated that she paid her sewer bill ten months in advance prior to the raising of the sewer rates. She received a new bill for the additional charges. Mrs. Semonche stated she would like a refund for the monies that she had paid in advance.

Motion made by Boyle, seconded by Cioni to refund Mrs. Semonche's pre-payment of sewer charges. A Resolution will be prepared for the next meeting.

Ayes: 7, Nays: 0
Motion Carried

Christina Woykowski – South Prospect Street

Mrs. Woykowski submitted several questions in writing to the Borough Manager on behalf of the Concerned Citizens Group. She asked that the Borough Manager review the questions and prepare the answers in writing back to her.

Bob Del Elba – West Stewart Street

Mr. Del Elba asked if there is a formal outline for the full forensic audit details. Manager Phelan stated the advertisement for the RFP is on the website. The actual RFP is in my office. Anyone is entitled to it. Once the proposals are received on the April 29, interviews will be scheduled and contracts negotiated with the professionals.

ORDINANCES

Ordinance 5-2010 AN ORDINANCE AMENDING RECREATION DEPARTMENT PROGRAM FEES (Introduction)

Mayor McDonald entertained a motion to introduce Ordinance #5-2010.

Ordinance 5-2010 was introduced by Councilman Cioni, seconded by Councilman Housel.

It was further moved by Cioni, seconded by Housel that the Clerk read Ordinance #5-2010 by title only.

Roll Call: Higgins, Gleba, Valentine, Boyle, McDonald, Cioni, Housel

Ayes: 7, Nays: 0
Motion Carried

The Clerk read Ordinance #5-2010 entitled, "AN ORDINANCE AMENDING RECREATION DEPARTMENT PROGRAM FEES"

Councilman Boyle noted that in 2009 there were only three people who purchased non-resident senior citizen pool passes. Councilwoman Gleba stated the minimum charge should be zero. Councilman Housel stated that he feels that it isn't fair that non-borough residents would benefit from the pool at no cost while borough residents foot the bill. Councilman Cioni stated the minimum and maximum should be changed to \$10.00 and \$60.00.

Motion made by Cioni, seconded by Housel to adopt on first reading and change the minimum charge to \$10.00 and the maximum charge to \$60.00 for non-resident senior citizen pool passes.

Roll Call: Housel, Cioni, Gleba, McDonald, Valentine –Yes
Boyle, Higgins – No

Ayes: 5, Nays: 2
Motion Carried

5-2010
AN ORDINANCE AMENDING RECREATION
DEPARTMENT PROGRAM FEES

BE IT ORDAINED by the Borough Council of the Borough of Washington, in the County of Warren, and State of New Jersey as follows:

SECTION 2.. The fee for participation in the program/event for each registrant shall be amended as follows:

Recreation Program/Event		Minimum	Maximum
Pool Membership			
	Non-Borough Residents		
	Senior Citizen	\$10	\$60

SECTION 5. This ordinance shall take effect immediately after final passage, approval and publication of notice thereof as required by law.

REPORTS:

It was moved by Gleba, seconded by Cioni, to receive and file the following reports.

1. Issues and Details

Ayes: 7, Nays: 0
Motion Carried

Councilman Boyle asked if the DPW had a plan as to how they would repair potholes in the Borough. Manager Phelan stated that Mr. Burd is compiling a list now and will develop a plan.

COMMITTEE REPORTS:

DPW Garage: Councilman Housel stated a preconstruction meeting is scheduled for Thursday, April 8; however further details will be discussed in executive session.

Sewer Committee: Councilman Higgins stated a sewer meeting is scheduled for 6:00 p.m. on Thursday, April 8 in the conference room.

Streets Committee:

Finance Committee: Councilman Cioni reported that the frequently asked questions regarding finance has been submitted to the Borough Manager. The committee should be receiving the answers soon and they will be posted on the website.

Shared Services Committee: Councilman Boyle reported that at the last shared service meeting discussion were around construction code services and he has begun a dialogue with Belvidere regarding garbage collection. These are just discussions at this point.

Senior Services: Councilman Housel reported that May is Older Americans Month. He requested a proclamation be prepared for the next Council meeting

Website Committee: -

Park Committee – Councilman Cioni stated that the BID lost their extension on the financing. The remediation work on the site has not been started and discussions are still going on with the property owner. The project is on hold.

Grant Committee:

Cable Committee:

OLD BUSINESS:

None

NEW BUSINESS

Discussion on Stephanie Lewis Municipal Capital Management Proposal

This will be reviewed by the Sewer Committee

Resolution 75-2010 Redemption of Tax Sale Certificate

Resolution 75-2010 was moved on a motion made by Housel, seconded by Valentine and adopted.

Roll Call: Housel, Valentine, Gleba, Cioni, McDonald, Boyle, Higgins

Ayes: 7, Nays: 0

Motion Carried

RESOLUTION #75-2010

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 November 17, 2009 to Robert Northfield, 10 Roosevelt Road, Maplewood, NJ 07040 in the amount of \$596.36 for taxes or other municipal liens assessed for the year 2008 in the name of Eichler, Samuel E & Sherri L, as supposed owners, and in said assessment and sale were described as 25 School Street, Block 24 Lot 13, which sale was evidenced by Certificate #09-00009; and

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 3-11-10 and before the right to redeem was cut off, as provided by law, Ocwen /FARETS, claiming to have an interest in said lands, did redeem said lands claimed by Robert

Northfield, by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,324.20, which is the amount necessary to redeem Tax Sale Certificate #09-00009.

NOW THEREFORE BE IT RESOLVED, on this 6th day of April, 2010 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Robert Northfield, 10 Roosevelt Road, Maplewood, NJ 07040 in the amount of **\$1,474.20** (\$1,324.20 Amount to Redeem plus \$150.00 premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 24 Lot 13 from the tax office records.

Resolution 76-2010 Refund of Sewer Overpayment

Resolution 76-2010 was moved on a motion made by Housel, seconded by Valentine and adopted.

Roll Call: Housel, Valentine, Cioni, Higgins, Boyle, Gleba, McDonald

Ayes: 7, Nays: 0

Motion Carried

Resolution 76-2010

WHEREAS, according to the Treasurer's records, there is an overpayment showing on the following property; and

<u>BLOCK/LOT</u>	<u>PROPERTY OWNER/ PROPERTY LOCATION</u>	<u>AMOUNT TO BE REFUNDED</u>
99/5	Richard & Diana Rodriquez 131-131.5 W. Washington Ave.	\$ 602.00

The owner made an overpayment error during an online banking procedure. The incorrect amount was sent to Veolia Water's lockbox account before the owner could stop the process. A refund of \$602.00 should be mailed to:

Richard & Diana Rodriquez
352 Buckhorn Drive
Belvidere, NJ 07823

WHEREAS, the Borough Treasurer's office has received a written request that the above amount be refunded.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Borough Treasurer is authorized to refund the above overpayment amount.

Resolution 77-2010 Refund of Overpayment to Current Year Taxes

Resolution 77-2010 was moved on a motion made by Housel, seconded by Valentine and adopted.

Roll Call: Housel, Valentine, Cioni, Higgins, Boyle, Gleba, McDonald

Ayes: 7, Nays: 0

Motion Carried

RESOLUTION # 77-2010

RESOLUTION TO REFUND OVERPAYMENT

ON 2010 CURRENT YEAR REAL ESTATE TAXES

WHEREAS, according to the Tax Collector's records, there is an overpayment of \$1,651.52 on 2010 1st Quarter Regular Taxes paid on property located at 47 E Stewart Street, also known as Block 28.02 Lot 2, and in the name of Santiago, Josue and Abreah; and

WHEREAS, First Hudson Title and Saxon/First American Real Estate Tax Service had both paid the 1st 2010 Taxes for the Santiago's; and

WHEREAS, the Tax Collector has received a written request from Saxon Mortgage requesting that the tax overpayment be refunded due to the 1st Quarter Taxes had already been paid due to a refinance.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey, to hereby authorize the Tax Collector and Treasurer to refund the amount of \$1,651.52 payable to:

Saxon Mortgage
Attn: Refund Department
1 First American Way
Westlake, TX 76262

Resolution 78-2010 Refund of Sewer Overpayment

Resolution 78-2010 was moved on a motion made by Housel, seconded by Valentine and adopted.

Roll Call: Housel, Valentine, Cioni, McDonald, Higgins, Boyle, Gleba

Ayes: 7, Nays: 0

Motion Carried

Resolution 78-2010

WHEREAS, according to the Treasurer's records, there is an overpayment showing on the following property; and

<u>BLOCK/LOT</u>	<u>PROPERTY OWNER/ PROPERTY LOCATION</u>	<u>AMOUNT TO BE REFUNDED</u>
76/2	Duffy, Janice 22 Fisher Avenue	\$ 45.00

The former owner made an overpayment during the closing procedures on the above property location. A refund of \$45.00 should be mailed to:

Janice Duffy
16 Spring Meadow
Oxford, NJ 07863

WHEREAS, the Borough Treasurer's office has received a written request that the above amount be refunded.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Borough Treasurer is authorized to refund the above overpayment amount.

Resolution 80-2010 Recycling Tonnage Grant

Resolution 80-2010 was moved on a motion made by Higgins, seconded by Gleba and adopted.

Roll Call: Higgins, Gleba, Boyle, McDonald, Cioni, Housel, Valentine.

Ayes: 7, Nays: 0
Motion Carried

RESOLUTION # 80 - 2010

**OF THE MAYOR AND COUNCIL OF THE BOROUGH OF WASHINGTON,
WARREN COUNTY. TO APPLY FOR A 2009
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 **2009 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 Richard D. Phelan, 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 82-2010 Appointment to Planning Board

Resolution 82-2010 was moved on a motion made by Housel, seconded by Valentine and adopted.

Roll Call: Housel, Valentine, Cioni, McDonald, Gleba – Yes
Higgins, Boyle – No

Ayes: 5, Nays: 2
Motion Carried

RESOLUTION 82-2010

Planning Board

WHEREAS, the Borough of Washington, Warren County, New Jersey is governed by Plan “E” of Municipal Charter Law; and

WHEREAS, under this plan the Mayor is directed and authorized to appoint members of the Planning Board.

WHEREAS, the Mayor has designated the following person as his appointee;

WHEREAS, The Council does approve of this appointment.

NOW, THEREFORE, BE IT RESOLVED, that the following named person is appointed to the Planning Board for the unexpired term of Adam Fitting ending **December 31, 2013**.

Andrew Turner

Resolution 83-2010 Endorsing the Drafting of an Inter-local Agreement for Records Management

Resolution 83-2010 was moved on a motion made by Cioni, seconded by Valentine and adopted.

Roll Call: Cioni, Valentine, Housel, McDonald, Gleba, Higgins, Boyle

Ayes: 7, Nays: 0

Motion Carried

RESOLUTION 83-2010

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF WASHINGTON, COUNTY OF WARREN, NEW JERSEY, ENDORSING AN INTERLOCAL SERVICES AGREEMENT BETWEEN THE BOROUGH OF WASHINGTON AND THE COUNTY OF WARREN, NEW JERSEY

WHEREAS, the Borough of Washington and County of Warren have entered into discussions regarding an Inter-local Services Agreement with respect to setting forth the terms and conditions of the use of a document management system; and

WHEREAS, the County of Warren has agreed to provide use of the software, licenses, a VPN client, and use of existing storage space at no cost; and

WHEREAS, the Borough of Washington would agree to share the cost of any necessary future storage expansion between the participating municipalities and the County of Warren and the purchase of any equipment as it specifically relates to the municipalities use of the document management system as will be outlined in the shared services agreement;

NOW, THERFORE, BE IT RESOLVED by the Borough of Washington, in the County of Warren , New Jersey, that the Borough Council endorses the drafting of an Inter-local Services Agreement setting forth the terms and conditions of the use of a document management system as outlined above.

Resolution 84-2010 Release of Escrow

Resolution 84-2010 was moved on a motion made by Housel, seconded by Boyle and adopted.

Roll Call: Housel, Boyle, Higgins, Cioni, Gleba, McDonald, Valentine

Ayes: 7: Nays: 0

Motion Carried

RESOLUTION # 84-2010

A RESOLUTION AUTHORIZING THE RELEASE OF FUNDS FROM AN ESCROW ACCOUNT ESTABLISHED IN THE NAME OF WARNE IN TRUST BY THE BOROUGH OF WASHINGTON

WHEREAS, Darren Warne applied for a street opening permit 113 South Lincoln Avenue; 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, THERFORE, 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 Darren L. Warne for street opening escrow account for the actual account balance in the Warne escrow account.

VOUCHERS:

Motion made by Cioni, seconded by Higgins to pay the vouchers and claims in the amount of \$842,708.27.

Councilman Higgins asked why there is a full time sewer salary in the sewer portion of the bill list. Manager Phelan stated that once the budget is approved it will be pulled from the sewer portion of the bill list. Councilman Boyle inquired about the sewer monitoring charge. Manager Phelan stated it is for the panic button in the council/courtroom.

Roll Call: Valentine, Cioni, Housel, McDonald, Boyle, Higgins, Gleba
Councilwoman Gleba – Abstained from Finelli Consulting
Councilman Higgins – Abstained from the Fire Department

Ayes: 7, Nays: 0
Motion Carried

RECAP

Manager Phelan will prepare a resolution for Mrs. Semonche's refund. He will prepare a response to Mrs. Woykowski.

COUNCIL REMARKS

Rich Maguire asked a question from the audience regarding the Borough's debt. He asked what is the Borough's plan. Mayor McDonald stated the Borough is not taking on any more debt and currently is looking to refinance the existing debt.

Councilwoman Gleba asked if the Manager could include the debt schedule in his status report. She also asked if Council was in agreement that the YTD finance reports be placed on the website. Council agreed; the reports could be placed on the website.

Councilman Higgins asked if the Manager's report be made public and be a part of the minutes. Manager Phelan stated that his report is advisory. Attorney Cushing noted the report could be redacted. Councilman Higgins motioned that the Manager's report be redacted and made part of the minutes, seconded by Boyle.

Roll Call: Higgins, Boyle, Valentine, Cioni, Gleba, Housel – Yes
McDonald – No

Ayes: 6, Nays: 1
Motion Carried

Councilman Boyle stated the Borough should be preparing a five to ten year plan regarding the streets with input from the engineer. Manager Phelan stated the engineer has already created the plan. He will share with Council.

Mayor McDonald stated that he and the Mayor of Washington Township will be on WRNJ April 8th at 10:00 a.m. to discuss shared services.

EXECUTIVE SESSION

RESOLUTION 81-2010
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;

X 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: _____ 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: OR _____ 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. That time is currently estimated to be: SIX MONTHS (estimated length of time) OR upon the occurrence of _____;

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.

Hearing no further business to come before Council, it was moved by Cioni, seconded by Valentine that the meeting be adjourned at 10:30 p.m.

Ayes: 7, Nays: 0.
Motion carried.

Mayor Scott McDonald

Kristine Blanchard, RMC Borough Clerk