

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – October 5, 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: McDonald, Cioni, Higgins, Valentine, Boyle - Present
Gleba – 7:40 p.m.
Housel – 7:50 p.m.

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:

Mayor McDonald entertained a motion to approve the minutes of the Regular meeting of September 21, 2010 and the Budget meeting of September 27, 2010.

Motion made by Higgins, seconded by Valentine and approved.

Roll Call: Higgins, Boyle, Cioni, McDonald, Valentine – Yes

Ayes: 5, Nays: 0
Abstain: 0
Motion Carried

*Note: Councilwoman Gleba noted two corrections to the minutes upon her arrival.

At this time Mayor McDonald deviated from the Council Agenda and opened the audience portion of the meeting.

AUDIENCE

Hearing no comments from the audience a motion was made by Cioni, seconded by Valentine, to close the audience portion of the meeting.

Ayes: 5, Nays: 0
Motion carried.

ORDINANCES

None

REPORTS:

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

Issues and Details
Managers Report
Washington Township Police Department Monthly Report

Ayes: 5, Nays: 0
Motion Carried

COMMITTEE REPORTS:

DPW: No Report

Streets Committee: No Report

Finance Committee: No Report

Shared Services Committee: No Report

Senior Services: No Report

Website Committee: No Report

Sewer: No Report

Park Committee: Councilman Cioni asked the BID Director for an update on the grant status for the Pocket Park. Ms. Cerami stated they are still waiting for the DEP to get back to the BID. The BID will be following up with the DEP.

Grant Committee: No Report

OLD BUSINESS:

None

NEW BUSINESS

Approval of ABC Permit – Washington Theatre

Motion made by Valentine, seconded by Cioni to approve ABC permit for the Washington Theatre on October 30, 2010.

Ayes: 5, Nays: 0

Motion Carried

Resolution 169-2010 Redemption of Tax Sale Certificate

Resolution 169-2010 was moved on a motion made by Higgins, seconded by Boyle and adopted.

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

Ayes: 5, Nays: 0

Motion Carried

RESOLUTION #169-2010

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 US Bank Cust CCTS Capital, LLC, TLGS; 2 Liberty Place, 50 South 16th Street Ste 1950, Philadelphia, PA 19102, in the amount of \$359.50 for taxes or other municipal liens assessed for the year 2008 in the name of JP Morgan Chase Bank, Nat Assoc (former owner), as supposed owners, and in said

assessment and sale were described as 18 Alvin Sloan Ave, Block 2.07 Lot 10, which sale was evidenced by Certificate #09-00003; and

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 9-22-10 and before the right to redeem was cut off, as provided by law, Wells Fargo Home Mortgage, claiming to have an interest in said lands, did redeem said lands claimed by US Bank Cust CCTS Capital, LLC, by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$418.69, which is the amount necessary to redeem Tax Sale Certificate #09-00003.

NOW THEREFORE BE IT RESOLVED, on this 5th day of October, 2010 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to US Bank Cust CCTS Capital, LLC, TLGS; 2 Liberty Place, 50 South 16th Street Ste 1950, Philadelphia, PA 19102 in the amount of \$418.69.

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 2.07 Lot 10 from the tax office records.

Resolution 170-2010 Suggesting a Halloween Curfew and Establishing the Observance of Trick or Treat within the Borough of Washington

Motion made by Boyle, seconded by Higgins and adopted.

Ayes: 5, Nays: 0

Motion Carried

RESOLUTION # 170- 2010

A RESOLUTION SUGGESTING A HALLOWEEN CURFEW AND ESTABLISHING OBSERVANCE OF TRICK OR TREAT WITHIN THE BOROUGH OF WASHINGTON, COUNTY OF WARREN, STATE OF NJ.

WHEREAS, Halloween Night and several nights before and after have historically been nights when acts of criminal mischief and vandalism have increased throughout the municipality; and

WHEREAS, the Borough of Washington desires to take some action to help reduce the likelihood of such incidents by establishing a suggested curfew to assist parents and lawful guardians of minor children; and

WHEREAS, said curfew is viewed as an important part of maintaining the peace and order of the community and all persons are strongly urged to cooperate with the Washington Township Police Department abiding by the curfew. The Mayor and Council suggest that this curfew be imposed on all minors in their care and custody; and

WHEREAS, the door to door solicitation of treats is a tradition enjoyed by many as well as an annoyance and inconvenience to others and, therefore needs to be regulated to provide for the safety, health and welfare of all persons within the community.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey agrees that there is hereby established a suggested curfew for all persons seventeen (17) years of age or younger of 9:00 p.m. from Friday, October 29, 2010 up to and including Sunday, October 31, 2010. Curfew shall be extended for school - sponsored events to one (1) hour after the conclusion of the event.

BE IT FURTHER RESOLVED, that Trick or Treat shall be observed with the Borough of Washington on Sunday, October 31, 2010 from 4:00 p.m. to 7:00 p.m.

Councilwoman Gleba arrived at 7:40 p.m.

Resolution 171-2010 Resolution Increasing the Bid Threshold

Motion made by Cioni, seconded by Valentine and adopted.

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

Ayes: 4, Nays: 2
Motion Carried

RESOLUTION # 171-2010

**RESOLUTION INCREASING THE BID THRESHOLD PURSUANT TO
N.J.S.A. 40A:11-3a AND N.J.A.C. 5:34-5 ET. SEQ.**

WHEREAS, the recent changes to the Local Public Contracts Law gave local contracting units the ability to increase their bid threshold up to \$36,000; and

WHEREAS, N.J.S.A. 40A:11-3a, permits an increase in the bid threshold if a Qualified Purchasing Agent is appointed as well as granted the authorization to negotiate and award such contracts below the bid threshold; and

WHEREAS, N.J.A.C. 5:34-5 et seq. establishes the criteria for qualifying as a Qualified Purchasing Agent; and

WHEREAS, Richard D. Phelan possesses the designation of Qualified Purchasing Agent as issued by the Director of the Division of Local Government Services in accordance with N.J.A.C. 5:34-5 et seq.; and

WHEREAS, the Borough of Washington desires to take advantage of the increased bid threshold;

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Washington, in the County of Warren, in the State of New Jersey hereby increases its bid threshold to \$ 36,000.

BE IT FURTHER RESOLVED, that in accordance with N.J.S.A. 5:34-5.2 the Borough Clerk is hereby authorized and directed to forward a certified copy of this Resolution to the Director of the Division of Local Government Services.

Mayor McDonald noted that he would like to make an appointment to the Recreation Committee and nominated Penny Shaul.

Motion made by Gleba, seconded by Valentine to appoint Penny Shaul to the Recreation Committee.

Ayes: 6, Nays: 0
Motion Carried

VOUCHERS

Motion made by Valentine, seconded by Cioni to approve the claims and vouchers in the amount of \$104,777.15.

Ayes: 6, Nays: 0
Abstain: 2 (Gleba – Finelli Consulting Invoices, Higgins – Fire Department Invoices.)

Motion Carried

RECAP

At this time the Borough Manager has no recap items.

Councilman Higgins motioned to re-open the audience portion of the meeting, seconded by Councilman Boyle.

Ayes: 6, Nays: 0
Motion Carried

AUDIENCE

Tom Taylor – 184 West Washington Ave

Mr. Taylor stated that he would like permission to place a gate on the fence through the unnamed alley between his property and 182 West Washington. He stated that at some point in 1994, this alley was approved to be blocked off and a fence was placed on the properties dividing them in half. He stated he would like the gate on his half of the property. He also explained that he is currently going through process to purchase the property with the Borough Manager. He noted that he has had some problems with parking. Mr. Taylor stated he understood that if any emergency vehicles need access, it will be his responsibility. Manager Phelan stated that if Council approves this request, Mr. Taylor would still need a zoning permit.

Councilman Cioni motioned to allow the gate be installed, seconded by Councilman Higgins.

Ayes: 6, Nays: 0
Motion Carried

Councilman Housel arrived at 7:50 p.m.

Karen Abel – Hackettstown NJ

Ms. Abel presented Council with several articles relating to the mortgage crisis and asked Council to consider a Resolution in support of Congressman Scott Garrett's position. Mayor McDonald stated that he would provide copies of the articles to the Council for their review.

Rudy Bescherer – 191 Broad Street

Mr. Bescherer asked the Borough Manager what the Borough is doing about the garbage in town, unregistered vehicles, and vehicles parked in front lawns. Manager Phelan stated the Code Enforcement Officer is aware of the issues and once he is done training he will be pursuing the issues. Mr. Bescherer stated that there are properties that have garbage on their front lawns for ten days now. Manager Phelan stated that when the Borough receives complaints, the Borough addresses the issues.

Mr. Bescherer stated that in July he made a complaint about the uncut grass in the Borough. Mr. Bescherer stated that the Borough Manager informed him that the DPW would be mowing the lawns and labor liens would be placed on the properties. The labor liens have not been completed. Manager Phelan stated that the Borough was waiting for the end of the season, then one Resolution would be done for each property.

Mr. Bescherer asked the Governing Body not to consider entering a shared service with Washington Township regarding the construction office. He stated the fees are very high compared to the State of New Jersey's fees.

Susan Sloan – 89 Grand Avenue

Mrs. Sloan read the following prepared statement to the Governing Body:

I am here tonight to talk about numbers. Looking around, I believe I am the oldest person in this room who was actually born in Washington. My mother was also born here in 1918. Her father started a business in Washington; which has paid taxes in the Borough for 100 years. This fact alone allows me to wonder where the taxes we paid went. My husband's mother was also born here in 1888. Her family paid taxes for 130 years. The man we have as our Borough Manager was not born in the Borough. He does not live here, and does not pay taxes here. Should we believe his estimate that it would cost the Borough a half million to review where our taxes were spent for five years? I don't think so. This is a number he thinks will frighten people who have paid taxes here for over 100 years. Two weeks ago, he justified the half million by saying that it is the high end of the estimate and we must budget for the unexpected. Long before 419 voters signed a petition in favor of the forensic audit; the concerned citizens group knew the dollar amount would be approximately \$100,000 for a five year audit. He is so assured he knows the answers to all of our financial woes, even though he has never lived here and worked here for only a matter of months. He does not want to learn about our historical financials. Instead of learning he wants council people on his side. I think the concerned citizens are generally curious about the financial history of this town. I'm sure if the State of N.J. questions the Borough's financials; we will get a sound forensic audit. The audit will happen now or later.

Mayor McDonald explained that when Council went out to bid the numbers we received were approximately between \$42,000 and \$500,000. Mrs. Sloan noted that during budget discussions this Council estimated \$100,000. Councilwoman Gleba stated the \$100,000 was discussed and placed in the budget early in the year as an estimate. Since that time, Council has received bids for the forensic audit with a range of \$42,000 and \$500,000. She noted that at the last meeting it was requested that the information on the website regarding the audit be changed to reflect that range. Councilman Higgins stated it was changed in one place but also needs to be changed in another. Manager Phelan will make the change in both places on the spreadsheet to reflect the range of \$100,000 and \$500,000.

Motion made by Higgins, seconded by Boyle to close the audience portion of the meeting.

Ayes: 7, Nays: 0
Motion Carried

CORRESPONDENCE

Warren County Habitat for Humanity Re: Waiver of Sewer Connection Fee

Councilman Housel stated he is concerned about approving this request. He does not want to set a precedent and wants to avoid having problems down the road. Councilman Boyle stated he supports Councilman Housel's statements.

Councilman Cioni suggested a six month payment plan. This may help ease some of the burden of the sewer connection fee.

Motion made by Housel, seconded by Boyle to deny the request from Warren County Habitat for Humanity to waive the sewer connection fee.

Ayes: 6, Nays: 0
Abstain: 1 (Gleba)
Motion Carried

Motion made by Cioni, seconded by Housel to approve a six month payment plan for sewer connection fee for the Warren County Habitat for Humanity.

Ayes: 6, Nays: 0
Abstain: 1 (Gleba)
Motion Carried

COUNCIL REMARKS

Councilwoman Gleba – Stated she would like Council to advertise for more proposals for professionals. The majority of proposals received were from professionals that we already have. Councilman Higgins noted he would like to advertise in more places other than the website.

Motion made by Gleba, seconded by Higgins to advertise for proposals from professionals and to advertise in additional places.

Discussion: Councilman Cioni questioned how much the advertising would cost. Manager Phelan stated approximately \$700.00. The Borough Clerk stated that her departmental budget for legal advertising is depleted. Councilman Cioni stated he would like to know what the actual costs would be. Mayor McDonald asked if Councilwoman Gleba would like to withdraw her motion until costs are received. Councilwoman Gleba withdrew her motion. The Governing Body directed the Borough Manager to obtain pricing for advertising costs.

Councilwoman Gleba stated that she would like to work on the professional evaluation forms after the election so that the newly elected Council could be a part of the process. She would also like the evaluations to take place in the summer in future years.

She stated she wanted to thank the Manager for his help with the budget summary. It is cost that is prohibiting the Borough from making color copies and mailing to every resident; however the budget summary will be available on the website, and hard copies at Borough Hall, library, and possibly the BID office.

Councilman Higgins asked for an update on the crosswalk lights. Manager Phelan stated that the Borough has not heard back from the manufacturer yet. Councilman Higgins stated it has been two months and asked the Borough Engineer to contact the manufacturer. Councilman Higgins stated he had requested a letter from the Municipal Judge regarding his reappointment. Manager Phelan stated that it will be done in January.

Councilman Higgins noted the tragedy at Rutgers University. He stated he would like to propose a Resolution from the Washington Borough Council to be sent to the other municipalities in Warren County, the Freeholder Board of Warren County, our elected state officials, along with the Assembly Speaker, the Senate President, and the Governor urging them to enact stronger legislation against cyber invasions of privacy, bullying, harassment, and taunting. He also requested that if help is needed enacting the legislation, members of this Council be supportive. Councilman Higgins made that motion, seconded by Councilwoman Gleba.

Ayes: 7, Nays: 0
Motion Carried

Councilman Higgins also noted the information about the referendums in the Washington Messenger and does not remember a vote being taken on placing that information in the Washington Messenger; the only vote taken was to place the information on the website. He remarked that this should be voted on by the entire Council prior to placing information in the Washington Messenger. Councilman Cioni noted that a discussion was held regarding the information being advertised in the Washington Messenger at a meeting in August.

Councilman Boyle questioned the Abandoned Properties Ordinance. He asked the Borough Manager if he wants the Abandoned Properties Ordinance revoked. Borough Manager stated yes; however the new list was compiled. Councilman Boyle questioned Attorney Cushing regarding the status of the Pedophile Ordinance. Attorney Cushing stated that there has been no new legislation that would authorize an Ordinance by the Borough.

Councilman Housel stated he would like to thank the Borough Manager for the work he did on the application for the extraordinary aid received from the state. The Borough received one of the largest amounts in the state. He also stated that the Borough Manager takes a lot of heat. People don't realize that this was the best applicant the Borough had for the position. He has done everything that Council has asked him to do. He has gone above and beyond. Many people don't like him because he says no. It is not business as usual in Washington Borough. We need to thank him.

Councilman Cioni asked if the Governing Body is ready to do the Manager reviews. He has sent the document to everyone and suggested the reviews be completed early November so that the review can take place with the Manager at the second meeting in November. Councilman Cioni also suggested the completed review be completed and given to the Borough Clerk the first week in November. Council concurred.

Councilman Cioni stated that he would also like to go out for bids for private advertising at the various fields in the Borough. This would give recreation an additional revenue stream. He stated he would like to have approval to start the process. Councilman Cioni noted the logistics would still need to be worked out; however selling advertising space at Vara Field, the basketball courts, and possibly the fence around the pool would be a great place to start. Council agreed to further research this and discuss further.

Mayor McDonald congratulated Ms. Cerami for the BID's hard work to coordinate the Festival in the Borough; it was a great time. Ms. Cerami thanked the community and all the volunteers who help make this day a huge success.

EXECUTIVE SESSION

A motion was made by Housel, seconded by Cioni, to enter into Executive Session to discuss potential litigation at 8:30 pm.

Ayes: 6, Nays: 1 (Boyle)
Motion carried.

RESOLUTION AUTHORIZING EXECUTIVE SESSION

WHEREAS, the Open Public Meetings Act; *N.J.S.A.* 10:4-6 *et seq.*, declares it to be the public policy of the State to insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

WHEREAS, the Open Public Meetings Act also recognizes exceptions to the right of the public to attend portions of such meetings; and

WHEREAS, the Mayor and Council find it necessary to conduct an executive session closed to the public as permitted by the *N.J.S.A.* 40:4-12; and

WHEREAS, the Mayor and Council will reconvene in public session at the conclusion of the executive session;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey that they will conduct an executive session to discuss the following topic(s) as permitted by *N.J.S.A.* 40:4-12:

_____A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public (Provision relied upon: _____);

_____A matter where the release of information would impair a right to receive funds from the federal government;

_____A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

_____A collective bargaining agreement, or the terms and conditions thereof (Specify contract: _____);

_____A matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed; Real Estate Acquisitions

_____Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

_____Investigations of violations or possible violations of the law;

_____☒ Pending or anticipated litigation or contract negotiation in which the public body is or may become a party; (The general nature of the litigation or contract negotiations is: DPW Garage_____ 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.

A motion was made by Higgins, seconded by Cioni, to exit Executive Session at 9:25 p.m.

Ayes: 7, Nays: 0
Motion carried.

SUPPLEMENTAL VOUCHER LIST

Mayor McDonald entertained a motion to approve the supplemental voucher list in the amount of \$84,634.78.

Motion made by Cioni, seconded by Housel and approved.

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

Ayes: 7, Nays: 0
Motion Carried

Hearing no further business, a motion was made by Higgins, seconded by Boyle, to adjourn the meeting at 9:30 pm.

Ayes: 7, Nays: 0
Motion Carried.

Mayor Scott McDonald

Kristine Blanchard, Borough Clerk

