

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – November 3, 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, Housel, Gleba, Higgins, Valentine, Boyle - Present
Cioni – 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.

MINUTES:

Mayor McDonald entertained a motion to approve the minutes of the Regular meeting of October 19, 2010.

Motion made by Boyle, seconded by Housel and approved.

Councilman Boyle noted one correction.

Roll Call: Higgins, Boyle, Gleba, McDonald, Housel, Valentine – Yes

Ayes: 6, Nays: 0
Abstain: 0
Motion Carried

CORRESPONDENCE

None

AUDIENCE

Mayor McDonald opened the audience portion of the meeting.

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

Ayes: 6, Nays: 0
Motion carried.

ORDINANCES

None

REPORTS:

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

Managers Report
Municipal Court
Washington Township Police Monthly Report
Issues and Details

Councilman Boyle asked if December 7th is the deadline for Council to decide the professional appointments for the year 2011. Manager Phelan stated yes; this is due to the fact the State of NJ needs to approve the appointments. Councilman Boyle asked if the Governing Body had scheduled interviews yet. Manager Phelan stated no. Council agreed to begin the first round of interviews the week of November 8th. Manger Phelan will confirm the date and schedule with Council.

Ayes: 6, 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: Councilman Boyle stated he would like to schedule a sewer committee meeting to look into reduced sewer rates for senior citizens. Councilwoman Gleba agreed and noted that Manager Phelan stated previously he would provide some information regarding reduced rates for seniors. Sewer Committee meeting scheduled for 6:00 pm Wednesday, November 10.

Park Committee: No Report

Grant Committee: Councilwoman Gleba stated she attended a grant workshop for government officials. She thanked Sandy Cerami for passing on the information. She stated she has a few more leads on other grants and the Borough will be pursuing the American Rivers Grant for the Mill Pond Dam project.

OLD BUSINESS

2011 Professional Appointments Timeline

This item was discussed under reports.

NEW BUSINESS

Resolution 178-2010 Performance Evaluation for Professionals

Resolution 178-2010 was moved on a motion made by Higgins, seconded by Boyle and adopted.

Discussion: Councilwoman Gleba requested a change of wording from Closed Session to Executive Session; previously noted by Councilman Boyle. She also stated that if Council agrees the professional service reviews should be done in the summer time. Council concurred. Councilman Boyle stated that summer is preferable and will allow enough time for Council to do a proper review.

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

Ayes: 6, nays: 0

Motion Carried

RESOLUTION 178-2010

WHEREAS, The Borough Council shall annually review and evaluate the performance of each appointed professional's work and also shall annually review and re-negotiate, as appropriate, the monetary terms of his/her contract. Such evaluations are a good mechanism for ensuring strong working relationships and for communicating priorities, to provide feedback to the professional and identify areas of strengths and areas where improvements may be needed. Further, the Council shall provide an adequate opportunity for the professional to discuss his evaluation in Executive Session with Council and;

WHEREAS, The evaluation procedure provides guidelines for the Borough Council and the Professional to use in reviewing their services provided to the Borough of Washington and;

WHEREAS, After appointment of the Professional, the Council will be given a copy of the contract with services to be provided along with an evaluation form to complete on the assessment of the services and performance of the professional and his/her office. This will be used as a guideline to keep track of the performance throughout the appointment and will be retained for their own personal record. The Mayor and Council will meet in executive session semi-annually to discuss the professional's performance and together complete Section III of the evaluation form. The Council will then conduct an executive session evaluation with the professional to discuss any performance issues and changes they would like to see.

Resolution 179-2010 Cancel Reserve Balances of Grant Fund

Resolution 179-2010 was moved on a motion made by Housel, seconded by Gleba and adopted.

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

Ayes: 6, Nays: 0

Motion Carried

Resolution 179-2010

TO CANCEL RESERVE BALANCES OF THE GRANT FUND

WHEREAS, there exists various reserves on the balance sheet of the Grant Fund; and

WHEREAS, the funds creating these reserves have been investigated and it has been determined that these reserves should be cancelled;

NOW, THEREFORE, BE IT RESOLVED, by the council of the Borough of Washington, Warren County, New Jersey, that the following reserves in the amount of \$36,590.92 be and the same are hereby cancelled:

Obey the Sign	428.17
Body Armor	\$2,155.68
Drunk Driving	\$2,887.00
Click-it or Ticket	\$9,375.04
Small Cities	\$33.55
Police Feasibility Study	\$19,500.00
Federal Bullet Proof	\$2,211.48
	36,590.92

Resolution 180-2010 Cancel Receivable Balances and Corresponding Reserve Balances for Various Grants

Resolution 180-2010 was moved on a motion by Housel, seconded by Valentine and adopted.

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

Ayes: 6, Nays: 0
Motion Carried

Resolution 180-2010

**TO CANCEL RECEIVABLE BALANCES AND CORRESPONDING RESERVE
BALANCES FOR VARIOUS GRANTS**

WHEREAS, a total receivable balances of various grants \$2,116.97 from the State of New Jersey which remains on the Grant Fund balance sheet have expired, and

WHEREAS, it is necessary to formally cancel the receivable balance and its offsetting appropriations reserve balance;

NOW, THEREFORE, BE IT RESOLVED that the following grant receivable and appropriation reserve balances be cancelled:

COPS more 1997 -receivable	\$622.70
COPS more 1997 -appropriated reserve	\$622.70

Alcohol Education and Rehabilitation receivable	\$27.79
Alcohol Education and Rehabilitation reserve	\$27.79
Click-it or Ticket, receivable	\$1,466.48
Click-it or Ticket, reserve	\$1,466.48

Resolution 181-2010 Memorandum of Understanding between the Borough of Washington and the Director of the Division of Local Government Services

Resolution 181-2010 was moved on a motion made by Gleba, seconded by Valentine and adopted.

Discussion: Councilman Higgins asked if the agreement means that the State of NJ will be reviewing professional service appointments. Manager Phelan stated yes; the state will make sure that the Borough follows the process for appointing professionals. Councilman Boyle asked if the State of NJ will need to approve refinancing of the Borough's debt. Manager Phelan stated yes, the Local Finance Board approves all debt refinancing; regardless of the Memorandum of Understanding. Municipalities may save 3% in order to refinance. Councilman Higgins asked does Council need to approve the plan that will be submitted to the State. Manager Phelan stated he will submit that to the Governing Body. Councilman Higgins stated that we sold the Borough for \$400,000.

Councilman Boyle asked who defines essential services. Manager Phelan stated the State of NJ will define what is essential. Councilman Housel noted that people have been asking for accountability; that is what this agreement is.

Manager Phelan noted that the Borough can not hire without approval and can not expand or create new services without approval as well.

Audience member Mr. Feldman asked if the Recreation Department became a Recreation Commission again; would they be exempt from this. Manager Phelan stated it's possible; but that would need to be verified. Mr. Feldman noted that the Governing Body let the State of NJ take their authority away.

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

Ayes: 6, Nays: 0
Motion Carried

Resolution 181-2010

MEMORANDUM OF UNDERSTANDING

By and Between:

The Director of the Division of Local Government Services and the Borough of Washington

WHEREAS, the Director of the Division of Local Government Services (the "Director") has determined that the Borough of Washington (the "Municipality") is in serious fiscal distress and the Director has determined that an award of \$400,000 of Transitional Aid to Localities ("Transition Aid") is appropriate, all in accordance with the criteria set forth in P.L. 2010, c.35 (the "State Budget") and after reviewing an application submitted by the Municipality on July 15, 2010; and

WHEREAS, the State Budget directs that Transition Aid shall be provided subject to such conditions, requirements, orders, and oversight as the Director deems necessary including the implementation of government, administrative, and operational efficiency and oversight measures necessary for the fiscal recovery of the Municipality; and

WHEREAS, this Memorandum of Understanding By and Between the Director of the Division of Local Government Services and the Borough of Washington (the "Memorandum") sets forth the minimum conditions, requirements, orders, and oversight in consideration for Transition Aid;

THEREFORE, the Municipality shall, in addition to complying with all applicable laws, regulations, and Local Finance Notices, observe and comply with the requirements set forth below and shall implement any and all government, administrative and operational efficiency, and oversight measures necessary for the fiscal recovery of the Municipality as the Director may order from time to time.

Submission of a Transition Plan

There is no guaranty of Transition Aid being available in the future and the Municipality shall not anticipate or rely on the existence of continued finding. The Municipality shall submit a plan on or before December 31, 2010 detailing how it intends to eliminate its reliance on Transition Aid as soon as possible (the Transition Plan). In no case shall the Transition Plan provide for a phase out of the aid over a period of more than four years. The Transition Plan must set forth a reasonable reduction in reliance on such funding in the Calendar Year 2011 Budget. The Transition Plan shall discuss initiatives to bring structural balance to the Municipality's finances and shall include, but not be limited to, all of the following:

- An acknowledgement that the Municipality needs to reduce its reliance on Transition Aid; and
- A plan to reduce staffing costs for Calendar Year 2011 from Calendar Year 2010 levels through layoffs, attrition, restructuring, or other personnel actions; and
- A plan to eliminate or reduce the costs of services or activities not deemed essential or that are of low priority; and
- A plan to maximize recurring revenues, including but not limited to updating fees, fines and penalties, maximizing enforcement of revenue delinquencies, selling

surplus land and property, and encouraging sustainable and taxable development; and

- A plan to address findings resulting from in various audits, investigations, and reports with respect to the Municipality, including municipal audits, applicable State Comptroller reports and audits, federal program audits, and other audits as identified by the Director.

Restrictions on Personnel Matters

1. Hiring for New Positions and Positions not Filled as of the Date of Memorandum: A "Request for Employment Approval" (Attachment A) shall be submitted to the Director for consideration prior to the Municipality hiring any person to fill any new positions or to fill any positions not filled as of the date of this Memorandum. No advertising or posting for new employees or hiring of such employees shall occur without the Municipality first receiving a Request for Employment Waiver approved and signed by the Director.

2. Hiring for Essential Positions Vacated after the Date of the Memorandum: The Municipality may replace an employee who has left the employment of the Municipality after the effective date of this Memorandum provided that the Municipality shall have determined that the position to be filled is essential. The Municipality shall notify the Director at least 15 days prior to replacing such employee by submitting an "Essential Employee Replacement Form" (Attachment B). If the position is being filled with an employee whose salary and compensation will exceed the salary and compensation of the employee being replaced, the hire shall be treated as a new hire and a Request for Employment Approval must first be approved pursuant to "1" above. Additionally, if the position is being filled with an employee whose title, rank, step or other classification is other than the title, rank, step or other classification of the employee being replaced, regardless of salary and compensation, the hire shall be treated as a new hire and a Request for Employment Approval must first be approved pursuant to "1" above.

3. Salary Restraints for Elected Officials and Noncontractual Employees: The Municipality shall not increase salaries or compensation for elected officials and employees not otherwise entitled to increases pursuant to the terms of a contract in effect as of the date of this Memorandum.

4. Promotions and Transfers: The Municipality shall freeze promotions and transfers involving salary increases unless required by contractual obligations.

Restrictions on Certain Contracts

1. The hiring of consultants and professionals, either directly or through a subcontract, regardless of cost, shall be subject to the prior written approval of the Director of a "Contract Request Form" (Attachment C). This restriction shall include, but not be limited to legal counsel, risk management advisors or services, public relations, government affairs, engineering and public works, accounting and financial services and advice, public safety and health, management services; and without exception, all professional services and extraordinary services

contracts as defined in the Local Public Contracts Law without regard to value.

2. Unless otherwise approved in advance by the Director, all contracts that are exempt from public bidding shall be procured subject to a "fair and open process" pursuant to N.J.S.A. 19:44A-20.4 *et seq.* unless otherwise procured pursuant to a process that provides greater transparency and competition than the minimum requirements under the "fair and open process."

3. Nothing herein shall require approval of the hiring of consultants and professionals whose services are needed to address an emergency, provided however, that such hiring to address an emergency shall be reported to the Director as soon as practicable.

Restrictions on the Award of Long Term Tax Exemptions

1. The Municipality shall receive prior written approval of the Director for any Redevelopment Plan or Redeveloper Agreement executed after the date of this Memorandum unless any Payment in Lieu of Taxes awarded under the agreement are allocated to county, school district, and other local government jurisdictions in the same proportion as ordinary taxes are allocated to such jurisdictions.

Restrictions of Miscellaneous Nature

1. The Municipality shall neither create new services nor expand existing services without the Municipality first submitting a "Creation/Extension of Services Form" (Attachment D) to the Director and receiving written approval therefore from the Director.

1 The Municipality shall not expend funds on out-of-State travel or overnight stays within New Jersey, without first submitting a "Travel Approval Form" to the Director and receiving written approval therefore from the Director. The Municipality shall explain good cause for the expenditure, which may include, but is not limited to, a need to ensure licensure or certification of statutory employees or essential training for public safety employees.

3. The Municipality shall not expend funds for educational expenses other than expenses related to certification or licensing requirements and continuing education requirements.

4. Reimbursement for employee meals (other than as required pursuant to contractual provisions as of the date of this Memorandum) or entertainment is prohibited and Municipal funds cannot be used for receptions for Municipal employees.

5. Any application for a grant that requires current or long term matching funds or a commitment of any resources or staffing levels of the Municipality as a condition of award or to ensure sustainability shall be approved by the Director prior to submission to the reviewing/awarding agency.

6. No funds shall be expended for non-statutory charitable contributions, bereavement, or celebratory purposes, for individuals or organizations.

Requirement to Adopt Pay to Play Ordinance

Within three months of signing this memorandum, the Municipality shall adopt a pay to play ordinance pursuant to PL 2005, c.271 limiting the awarding of public contracts by the Municipality or its agencies to business entities that have made a contribution pursuant to C19:44A-1 *et seq.* and limiting the contributions that the holders of a contract

can make during the term of a contract. The ordinance shall not be repealed or amended for so long as this Memorandum is in effect. The ordinance shall be substantively identical to the provisions of Jersey Municipality's ordinance concerning pay to play (Ordinance 08-128) which can be found at <http://www.state.nj.us/state/secretary/ordinances/Jersey-City-Ordinance-No.-08-128.pdf>

Reporting Requirements —Labor Contracts 90 days prior to the start of collective negotiation agreement renewal negotiations between the Municipality and labor union representatives, it shall be the responsibility of the participating Municipality to provide the Director with a written notification of intent to begin negotiations with the subject collective bargaining unit(s). In addition, the Municipality shall provide the Director with the following:

- Documentation as to whether current collective bargaining agreements were reached by mutual agreement or arbitrator's award, and if decided by arbitration, a copy of the Interest Arbitration Decision and Award document.
- Salary guide showing pay increases over the last 3 contract years
- A description and status report of any matters with the bargaining unit currently in grievance arbitration or otherwise being handled as an unfair labor practice charge. In the event collective negotiation agreement discussions are already in progress or are about to begin as of the date of this Memorandum, the Municipality shall submit the requested documentation within 14 days of date of this Memorandum and representatives of the Municipality shall brief the Director on the status of the negotiation and issues under discussion.

The Director will review all materials submitted and make recommendations to the Municipality with regard to the language and disposition of subsequent collective bargaining agreements as well as any related policies, programs or procedures.

Upon settlement of any collective negotiation agreement, the Municipality shall submit a copy to the Director.

The Municipality acknowledges that agreeing to any contract that would increase total annual expenditures for salary and compensation in excess of 2% in any year will be viewed negatively in the context of future applications, including, but not limited to, applications for Transition Aid, approval of nonconforming maturity schedules and approval of down payment waivers for capital projects.

Reporting Requirements - Miscellaneous

1. The Municipality shall submit to the Director detailed quarterly revenue and expenditure budget reports.
2. The Municipality shall, within three weeks of the date of this Memorandum, submit to the Director a list, as of the pay period ending immediately preceding this Memorandum, of all employees with their name, salary, title, Department or organizational unit, and date of employment with the Municipality. A similar list shall be submitted to the Director by August 1, 2011 of all such employees with their name, salary, title, Department or organizational unit, and date of

employment as of the payroll ending immediately prior to June 30, 2011. Similar lists shall be provided upon request of the Director.

3. The Municipality shall submit to the Director all findings, decisions, penalties, orders and requirements resulting from complaints, investigations, and reports issued by State regulatory agencies including but not limited to the Department of Labor and the Public Employee Relations Commission.

4. The Municipality shall file a copy of its Offering Statement prepared in relation to its most recent short or long term financing.

Meeting Requirements

1 Municipality representatives shall meet with the Director or his staff quarterly to discuss budget and fiscal progress, or more often as requested by the Division.

Implementing Provisions and Flexibility

The Director may be represented by designees who shall be authorized to act on his behalf. The Municipality may apply in writing to the Director for an exception for good cause to any prohibition or requirement contained in this Memorandum.

Resolutions 182-2010 through 197-2010

Resolutions 182-2010 through 197-2010 were moved on a motion made by Housel, seconded by Gleba and adopted.

Discussion: Councilman Boyle noted that there may be a type on Resolution 186-2010, the block and lot does not match the abandoned properties list. Manager Phelan will look into this.

RESOLUTION #182-2010

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF WASHINGTON,

WARREN COUNTY, ASSIGNING A LABOR LIEN ON BLOCK 2 LOT 11

WHEREAS, Section 91-1 of the Code of the Borough of Washington (the Code) provides that weeds and vegetable growths in excess of one foot in height are a public nuisance; and

WHEREAS, Section 91-3 that the Borough can cause such nuisance to be abated; and

WHEREAS, Section 91-4 provides that the costs of the abatement done under Section 91-3 be charged to the property owner as a tax lien on the property.

WHEREAS, the Zoning Code Enforcement Officer of the Borough has certified, per the

attached, that the owner of the property of the property at 8 Miller Avenue, identified on the tax maps of the Borough as Block 2 Lot 11 was in violation of Section 91-1 of the Code so that it was necessary for the Borough to take action to cut and bag the grass; and

WHEREAS, the Zoning Code Enforcement Officer has certified that the Borough incurred costs of \$236.00 to correct the violation.

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 under the provisions of Section 75-70 et seq the Tax Collector is hereby authorized and directed to place a lien in the amount of \$236.00 on the property at 8 Miller Avenue, identified on the tax maps of the Borough as Block 2 Lot 11.

RESOLUTION #183-2010

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF WASHINGTON,

WARREN COUNTY, ASSIGNING A LABOR LIEN ON BLOCK 2.10 LOT 1

WHEREAS, Section 91-1 of the Code of the Borough of Washington (the Code) provides that weeds and vegetable growths in excess of one foot in height are a public nuisance; and

WHEREAS, Section 91-3 that the Borough can cause such nuisance to be abated; and

WHEREAS, Section 91-4 provides that the costs of the abatement done under Section 91-3 be charged to the property owner as a labor lien on the property.

WHEREAS, the Zoning Code Enforcement Officer of the Borough has certified, that the owner of the property of the property at 10 Alvin Sloan Avenue, identified on the tax maps of the Borough as Block 2.10 Lot 1 was in violation of Section 91-1 of the Code so that it was necessary for the Borough to take action to cut and bag the grass; and

WHEREAS, the Zoning Code Enforcement Officer has certified that the Borough incurred costs of \$590.00 to correct the violation.

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 under the provisions of Section 75-70 et seq the Tax Collector is hereby authorized and directed to place a lien in the amount of \$590.00 on the property at 10 Alvin Sloan Avenue, identified on the tax maps of the Borough as Block 2.10 Lot 1.

RESOLUTION #184-2010

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF WASHINGTON,

WARREN COUNTY, ASSIGNING A LABOR LIEN ON BLOCK 3 LOT 13.04

WHEREAS, Section 91-1 of the Code of the Borough of Washington (the Code) provides that weeds and vegetable growths in excess of one foot in height are a public nuisance; and

WHEREAS, Section 91-3 that the Borough can cause such nuisance to be abated; and

WHEREAS, Section 91-4 provides that the costs of the abatement done under Section 91-3 be charged to the property owner as a labor lien on the property.

WHEREAS, the Zoning Code Enforcement Officer of the Borough has certified, that the owner of the property of the property at 6 Lambert Street, identified on the tax maps of the Borough as Block 3 Lot 13.04 was in violation of Section 91-1 of the Code so that it was necessary for the Borough to take action to cut and bag the grass; and

WHEREAS, the Zoning Code Enforcement Officer has certified that the Borough incurred costs of \$708.00 to correct the violation.

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 under the provisions of Section 75-70 et seq the Tax Collector is hereby authorized and directed to place a lien in the amount of \$708.00 on the property at 6 Lambert Street, identified on the tax maps of the Borough as Block 3 Lot 13.04.

RESOLUTION #185-2010

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF WASHINGTON,

WARREN COUNTY, ASSIGNING A LABOR LIEN ON BLOCK 10.03 LOT 3

WHEREAS, Section 91-1 of the Code of the Borough of Washington (the Code) provides that weeds and vegetable growths in excess of one foot in height are a public nuisance; and

WHEREAS, Section 91-3 that the Borough can cause such nuisance to be abated; and

WHEREAS, Section 91-4 provides that the costs of the abatement done under Section 91-3 be charged to the property owner as a labor lien on the property.

WHEREAS, the Zoning Code Enforcement Officer of the Borough has certified, that the owner of the property of the property at 184 West Washington Avenue, identified on the tax maps of the Borough as Block 10.03 Lot 3 was in violation of Section 91-1 of the Code so that it was necessary for the Borough to take action to cut and bag the grass; and

WHEREAS, the Zoning Code Enforcement Officer has certified that the Borough incurred costs of \$118.00 to correct the violation.

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 under the provisions of Section 75-70 et seq the Tax Collector is hereby authorized and directed to place a lien in the amount of \$118.00 on the property at 184 West Washington Avenue, identified on the tax maps of the Borough as Block 10.03 Lot 3.

RESOLUTION #186-2010

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF WASHINGTON,

WARREN COUNTY, ASSIGNING A LABOR LIEN ON BLOCK 21.02 LOT 1

WHEREAS, Section 91-1 of the Code of the Borough of Washington (the Code) provides that weeds and vegetable growths in excess of one foot in height are a public nuisance; and

WHEREAS, Section 91-3 that the Borough can cause such nuisance to be abated; and

WHEREAS, Section 91-4 provides that the costs of the abatement done under Section 91-3 be charged to the property owner as a labor lien on the property.

WHEREAS, the Zoning Code Enforcement Officer of the Borough has certified, that the owner of the property of the property at 15 W Johnston Street, identified on the tax maps of the Borough as Block 21.02 Lot 1 was in violation of Section 91-1 of the Code so that it was

necessary for the Borough to take action to cut and bag the grass; and

WHEREAS, the Zoning Code Enforcement Officer has certified that the Borough incurred costs of \$708.00 to correct the violation.

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 under the provisions of Section 75-70 et seq the Tax Collector is hereby authorized and directed to place a lien in the amount of \$708.00 on the property at 15 W Johnston Street, identified on the tax maps of the Borough as Block 21.02 Lot 1.

RESOLUTION #187-2010

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF WASHINGTON,

WARREN COUNTY, ASSIGNING A LABOR LIEN ON BLOCK 30 LOT 4

WHEREAS, Section 91-1 of the Code of the Borough of Washington (the Code) provides that weeds and vegetable growths in excess of one foot in height are a public nuisance; and

WHEREAS, Section 91-3 that the Borough can cause such nuisance to be abated; and

WHEREAS, Section 91-4 provides that the costs of the abatement done under Section 91-3 be charged to the property owner as a labor lien on the property.

WHEREAS, the Zoning Code Enforcement Officer of the Borough has certified, that the owner of the property of the property at 142 Belvidere Avenue, identified on the tax maps of the Borough as Block 30 Lot 4 was in violation of Section 91-1 of the Code so that it was necessary for the Borough to take action to cut and bag the grass; and

WHEREAS, the Zoning Code Enforcement Officer has certified that the Borough incurred costs of \$708.00 to correct the violation.

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 under the provisions of Section 75-70 et seq the Tax Collector is hereby authorized and directed to place a lien in the amount of \$708.00 on the property at 142 Belvidere Avenue, identified on the tax maps of the Borough as Block 30 Lot 4.

RESOLUTION #188-2010

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
WASHINGTON,**

WARREN COUNTY, ASSIGNING A LABOR LIEN ON BLOCK 33 LOT 1

WHEREAS, Section 91-1 of the Code of the Borough of Washington (the Code) provides that weeds and vegetable growths in excess of one foot in height are a public nuisance; and

WHEREAS, Section 91-3 that the Borough can cause such nuisance to be abated; and

WHEREAS, Section 91-4 provides that the costs of the abatement done under Section 91-3 be charged to the property owner as a labor lien on the property.

WHEREAS, the Zoning Code Enforcement Officer of the Borough has certified, that the owner of the property of the property at 162 Belvidere Avenue, identified on the tax maps of the Borough as Block 33 Lot 1 was in violation of Section 91-1 of the Code so that it was necessary for the Borough to take action to cut and bag the grass; and

WHEREAS, the Zoning Code Enforcement Officer has certified that the Borough incurred costs of \$1,180.00 to correct the violation.

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 under the provisions of Section 75-70 et seq the Tax Collector is hereby authorized and directed to place a lien in the amount of \$1,180.00 on the property at 162 Belvidere Avenue, identified on the tax maps of the Borough as Block 33 Lot 1.

RESOLUTION #189-2010

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
WASHINGTON,**

WARREN COUNTY, ASSIGNING A LABOR LIEN ON BLOCK 79 LOT 3

WHEREAS, Section 91-1 of the Code of the Borough of Washington (the Code) provides that weeds and vegetable growths in excess of one foot in height are a public nuisance;

and

WHEREAS, Section 91-3 that the Borough can cause such nuisance to be abated; and

WHEREAS, Section 91-4 provides that the costs of the abatement done under Section 91-3 be charged to the property owner as a labor lien on the property.

WHEREAS, the Zoning Code Enforcement Officer of the Borough has certified, that the owner of the property of the property at 96 Park Avenue, identified on the tax maps of the Borough as Block 79 Lot 3 was in violation of Section 91-1 of the Code so that it was necessary for the Borough to take action to cut and bag the grass; and

WHEREAS, the Zoning Code Enforcement Officer has certified that the Borough incurred costs of \$1,770.00 to correct the violation.

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 under the provisions of Section 75-70 et seq the Tax Collector is hereby authorized and directed to place a lien in the amount of \$1,770.00 on the property at 96 Park Avenue, identified on the tax maps of the Borough as Block 79 Lot 3.

RESOLUTION #190-2010

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF WASHINGTON,

WARREN COUNTY, ASSIGNING A LABOR LIEN ON BLOCK 101.01 LOT 14

WHEREAS, Section 91-1 of the Code of the Borough of Washington (the Code) provides that weeds and vegetable growths in excess of one foot in height are a public nuisance; and

WHEREAS, Section 91-3 that the Borough can cause such nuisance to be abated; and

WHEREAS, Section 91-4 provides that the costs of the abatement done under Section 91-3 be charged to the property owner as a labor lien on the property.

WHEREAS, the Zoning Code Enforcement Officer of the Borough has certified, that the owner of the property of the property at 46 Lenape Trail, identified on the tax maps of the Borough as Block 101.01 Lot 14 was in violation of Section 91-1 of the Code so that it was necessary for the Borough to take action to cut and bag the grass; and

WHEREAS, the Zoning Code Enforcement Officer has certified that the Borough incurred costs of \$944.00 to correct the violation.

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 under the provisions of Section 75-70 et seq the Tax Collector is hereby authorized and directed to place a lien in the amount of \$944.00 on the property at 46 Lenape Trail, identified on the tax maps of the Borough as Block 101.01 Lot 14.

RESOLUTION #191-2010

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF WASHINGTON,

WARREN COUNTY, ASSIGNING A LABOR LIEN ON BLOCK 2.07 LOT 10

WHEREAS, Section 91-1 of the Code of the Borough of Washington (the Code) provides that weeds and vegetable growths in excess of one foot in height are a public nuisance; and

WHEREAS, Section 91-3 that the Borough can cause such nuisance to be abated; and

WHEREAS, Section 91-4 provides that the costs of the abatement done under Section 91-3 be charged to the property owner as a labor lien on the property.

WHEREAS, the Zoning Code Enforcement Officer of the Borough has certified, that the owner of the property of the property at 18 Alvin Sloan Avenue, identified on the tax maps of the Borough as Block 2.07 Lot 10 was in violation of Section 91-1 of the Code so that it was necessary for the Borough to take action to cut and bag the grass; and

WHEREAS, the Zoning Code Enforcement Officer has certified that the Borough incurred costs of \$118.00 to correct the violation.

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 under the provisions of Section 75-70 et seq the Tax Collector is hereby authorized and directed to place a lien in the amount of \$118.00 on the property at 18 Alvin Sloan Avenue, identified on the tax maps of the Borough as Block 2.07 Lot 10.

RESOLUTION #192-2010

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF WASHINGTON,

WARREN COUNTY, ASSIGNING A LABOR LIEN ON BLOCK 45 LOT 12

WHEREAS, Section 91-1 of the Code of the Borough of Washington (the Code) provides that weeds and vegetable growths in excess of one foot in height are a public nuisance; and

WHEREAS, Section 91-3 that the Borough can cause such nuisance to be abated; and

WHEREAS, Section 91-4 provides that the costs of the abatement done under Section 91-3 be charged to the property owner as a labor lien on the property.

WHEREAS, the Zoning Code Enforcement Officer of the Borough has certified, that the owner of the property of the property at 8 Sunrise Terrace, identified on the tax maps of the Borough as Block 45 Lot 12 was in violation of Section 91-1 of the Code so that it was necessary for the Borough to take action to cut and bag the grass; and

WHEREAS, the Zoning Code Enforcement Officer has certified that the Borough incurred costs of \$118.00 to correct the violation.

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 under the provisions of Section 75-70 et seq the Tax Collector is hereby authorized and directed to place a lien in the amount of \$118.00 on the property at 8 Sunrise Terrace, identified on the tax maps of the Borough as Block 45 Lot 12

RESOLUTION #193-2010

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF WASHINGTON,

WARREN COUNTY, ASSIGNING A LABOR LIEN ON BLOCK 79 LOT 4

WHEREAS, Section 91-1 of the Code of the Borough of Washington (the Code) provides that weeds and vegetable growths in excess of one foot in height are a public nuisance; and

WHEREAS, Section 91-3 that the Borough can cause such nuisance to be abated; and

WHEREAS, Section 91-4 provides that the costs of the abatement done under Section 91-3 be charged to the property owner as a labor lien on the property.

WHEREAS, the Zoning Code Enforcement Officer of the Borough has certified, that the owner of the property of the property at 98 Park Avenue, identified on the tax maps of the Borough as Block 79 Lot 4 was in violation of Section 91-1 of the Code so that it was necessary for the Borough to take action to cut and bag the grass; and

WHEREAS, the Zoning Code Enforcement Officer has certified that the Borough incurred costs of \$118.00 to correct the violation.

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 under the provisions of Section 75-70 et seq the Tax Collector is hereby authorized and directed to place a lien in the amount of \$118.00 on the property at 98 Park Avenue, identified on the tax maps of the Borough as Block 79 Lot 4.

RESOLUTION #194-2010

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF WASHINGTON,

WARREN COUNTY, ASSIGNING A LABOR LIEN ON BLOCK 98 LOT 27

WHEREAS, Section 91-1 of the Code of the Borough of Washington (the Code) provides that weeds and vegetable growths in excess of one foot in height are a public nuisance; and

WHEREAS, Section 91-3 that the Borough can cause such nuisance to be abated; and

WHEREAS, Section 91-4 provides that the costs of the abatement done under Section 91-3 be charged to the property owner as a labor lien on the property.

WHEREAS, the Zoning Code Enforcement Officer of the Borough has certified, that the owner of the property of the property at 67 South Lincoln Avenue, identified on the tax maps of the Borough as Block 98 Lot 27 was in violation of Section 91-1 of the Code so that it was necessary for the Borough to take action to cut and bag the grass; and

WHEREAS, the Zoning Code Enforcement Officer has certified that the Borough incurred costs of \$118.00 to correct the violation.

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 under the provisions of Section 75-70 et seq the Tax Collector is hereby authorized and directed to place a lien in the amount of \$118.00 on the property at 67 South Lincoln Avenue, identified on the tax maps of the Borough as Block 98 Lot 27.

RESOLUTION #195-2010

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF WASHINGTON,

WARREN COUNTY, ASSIGNING A LABOR LIEN ON BLOCK 99 LOT 11

WHEREAS, Section 91-1 of the Code of the Borough of Washington (the Code) provides that weeds and vegetable growths in excess of one foot in height are a public nuisance; and

WHEREAS, Section 91-3 that the Borough can cause such nuisance to be abated; and

WHEREAS, Section 91-4 provides that the costs of the abatement done under Section 91-3 be charged to the property owner as a labor lien on the property.

WHEREAS, the Zoning Code Enforcement Officer of the Borough has certified, that the owner of the property of the property at 101-107 West Washington Avenue, identified on the tax maps of the Borough as Block 99 Lot 11 was in violation of Section 91-1 of the Code so that it was necessary for the Borough to take action to cut and bag the grass; and

WHEREAS, the Zoning Code Enforcement Officer has certified that the Borough incurred costs of \$236.00 to correct the violation.

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 under the provisions of Section 75-70 et seq the Tax Collector is hereby authorized and directed to place a lien in the amount of \$236.00 on the property at 101-107 West Washington Avenue, identified on the tax maps of the Borough as Block 99 Lot 11.

RESOLUTION #196-2010

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
WASHINGTON,**

WARREN COUNTY, ASSIGNING A LABOR LIEN ON BLOCK 100 LOT 34

WHEREAS, Section 91-1 of the Code of the Borough of Washington (the Code) provides that weeds and vegetable growths in excess of one foot in height are a public nuisance; and

WHEREAS, Section 91-3 that the Borough can cause such nuisance to be abated; and

WHEREAS, Section 91-4 provides that the costs of the abatement done under Section 91-3 be charged to the property owner as a labor lien on the property.

WHEREAS, the Zoning Code Enforcement Officer of the Borough has certified, that the owner of the property of the property at 147 West Washington Avenue, identified on the tax maps of the Borough as Block 100 Lot 34 was in violation of Section 91-1 of the Code so that it was necessary for the Borough to take action to cut and bag the grass; and

WHEREAS, the Zoning Code Enforcement Officer has certified that the Borough incurred costs of \$236.00 to correct the violation.

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 under the provisions of Section 75-70 et seq the Tax Collector is hereby authorized and directed to place a lien in the amount of \$236.00 on the property at 147 West Washington Avenue, identified on the tax maps of the Borough as Block 100 Lot 34.

RESOLUTION #197-2010

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
WASHINGTON,**

WARREN COUNTY, ASSIGNING A LABOR LIEN ON BLOCK 94.01 LOT 11

WHEREAS, Section 91-1 of the Code of the Borough of Washington (the Code) provides that weeds and vegetable growths in excess of one foot in height are a public nuisance; and

WHEREAS, Section 91-3 that the Borough can cause such nuisance to be abated; and

WHEREAS, Section 91-4 provides that the costs of the abatement done under Section 91-3 be charged to the property owner as a labor lien on the property.

WHEREAS, the Zoning Code Enforcement Officer of the Borough has certified, that the owner of the property of the property at 16 Broad Street, identified on the tax maps of the Borough as Block 94.01 Lot 11 was in violation of Section 91-1 of the Code so that it was necessary for the Borough to take action to cut and bag the grass; and

WHEREAS, the Zoning Code Enforcement Officer has certified that the Borough incurred costs of \$118.00 to correct the violation.

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 under the provisions of Section 75-70 et seq the Tax Collector is hereby authorized and directed to place a lien in the amount of \$118.00 on the property at 16 Broad Street, identified on the tax maps of the Borough as Block 94.01 Lot 11.

VOUCHERS

Motion made by Housel, seconded by Higgins to approve the claims and vouchers in the amount of \$1,453,901.87.

Discussion: Councilman Boyle questioned how much is left in the Ordinance for HVAC repair. Manager Phelan stated \$38,000.

Ayes: 6, Nays: 0

Abstain: 2 (Higgins – Fire Department Invoices, Gleba Finelli Consulting Invoices)

Motion Carried

RECAP

Manager Phelan will move forward scheduling the Round 1 Professional Service interviews. He will provide the Sewer Committee information regarding potential senior discounts. He will also check the block and lot on Resolution 186. He will provide a copy of the Dedication by Ryder resolution to Councilman Higgins.

COUNCIL REMARKS

Councilman Valentine congratulated the election winners.

Councilwoman Gleba also offered her congratulations to the election winners. She asked Manager Phelan for a status on the debt restructuring. She recommended the Governing Body discuss at the next meeting the Hampton Borough shared service for garbage collection and any other options. She also noted that the Borough has a six month out clause with Blue Diamond. She inquired as to whether that meant if the Borough decided to go with a shared service, would the first six months of the cost be inside cap and the rest of the cost outside of cap. Manager Phelan stated that is correct.

Councilman Higgins congratulated the winners of the election as well; he also asked if a decision on the Borough Pool needed to be made at the next meeting. Manager Phelan stated the sooner the better.

Councilman Boyle stated he is in support of removing the abandoned properties ordinance from the books. He stated Council should consider repealing this ordinance next year.

Mayor McDonald congratulated the winners of the election.

Councilman Housel asked if the citizen's recreation committee had obtained 5013C status. Manager Phelan stated that they had met with an Attorney.

EXECUTIVE SESSION

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

Ayes: 5, 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 Personnel_____ 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 Boyle, to exit Executive Session at 9:00 p.m.

Ayes: 6, Nays: 0
Motion carried.

Hearing no further business, a motion was made by Housel, seconded by Boyle, to adjourn the meeting at 9:00 pm.

Ayes: 6, Nays, 0
Motion Carried.

Mayor Scott McDonald

Kristine Blanchard, Borough Clerk