

BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – May 4, 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: Boyle, Cioni, Gleba, McDonald, Higgins, Valentine - Present
Housel – Absent

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.

Warren County Library - Maureen Wilkensen

Ms. Wilkensen presented information to the Governing Body regarding opting in to the Warren County Library system. She stated that the tax rates for the County Library are down from 2009. Right now the anticipated cost for Washington Borough would be \$266,000. This is more than the 1/3 mill rate support for the Borough Library which is \$194,280.

Ms. Wilkensen outlined some of the pros and cons of opting into the County Library system. The pros consist of the Borough no longer having to include the library’s budget in the municipal cap. The cost of funding the library would not be a part of the Municipal budget, but would appear as a separate tax item on each property owner’s tax bill. Administrative costs would no longer have to be paid by the Borough. Library assets would be retained by the municipality. The county has a larger library collection, four libraries, and is open 6 days a week, 60 hours a week. Homebound service is available, as is a courier service between libraries.

Ms. Wilkensen stated some of the cons are loss of independence regarding the library for the Borough. The Borough would not have control over funding decisions. Opting in to the Warren County Library system would cost the Borough more money.

Discussion on Defeated Board of Education Budgets:

Lance Rozsa – Washington Borough School District

Mr. Rozsa stated that he met with the Governing Body's committee regarding the defeated school budget. The defeated budget reflected a \$242,000 increase over last year. After discussions the committee arrived at a \$131,000 reduction of the proposed budget. Mr. Rozsa stated that regardless, six teachers, three aides, and one janitorial position will need to be cut. He stated that pending retirements could offset the number of positions cut.

Manager Phelan stated that the Resolutions for the Washington Borough School District and the Warren Hills Regional School district will be finalized and prepared for Council at the next meeting.

Council agreed to vote on the Washington Borough School District budget tonight and formalize the vote in Resolution format at the next meeting.

Motion made by Cioni, seconded by Valentine to approve the Budget for the Washington Borough School Board with reductions as presented and the formal resolution to be adopted at the next meeting on May 18, 2010.

Ayes: 6, Nays: 0
Motion Carried

MINUTES:

Motion made by Cioni, seconded by Gleba to adopt the meeting minutes of the Regular Meeting of April 6, 2010, the Budget Workshop of April 7, 2010, and the Budget Workshop of April 14, 2010, with one correction noted by Councilman Cioni.

Ayes: 6, Nays: 0
Motion Carried

CORRESPONDENCE:

1. New Jersey American Water – Grant Denial

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

Ayes: 6, Nays: 0
Motion Carried

AUDIENCE

Melissa Nichols PTO President

Ms. Nichols thanked the Council and asked for their support in the school budget presented this evening by Mr. Rozsa. She stated that we all have to compromise and the PTO raises \$20,000 to help support school activities. She hopes Council will be a partner and show a commitment to the students and the community.

Michael Nachbur 8 Alvin Sloan

Mr. Nachbur asked the Governing Body what the Borough has done to sacrifice this year as far as lay offs and salaries. Mayor McDonald stated that there have been lay offs. Manager Phelan stated the labor unions have not conceded as far as furloughs or salaries.

Bob Dell Elba 86 West Stewart

Mr. Dell Elba asked how many proposals were received for the forensic audit. Manager Phelan stated that eight were received ranging in price from \$42,000 to \$500,000. The Council is in the process of reviewing them now.

ORDINANCES

Ordinance 5-2010 AN ORDINANCE AMENDING RECREATION PROGRAM FEES
(Public Hearing/Adoption)

Mayor McDonald entertained a motion to introduce Ordinance #5-2010 on final adoption and have the clerk read by title.

The Clerk read Ordinance #5-2010 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.

Motion made by Cioni, seconded by Gleba to introduce Ordinance 5-2010 on final adoption.

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

Ayes: 4, Nays: 2

Public Hearing:

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

Ayes: 6, Nays: 0
Motion Carried

Motion made by Cioni, seconded by Housel to adopt Ordinance 5-2010 on final passage.

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

Ayes: 4
Nays: 2
Motion Carried

Ordinance 5-2010
AN ORDINANCE ESTABLISHING 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 within the following parameters:

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 Cioni, seconded by Boyle, to receive and file the following reports.

1. Issues and Details
2. Managers Reports of 4/16/2010 and 4/23/2010
3. Zoning/Code Enforcement

COMMITTEE REPORTS:

Streets Committee: Councilman Boyle stated that he met with a resident that wants to purchase an alley from the Borough that is no longer being used. Councilman Boyle made a motion to allow the manager to pursue this with the resident, seconded by Higgins. All – yes.

Finance Committee: No report

Shared Services Committee: Councilman Boyle stated he has a meeting with the Borough of Hampton to discuss garbage on Thursday.

Senior Services: No Report

Website Committee: - Councilman Cioni reported the refuse collection presentation has been posted to the website.

Sewer – The sewer committee will be meeting this week to discuss the Mill Pond Dam.

Park Committee: No report

Grant Committee: Councilwoman Gleba stated that the grant committee approved its first grant which will be a graffiti grant. They are also looking to do a grant for recreation that Pepsi Co. is sponsoring.

Cable Committee: No Report

OLD BUSINESS:

2010 Budget Discussion

Council Higgins stated that he believes the Mayor and Council members should give up their salary for the remainder of 2010. Councilman Boyle stated that he already has given his salary up for the year. Councilwoman Gleba stated that she would do the same. Manager Phelan stated that the salary ordinance can be amended to include a range for the Mayor and Council from \$0 to \$2500.00 Councilman Higgins motioned to have an ordinance prepared for introduction, seconded by Councilman Cioni.

Ayes: 5

Nays: 1 (McDonald)

Councilman Cioni made a motion that the Shade Tree Commission budget be reduced by the total amount of the grant money they received which is \$7,000.00. Mayor McDonald stated that the Borough is a Tree City USA community and we will have to check on the requirements of the grant before their budget is reduced.

Council concurred to have the Borough Manager check on the grant terms and the Tree City USA terms. If there are no restrictions regarding the budget, the Shade Tree budget will be reduced by the amount of the \$7,000 grant. We are going to talk about the pool – ask why pool should remain open or be closed each council member

Borough Pool Discussion

Councilman Cioni stated that he has spoken to Gary Masenior many times regarding the pool. Mr. Masenior has dedicated a lot of time to improving the pool and the park/pool is a bright spot in the community.

Councilman Higgins stated he received information from Green Acres. They stated the Borough has a general obligation to maintain green acres funded facilities. Councilman Higgins stated he is in favor of keeping the pool open.

Councilman Boyle stated he does not support closing the pool until we have more definitive information from Green Acres.

At this time, Councilman Housel joined the meeting at 9:20 via conference call.

Beth Uporsky

Ms. Uporsky stated that she previously informed Council that at the last meeting she will have an action plan on how the Borough will be able to keep the pool open while improving the Borough pool operations. Ms. Uporsky stated that she wants Council to know that the citizen committee to keep the pool open is not a subcommittee of the Recreation Committee.

Ms. Uporsky began by outline the issues. The Borough pool operations lose revenue each year. In light of the economic times, Council requires a more transparent and successful business model for pool operations. Ms. Uporsky reported that the total operating expenses for 2009 were \$112,036. Total revenues for 2009 were \$65,634. There is a \$46,402 gap in operations and revenues. Ms. Uporsky's plan and proposal for closing this gap include:

- Modifying the trust account management. Currently, sports programs retain excess revenue. She proposed that the profits be allocated as follows: 50% of

revenue overage be allocated to the swim program, 25% to non-funded and new program development, and 25% be retained by the sports program.

- Solicit annual donations to fund the July 4th festivities in the park, Easter Egg Hunt, Grand Illumination Ceremony, and the house decorating contest.
- Charge \$1 per day/per participant for arts and crafts.
- The swim team members must join the pool.
- Shorten the hours of pool operations and extend the use of the concession stand.

Ms. Uporsky stated that these items, based on her estimates, would leave only a \$13,902 gap in pool operations. Ms. Uporsky outlined several ideas that would potentially eliminate the remaining gap. These include: cut down on concession stand expenses, more oversight and cash register control, being more aggressive with hours of operations.

Councilman Cioni stated that Ms. Uporsky did a great job on her proposal. Councilman Cioni made a motion to keep the pool open in 2010 based on the proposal and action items presented by Ms. Uporsky, with a year end report to be made available to the Mayor and Council. Swim team members who have already paid will need to pay the difference of individual membership. This motion was seconded by Councilman Valentine.

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

Ayes: 6, Nays: 1
Motion Carried

At this time, Councilman Housel left the meeting he attended via conference call.

Sale of Surplus Items

Manager Phelan stated that at the last meeting he provided Council with a list of all outdated items within the Borough that can be sold. He asked if Council is ready to move forward with the sale. The 1975 fire truck will be sold for a starting bid of \$10,000 if Council agrees.

Ayes: 5, Nays: 0
Abstain: 1 (Higgins)

NEW BUSINESS

Resolutions 90-2010 through 101-2010

Resolutions 90-2010 through 101-2010 were moved on a motion made by Cioni, seconded by Valentine and adopted.

Roll Call: Cioni, Valentine, Gleba, McDonald, Boyle, Higgins – Yes
(Higgins – No on 90-2010)

Resolution 90-2010
Ayes: 5, Nays: 1
Motion Carried

Resolutions 91-2010 through 101-2010
Ayes: 6, Nays: 0
Motion Carried

RESOLUTION # 90-2010

A RESOLUTION AUTHORIZING THE BOROUGH OF WASHINGTON TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED TAX BILLS IN ACCORDANCE WITH P.L. 1994, c. 72

WHEREAS, due to the late adoption of the Borough of Washington's 2010 Municipal Budget, the Warren County Board of Taxation is unable to certify tax rates for the year of 2010: and

WHEREAS, without a 2010 certified tax rate the Tax Collector of the Borough of Washington will be unable to issue 2010 tax bills on a timely basis;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, as follows:

1. The Tax Collector of the Borough of Washington is hereby authorized and directed to prepare and issue estimated tax bills for the Borough of Washington for the third installment of 2010 taxes. The Tax Collector shall proceed and take such actions as are permitted and required by Chapter 72, Public Laws of 1994 and N.J.S.A. 54:66.2 and 54:4-66.3.
2. The entire estimated tax levy for 2010 is hereby set \$ 16,079,663.43.
 - a. The estimated tax rate for 2010 Regular Taxes is hereby set at \$4.511.
 - b. The estimated tax rate for 2010 Special Improvement District I is hereby set

at.278 (+ 4.511=4.789).

c. The estimated tax rate for 2010 Special Improvement District II is hereby set at .169 (+ 4.511=4.680).

RESOLUTION #91-2010

A RESOLUTION AUTHORIZING THE RELEASE OF FUNDS FROM A PERFORMANCE BOND ESCROW ACCOUNT IN THE NAME OF ABD WASHINGTON, INC. IN TRUST BY THE BOROUGH OF WASHINGTON

WHEREAS, Jacob Bogtach, Vice President of ABD Washington, Inc., P.O. Box 639, Shawnee, PA 18356 has requested the return of the funds remaining in the performance bond escrow account #7200020829; and

WHEREAS, Municipal Engineer Andrew S. Holt, P.E. has determined after reviewing the site that the escrow account money can be released.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Municipal Treasurer is hereby authorized to issue a check to ABD Washington, Inc. for the actual account balance in the ABD Washington, Inc. escrow account.

RESOLUTION #92-2010

A RESOLUTION OF THE BOROUGH OF WASHINGTON APPROVING A CONTRACT WITH THE COUNTY OF WARREN FOR MUNICIPAL ALLIANCE PROGRAMS FOR THE YEAR 2010

WHEREAS, the County of Warren Board of Freeholders have notified the various communities within the county of available grants for Municipal Alliance purposes; and

WHEREAS, the Borough of Washington is desirous of partaking in the grant opportunities with the County of Warren; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey, hereby approves the contract with the County of Warren for a Municipal Alliance grant in the amount of \$6,528.00 and that a like sum will be appropriated in the 2010 Municipal Budget and the Mayor and Borough Clerk are hereby authorized to execute the contract agreement.

6. That an executed copy of the contract between the parties be on file with the Office of the Clerk and be available for public inspection in accordance with the law.

RESOLUTION 93# 2010

**A RESOLUTION AUTHORIZING THE RELEASE OF
FUNDS FROM AN ESCROW ACCOUNT ESTABLISHED
IN THE NAME OF SOMERSET VALLEY HOMES IN
TRUST BY THE BOROUGH OF WASHINGTON**

WHEREAS, Somerset Valley Homes applied for a street opening permit at 22 McKinley 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, 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 Somerset Valley Homes for street opening escrow account for the actual account balance in the Somerset Valley Homes escrow account.

RESOLUTION #95-2010

**A RESOLUTION AUTHORIZING THE REFUNDING OF
AN OVERPAYMENT OF THE BOROUGH'S
SEWER SERVICE CHARGE**

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>
2.12/19	Shah, Atul & Alpaben 64 Alvin Sloan 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:

Atul & Alpaben Shah
6291 Spring Valley Rd.

Timnath, CO 80547-2506

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 #96-2010
RESOLUTION TO REFUND TAX MONIES PER TAX COURT APPEAL

WHEREAS, the Tax Collector has received a Tax Court Judgment for the year 2008 for the property listed below:

BLOCK	LOT	NAME OF OWNER/ PROPERTY LOCATION	YEAR	AMOUNT
23	4	20 West Washington, LLC #1084 9 W Church Street	2008 Taxes	6,244.72
		TOTAL		6,244.72

Refund payable to: Michael I. Schneck, Trustee for 20 West Washington, LLC #1084, 301 South Livingston Avenue, Suite 105, Livingston, NJ 07039

WHEREAS, due to the Tax Court Judgment Docket #003445-2008, the assessed value for the improvements has been reduced from 809,500 to 662,600 which changes the amount of taxes due thus creating this overpayment.

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 above tax overpayment.

RESOLUTION # 97-2010
A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE
As per N.J.S.A.54:5

KNOW ALL MEN 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 Arthur Frustaci, 1178 Fifth Avenue, Alpha, NJ 08865, in the amount of \$75.83 for taxes or other municipal liens assessed for the year 2008 in the name of Letona, Ivan, as supposed owners, and in said assessment and sale were described as 34 Alvin Sloan Avenue, Block 2.07 Lot 2, which sale was evidenced by Certificate #09-00002; and

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 4-13-10 and before the right to redeem was cut off, as provided by law, FARETS/Wachovia 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 \$707.17, which is the amount necessary to redeem Tax Sale Certificate #09-00002.

NOW THEREFORE BE IT RESOLVED, on this 4th day of May 2010 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 \$707.17.

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 2.07 Lot 2 from the tax office records.

RESOLUTION #98-2010

A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE WASHINGTON BOROUGH K9 FUND TO THE TOWNSHIP OF WASHINGTON

WHEREAS, the Township of Washington has requested the transfer of funds remaining in the Washington Borough K9 Fund, Acct. #80-2705-6334, to the Township of Washington to support their on-going K9 Program within the Police Department as a result of the merger of the Washington Borough Police Department with that of the Township of Washington; and

WHEREAS, the account was opened in 2004 by an anonymous donation and was set up for the express purpose of supporting the program and the Washington Township Police Department currently has a K9 program;

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 the Township of Washington for the account balance in the amount of \$910.65.

RESOLUTION #99-2010

A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE WASHINGTON BOROUGH NATIONAL NIGHT OUT PROGRAM ACCOUNT TO THE BOROUGH OF WASHINGTON CURRENT ACCOUNT AND BALANCE TO THE TOWNSHIP OF WASHINGTON

WHEREAS, the Township of Washington has requested the transfer of funds remaining in the National Night Out Program Account #80-1270-9654, to the Township of Washington to support their on-going National Night Out Program within the Police

Department as a result of the merger of the Washington Borough Police Department with that of the Township of Washington; and

WHEREAS, the account was opened 07/23/1999 by an initial deposit of \$150.00 from the Washington Borough Current Account to start the program; and

WHEREAS, the account had a second deposit 06/07/2000 in the amount of \$500.00 from the Washington Borough Current Account to further support the program;

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 transfer \$650.00 from the National Night Out Program Account to the Borough of Washington Current Account to reimburse the municipality for the initial deposit and the second deposit to support the program and to issue a check to the Township of Washington for the account remaining balance in the amount of \$1,360.16, which represents business donations, to close the account that has a current balance of \$2,010.16.

RESOLUTION #100-2010

A RESOLUTION AUTHORIZING THE RELEASE OF A PORTION OF THE CASH PERFORMANCE BOND TO JADE ACQUISITION, LLC AND TRANSFER A PORTION OF JADE ACQUISITION, LLC REFUND TO THE JADE ACQUISITION, LLC – SITE PLAN ESCROW ACCOUNT

WHEREAS, an Assignment of Developer's Agreement dated March 6, 2010, assigned the cash portion of the performance bond in Regency at Washington in account #7200020911 to Jade Acquisition, LLC;

WHEREAS, the Borough Engineer addressed a letter to the Borough of Washington dated December 29, 2009, indicating that of the March 31, 2010, balance of \$202,426.29, the Borough of Washington is to retain a cash performance bond amount of \$160,955.92 in the Jade Acquisition, LLC – Performance Bond account, leaving a balance of \$41,470.37 available to be released;

WHEREAS, the Borough Engineer's letter of December 29, 2009, further indicated that a balance of \$21,000.00 is to be kept in a site plan account for remaining incomplete items;

WHEREAS, Jade Acquisition, LLC has addressed a letter to the Borough of Washington requesting a refund of \$20,470.37 from the Jade Acquisition, LLC – Performance Bond Acct. #7200020911 previously held by Regency at Washington;

WHEREAS, the letter from Jade Acquisition, LLC further requests a transfer of \$21,000.00 from Jade Acquisition, LLC – Performance Bond Acct. #7200020911

previously held by Regency at Washington to the Jade Acquisition – Site Plan Acct. #7760883145 to provide monies in escrow for the remaining incomplete items;

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 release \$20,470.37 from the Jade Acquisition, LLC – Performance Bond Account #7200020911 to Jade Acquisition, LLC;

BE IT FURTHER 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 transfer \$21,000.00 from Account #7200020911 – Jade Acquisition, LLC – Performance Bond account previously assigned to Regency at Washington to Account #7760883145 – Jade Acquisition LLC (Site Plan) to provide monies for incomplete items.

RESOLUTION #101-2010

A RESOLUTION TO ESTABLISH THE AVERAGE NUMBER OF HOURS PER WEEK REQUIRED FOR “FULL-TIME” STATUS FOR PARTICIPATION IN THE N.J. PUBLIC EMPLOYEES’ RETIREMENT SYSTEM AND FOR PARTICIPATION IN THE N.J. STATE HEALTH BENEFITS PROGRAM

WHEREAS, Pension Reform Bill S-2 limits enrollment to defined benefits plans to full-time employees rather than compensation for PERS and further, defines for local government, full-time employees must work 32 hours per week for participation in PERS; and

WHEREAS, Pension Reform Bill S-3 requires all current local employees covered by a collective bargaining agreement who are enrolled in the N.J. State Health Benefits Program to pay at least 1.5% of their base salary towards health benefits after expiration of the current contract; and

WHEREAS, Pension Reform Bill S-3 requires all current/future employees not covered by a collective bargaining agreement to begin contributing 1.5% of their base salary towards health benefits at the effective date of this Bill; and

WHEREAS, Pension Reform Bill S-3 requires new local employees to work at least a minimum of 25 hours per week to qualify for health benefits and allows for a local employer to establish a higher threshold of hours per week but the minimum is 25 hours; and

WHEREAS, the Borough of Washington, Warren County, NJSHB Location #097600, a participating employer in the NJSHBP, wishes to designate 32 hours per week as the minimum requirement for full-time status in accordance with NJSA 17:9-4-6; and

NOW, THEREFORE BE IT RESOLVED, that the Borough of Washington adopt the changes stated above in accordance with State law.

BE IT FURTHER RESOLVED that this Resolution shall go into effect on May 21, 2010.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded to the Division of Pensions and Benefits, Health Benefits Bureau

VOUCHERS

Motion made by Cioni, seconded by Valentine to pay the invoices and claims in the amount of \$1, 741,751.66.

Councilman Higgins questioned the fixed asset inventory. Manager Phelan stated that this is a requirement and needs to be updated on a yearly basis. Councilman Boyle questioned the Suburban Engineering bill listed on page 13. He requested a copy of the work that the invoice encompasses. Manager Phelan will provide the information.

Roll Call: Cioni, Valentine, Boyle, McDonald, Gleba (Abstain from Finelli Consulting bills) Higgins (Abstain from Fire Department bills)

Motion Carried

RECAP

Manger Phelan stated he will place the information on the Library presentation on the website. He will pursue the possible alley purchase with the home owner. He will inquire with Tree City USA if there are any minimum funding requirements.

COUNCIL REMARKS

Gleba – Stated that she would like to vote on the Library at the next meeting.

Higgins – Noted that the crosswalk lights were lit all weekend.

Boyle – Noted that the gutter at the front entrance of Borough Hall is a real problem and needs to be fixed before winter.

Higgins – Made a motion to prepare resolutions to be sent to elected official (Senators and Assembly) stating that gas prices need to be controlled. Seconded by Cioni.
Ayes: 6, Nays: 0

McDonald – stated that Ms. Uporsky did a great job and he looks forward to working with her.

EXECUTIVE SESSION

RESOLUTION 89-2010 **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: DPW Garage _____ 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: 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 11:45 p.m.

Ayes: 6, Nays: 0.
Motion carried.

Mayor Scott McDonald

Kristine Blanchard, RMC Borough Clerk