

**MINUTES OF REGUAR MEETING HELD
FEBRUARY 17, 2004**

The Regular Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 8:00 P.M.

Roll Call: Bertoline, Doty, Van Deursen, Glaser, Housel, McDonald and Giaimis – Present 7.

Also Present: Alan M. Fisher, Borough Manager
Richard P. Cushing, Esq., Municipal Attorney
Robert Miller, C.M.E., Borough Engineer
Linda L. Hendershot, RMC/CMC, Borough Clerk

Mayor Van Deursen led everyone in the flag salute.

“The requirements of the ‘Open Public Meetings Law, 1975, Chapter 231 have been satisfied in that adequate notice of this meeting has been published in the Star Gazette and posted on the Bulletin Board of Borough Hall stating the time, place and purpose of the meeting as required by law.

COUNCIL APPEARANCE:

Emergency Management – Keith Gonzales

Mr. Gonzales introduced himself to those of Council who did not know him. He gave a description of his education and credentials for the record.

Mr. Gonzales is presently working on keeping the Borough’s Emergency Operation Plan up-to-date. He has also implemented a CERT (Community Emergency Response Program). This program consists of a 20 Hr. course that enables the eligible candidates to assist in working with the emergency response teams such as the police department, fire department and emergency squad. They are trained in such areas as first aid training and traffic control, etc. CERT will consist of Borough and Township residents. He has also obtained a grant for Emergency Management in the amount of \$ 2,400.00. Another project he is working is mutual aid assistance with Glen Gardner for emergencies that would take place at the southerly end of the Borough perimeters. He is also working with insurance agencies to try and provide low cost flood insurance to our residents.

A question and answered period followed. At the end of the presentation, Mayor Van Deursen thanked Mr. Gonzales for his excellent work and very valuable service to our community.

Mayor Van Deursen deviated from the order of business to hear a brief presentation from Pat Moonjian of the Transition Center for Women.

Presentation – Transition Center for Women

Pat Moonjian thanked the Council for inviting her to the meeting. The Center has been in existence for the past twenty years and is part of a job readiness program to bring stay-at-home mothers, displaced homemakers, divorced, separated or widowed women into the working world so that they can remain self-efficient and care for their families. This gets them off the welfare rolls and other programs such as food stamps and assistance for housing. They also assist them in obtaining their GED and getting them the education they need to get back out into the working world. The program is sponsored through NORWESCAP and located in the former parsonage of the Methodist Church on East Washington Avenue. They have recently received a huge budget cut of \$ 20,000.00 and are reaching out to communities for any assistance they might be able to give them to keep this very valuable program available to our residents. She distributed a pamphlet outlining the services they provide.

Mayor Van Deursen commended Pat for the very valuable service she provides our community. She has worked very closely with her through the education process and thanked her for coming to share what her job is all about.

MINUTES:

Regular Meeting – January 20, 2004

Mayor Van Deursen entertained additions or corrections to the minutes of the regular meeting held January 20, 2004.

Councilman McDonald and Councilwoman Bertoline had corrections that the Clerk noted on Pages 1, 2, 4, 10 and 11. Councilwoman Bertoline questioned whether the corrections were actually done inasmuch as they never receive the corrected pages. The Clerk noted that the original copies of the minutes are available to verify that the necessary corrections have been made.

Councilman Giaimis noted that the minutes of the February 3rd meeting were unavailable. He suggested that the minutes be given to the Council in a more timely manner. The Clerk noted that the beginning of the year is very busy and traditionally the minutes are always behind. She noted that she works alone and is diligently endeavoring to catch up with the minutes.

Roll Call: Glaser, Housel, Van Deursen, Doty, Bertoline, Giaimis and
McDonald. Ayes: 7, Nays: 0.
Motion carried.

COMMUNICATIONS

The following communications were entered into the Record:

1. Memo from Planning Board Re: Area in Need of Development;
2. State of NJ Department of Health RE: Vital Statistics;
3. State of NJ DEP Re: Compliance Evaluation & Assistant Inspection WWTF
4. NJ State League RE: New Numbers for Property Tax Convention Bills;
5. NJ State League RE: Global War on Tourism;
6. Warren County planning RE: “We are the Highlands”;
7. NJ State League RE: Transportation Funding;
8. NJ State League Re: Update on C.O.A.H. Litigation;
9. Warren County League Dinner Meeting Invitation;
10. Comcast Channel Changes (2) Items; and
11. NJ State League Fax Advisory RE: Federal Budget

Mayor Van Deursen entertained a motion to acknowledge, receive and file the communications.

It was moved by McDonald, seconded by Housel that the communications numbered #1 thru #11 be acknowledged, received and filed.

Discussion: Councilwoman Bertoline addressed Item #2 regarding Vital Statistics and asked if the Clerk had the required tools in which to work with? The software program is supposed to be provided by the State very shortly.

Councilman Giaimis noted that the League Dinner is \$ 20.00 instead of \$ 25.00.

Ayes: 7, Nays: 0.
Motion carried.

AUDIENCE:

Mayor Van Deursen entertained remarks from the audience on items that were not part of the meeting agenda.

Hearing none, it was moved by McDonald, seconded by Glaser that the audience portion of the meeting be closed.

Ayes: 7, Nays: 0. – Motion carried.

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ORDINANCES:

Ordinance #3-2004 – Amending, Revising & Supplementing Section 94-75 B (4) of the Code of the Borough of Washington (Final Passage)

Mayor Van Deursen stepped down from consideration of this ordinance as she lives in the development that this ordinance impacts. Deputy Mayor Glaser took over to chair this portion of the meeting.

An ordinance amending Chapter 94-75B (4) of the Code was introduced by Councilman Housel.

It was moved by Housel, seconded by McDonald that the Clerk read Ordinance #3-2004 by title only.

Roll Call: Bertoline, McDonald, Doty, Giaimis, Glaser and Housel.

Ayes: 6, Nays: 0.
Motion carried.

The Clerk read Ordinance #3-2004 by title only and stated that this ordinance had been published in the Star Gazette as provided by law, a copy was posted on the bulletin board and copies available upon request from the Clerk's office.

Deputy Mayor Glaser opened up the public hearing portion of the ordinance to the audience for their questions or comment.

Hearing none, it was moved by McDonald, seconded by Housel that the public hearing be closed.

Ayes: 6, Nays: 0.
Motion carried.

Council Discussion: Councilwoman Bertoline noted that she was not in favor of this amendment. If this would be the only way to do it, she would be in favor but it is not the only way to do it.

It was moved by Housel, seconded by McDonald that Ordinance #3-2004 be adopted on final passage and that final publication be made as prescribed by law.

Roll Call: Glaser, Doty, McDonald and Housel – Ayes: 4,
Nays: Giaimis and Bertoline – 2. Motion carried.

ORDINANCE #3-2004

**AN ORDINANCE AMENDING, REVISING AND
SUPPLEMENTING SECTION 94-75B(4) OF
THE CODE OF THE BOROUGH OF WASHINGTON.**

WHEREAS, Section 94-75 of the Code of the Borough of Washington (the Code) sets forth the uses and required conditions for the R-1 Residence District; and

WHEREAS, Section 94-75 of the Code authorizes cluster development and specified the general conditions and requirements related to cluster developments, which conditions and requirements including setback requirements differ from those associates with conventional developments since clustering provides for flexibility in design options, aids in reducing development costs and is a method for preserving open space, through a reduction in lot size without increasing the number of lots or permitted number of units; and

WHEREAS, Section 94-75B (4) of the Code currently provides that:

Rear yard. There shall be a rear yard of at least 50 feet; provided, however, that in major subdivisions employing the use of cluster zoning, as defined and regulated in this Chapter, no rear yard shall be less than 40 feet; and

WHEREAS, it has been brought to the Planning Board's, Zoning Board's and Borough Council's attention that a number of residents in subdivisions that have employed the cluster open have sought variance from the rear yard requirements of Section 94-75B(4) in order to construct decks due to the location of the residences on the lots and that there are potentially many other properties in the same situation; and

WHEREAS, this conditions limits the ability of homeowners to construct backyard decks, which are largely considered to be a Norman amenity of suburban life; and

WHEREAS, the Washington Planning Board found that permitted uncovered decks to be constructed while retaining 35 foot rear yards I the zone would greatly enhance the utility of the rear yards in the development without impacting the public interest in maintaining suitable open space and living environments; and

WHEREAS, the Governing Body of the Borough of Washington agrees with the findings and recommendations of the Planning Board and does not find that changing the minimum rear yard setback in subdivisions employing the cluster open to accommodate unenclosed, non-roofed deck structures constitutes treating similar classes of buildings or structures in the R-1 zone differently.

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the Borough of Washington that Section 94-42B(4) of the Code of the Borough of Washington is hereby amended, revised and supplemented as follows:

Rear Yard. There shall be a rear yard of at least 50 feet; provided, however, that in subdivisions employing use of cluster zoning as defined and regulated in this Chapter, no rear yard shall be less tan 40 feet except that open, uncovered decks may be constructed in the rear yard, provided that a rear yard of not less than 35 feet shall be maintained.

Ordinance #4-2004 – Amending Chapter 94 – Development Regulations
Ordinance (Final Passage)

An ordinance amending the development regulations was introduced by Giaimis.

It was further moved by Giaimis, seconded by McDonald that the Clerk read Ordinance #4-2004 by title only.

Roll Call: Giaimis, Glaser, Housel, Van Deursen, Doty, Bertoline and McDonald.

Ayes: 7, Nays: 0.
Motion carried.

The Clerk read Ordinance #4-2004 by title only and stated that this ordinance had been published in the Star Gazette as required by law, a copy posted on the bulletin board and copies were available upon request in the Clerk's office.

Mayor Van Deursen opened up the public hearing portion of the ordinance to the audience for their questions or comments.

Hearing none, it was moved by McDonald seconded by Glaser that the public hearing be closed.

Ayes: 7, Nays: 0.
Motion carried.

Council Discussion: None.

It was therefore moved by Glaser, seconded by Giaimis that Ordinance #4-2004 be adopted on final passage and that final publication be made as prescribed by law.

Roll Call: McDonald, Bertoline, Doty, Van Deursen, Giaimis, Housel and Glaser.

Ayes: 7, Nays: 0.
Motion carried.

ORDINANCE #4-2004

AN ORDINANCE TO AMEND CHAPTER 94 OF THE CODE OF THE BOROUGH OF WASHINGTON KNOWN AS THE BOROUGH OF WASHINGTON DEVELOPMENT REGULATIONS ORDINANCE.

WHEREAS, the Borough of Washington Planning Board has recommended the adoption of standards to be applied on severe and critical slopes; and

WHEREAS, the Mayor and Council of the Borough of Washington is concerned about the environmental impacts of development on severe and critical slopes; and

WHEREAS, these proposed regulations provide for a minimum square footage of required improvable area for the creation of any new lots within the Borough; and

WHEREAS, governing body of the Borough of Washington believe these changes to be in the public interest.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that Chapter 94 of the Code of the Borough of Washington is hereby amended as follows:

SECTION I. By amending Section 5, DEFINITIONS, as follows:

1. A definition of Required Improvable Area is added, reading as follows:

“REQUIRED IMPROVABLE AREA – A contiguous area of a lot within the building envelop which does not contain existing or proposed street rights of way, wetlands and their associated transition areas as determined and/or verified by the NJ Department of Environmental Protection, flood plains, severe slopes, critical slopes, storm water detention and/or retention facilities, existing easements which preclude structures, and areas of 9-1 foot seasonal high water table, based upon the Warren County Soil Survey. The areas of contiguity shall have a minimum width dimension of fifty (50') feet. Required improvable areas shall be accessible to frontage on a street.”

2. The definition of Severe Slopes is added, reading as follows:

“SLOPES, SEVERE – Slopes having a gradient of 15% and not great than 25%.”

3. The definition of Critical Slopes is added, reading as follows:

“SLOPES, CRITICAL – Slopes having a gradient greater than 25%.”

SECTION II. By amending Section 34, Subsection E to read as follows:

“Checklists. In accordance with N.J.S.A. 40:55D-10.3, the documents dated January, 2004 and entitled the ‘Washington Borough Preliminary Subdivision Plat Checklist’ and the ‘Washington Borough Final Subdivision Plat Checklist,’ copies of which are annexed hereto and filed with the Borough Clerk in permanent record of the Borough, are hereby made a part of this chapter without the inclusion of the text thereof.”

SECTION III. By amending Section 35, Subsection F to read as follows:

“Checklists. In accordance with N.J.S.A. 40:55D-10.3, the documents dated January 2004 and entitled the ‘Washington Borough Preliminary Site Plan Checklist, Final Checklist’ and the ‘Washington Borough Preliminary Minor Site Plan Checklist (or Final),’ copies of which are annexed hereto and filed with the Borough Clerk in permanent record of the Borough, are hereby made a part of this chapter without the inclusion of the text thereof.”

SECTION IV. Article V entitled, Review Procedures and Plat Details shall be amended to include a new Section 35.1 entitled, Severe/Critical Slopes to read as follows:

“S94-351 Severe/Critical Slopes

Severe slopes and critical slopes, as defined herein, shall be identified on subdivision plats and site plans. No more than 30% of the total area of severe slopes on a lot shall be disturbed. There shall be no disturbance of critical slopes except that an access driveway and an access for utility services may cross slopes greater than 25% provided they generally follow contours and conform to the driveway ordinance. No structure may be erected on slopes greater than 25%.”

SECTION V. Article VI entitled, Design and Performance Standards is amended to add a new Section 56.1 entitled, Required Improvable Area, to read as follows:

“S94-56.1 Required Improvable Area

Any subdivision proposed shall divide the tract comprising the subdivision in such a manner that each resulting lot created shall contain a required improvable area of not less than 10,625 square feet. This requirement shall apply independently of any minimum lot area requirement set forth in Article VII of this Ordinance.”

SECTION VI. In accordance with Chapter 3, Article II, Section 15, Subsection E of the Code of the Borough of Washington, this Ordinance shall become effective 20 days after final passage unless the Council, by an affirmative vote of five (5) Council Members, shall adopt a resolution declaring the Ordinance to be an emergency upon which said Ordinance will take effect upon final passage.

REPORTS:

It was moved by McDonald, seconded by Housel that the Borough Manager’s, WWTP, Borough Engineer, Building Department and A & E O.T. reports be accepted as presented and filed.

Ayes: 7, Nays: 0. – Motion carried.

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VOUCHERS:

Mayor Van Deursen entertained questions or additions to the vouchers and claims.

Councilwoman Bertoline questioned a bill that seemed to be for work done on a police vehicle that was charged to the Road Department of Page 13. Another question on Page 23 was asked and answered.

Hearing no further discussion, it was moved by McDonald, seconded by Housel that the vouchers and claims be paid in the amount of \$ 83, 208.58 as reflected in the debit/credit memorandum on file in the Collector-Treasurer's office.

Roll Call: Doty, Bertoline, McDonald, Giaimis, Glaser, Van Deursen and Housel.

Ayes: 7, Nays: 0.
Motion carried.

OLD BUSINESS:

Continued Discussion – Nepotism

Continued discussion ensued on the Nepotism issue. Councilwoman Bertoline indicated that the information she asked for was not provided. She was not prepared to discuss the issue of nepotism at this time. She informed Council that an OPRA request was filed with the Clerk's office. Councilwoman Bertoline felt that it was terrible that she had to go to this extreme to get this information.

The memo this evening provided further information from the Department of Personnel. However, Civil Service names were excluded. She alleged that the Manager chose what information he wanted to give her and it is not complete. She alleged that the Manager censored what information he wanted her to have.

Mayor Van Deursen noted that Councilwoman Bertoline's request is not necessarily what the Council wants.

Councilman Giaimis noted that Councilwoman Bertoline is entitled to this information if she wants it.

Mayor Van Deursen also that the Manager has been instructed to concentrate his efforts on the proposed 2004 Municipal Budget which is a priority of Council's.

Councilwoman Bertoline addressed a question to Attorney Cushing in regard to the top three qualified candidates when it came to Civil Service. This question had been posed to Attorney Kopen at the previous meeting.

Some members of the audience were recognized by the Mayor.

Peter Wright, 92 Flower Ave. questioned whether the individual people on the Board's would have to be rice noticed if they were going to be discussed?

Gary Pohoely, Wayne Str. noted that a Nepotism Policy was ridiculous and a slap in the face to those volunteers working for the community. It is questioning everyone's integrity. It is not necessarily a perk serving your community. The Recreation Commission does not do the hiring. The Recreation Commission Director does the hiring based on qualification and certification for life-guards. His daughter worked at the park while he was Chairman and there was no problem. He did not directly supervise her and had no interaction with her as an employee. This whole idea is ludicrous. Everyone he has had the opportunity to work with has had a very high standards of ethics.

Councilwoman Bertoline indicated that discussion of a Nepotism Policy is not directed towards the Recreation Commission or anyone else. She is not questioning

anyone's integrity or is singling out any one particular group. The Recreation Commission should be a "Committee" rather than a "Commission".

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Steve Sharkey, Pinewood Dr. (Wash. Twsp.) spoke on trust and building relationships. He has had an opportunity to work with many of the youth who are employed by the Borough Park and they are a fine group of young adults to work with. He did not see the need for instituting such a policy.

Manager Fisher noted that there is an Assembly Bill pending that has been introduced regarding nepotism but it is going to be a long time before it sees light of day. Councilman Giaimis did speak to some of his friends on the State level and they also agreed that it may not go very far.

Councilman Housel noted that with our form of government we have to have a certain amount of trust in our professionals. We have to trust the people we appoint and hire. There is enough checks and balances in our system that he did not feel that there was a need for a Nepotism Policy.

Councilman Giaimis still felt that something is needed.

Councilwoman Glaser noted that she has listened to all the pros and cons of this issue. She noted that in her profession she hires on qualifications and performance. All of our departments are of the highest integrity and are professionals. She did not feel that at this time this is a critical issue. We are a small community. She was not in favor of pursuing a policy at this time.

Councilman Doty announced that he felt that there were more important issues the Council should be concentrating on such as the Downtown Revitalization.

Councilwoman Bertoline was more concerned with the professional appointments. This is the area she wants to pursue something. This discussion was never meant to question the integrity of the Boards. Her comment was that she did not have faith in the Manager.

Manager Fisher noted that he did not know if he could provide all the information she requested.

Hearing no further discussion on this issue Mayor Van Deursen called a short recess at 9:25 PM.

Council recessed and reconvened with everyone present at 9:25 PM.

Report/Tabulations Re: Risk Manager, Consulting Engineer & Municipal Auditor

The tabulations for the Risk Manager, Consulting Engineer and Municipal Auditor were presented to Council for discussion. It was agreed that a Special meeting would be scheduled to interview these applicants. The Risk Manager's positions were discussed and the top three would be notified to appear for an interview, the firms being Brown and Brown, Statfeld Vantage and Sasco Insurance Services. The Auditor's positions were discussed and the top three also would be notified to appear for an interview, the firms being Suplee, Clooney & Company William M. Colantano, Jr. and Nisivoccia & Company. The consulting engineer's were discussed and the top two were chosen to be interviewed, their firms being Maser Consulting and Schoor De Palma.

Councilman Housel wanted to include Hatch McDonald also given the fact that they have twenty (20+) years with the Borough of engineering information and background. Councilman McDonald agreed.

The Special Meeting date agreed upon was Thursday, February 26, 2004 at 8 PM. The Clerk will prepare the necessary special meeting notice.

Budget Workshop Meetings

For the benefit of Councilman Doty the following Budget workshops were noted. The Clerk will be sending out the required Special Meeting notice. The meetings are as follows:

- Saturday, March 6th at 9 AM – Council Chambers
- Sunday, March 7th at 1 PM – Council Chambers
- Saturday, March 13th at 9 AM – Council Chambers
- Sunday, March 14th at 1 PM – Council Chambers

NEW BUSINESS:

Resolution #29-2004 – Declaring the Need for Rehabilitation

The following Resolution was moved by Giaimis, seconded by McDonald and adopted:

RESOLUTION #39-2004

WHEREAS, N.J.S.A. 40:12A-14 does provide for a process to declare a municipality, in whole or in part, as an area in need of rehabilitation; and

WHEREAS, the criteria for said determination includes a finding that more than half of the housing stock in the delineated area is at 50 years old, or a majority of the water and sewer infrastructure in the delineated area is at least 50 years old and is in need of repair or substantial maintenance; and

WHEREAS, the housing stock in Washington Borough is comprised of 1,408 units of which 820 units or 58% presently meet or exceed the 50 year criterion; and

WHEREAS, the Borough is served by a public potable water system and a sanitary sewer system, both of which, due to their age, evidence characteristics of deterioration and are in need of substantial maintenance and improvements; and

WHEREAS, Washington Borough has received approval of a Town Center Designation by the New Jersey State Planning Commission; and

WHEREAS, the Borough Council did adopt on July 16, 2002 a Downtown Revitalization Plan wherein tax incentives through local property tax exemption programs are among the implementation strategies of said Plan; and

WHEREAS, in order to facilitate the residential and commercial growth anticipated with the Town Center Designation in general, and the Downtown Revitalization Plan in particular in a proactive manner, the Borough Council deems it imperative that improvements be made to the Borough's housing stock and its sewer and water infrastructure; and

WHEREAS, the Borough Council does wish to have at its disposal the tax abatement and exemption provisions of N.J.S.A. 40A:21-1 et. seq., the "Five-Year Exemption and Abatement Law", with the adoption of the area in need of rehabilitation designation in order to effectuate improvements to its housing stock, its commercial base, and its infrastructure.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to N.J.S.A. 40A:12A-14, the Borough Council hereby designates the Borough as an area in need of rehabilitation to allow property-owners a five year tax exemption/abatement and thus encourage them to make improvements to existing dwellings, or construct new dwellings, or non-residential building to multiple dwellings.

BE IT FURTHER RESOLVED, that Washington Borough will seek to repair and improve the water and sanitary sewerage systems serving the Borough through the auspices of an area in need of rehabilitation designation in order to effectuate the goals and objectives of the Town Center designation in order to effectuate the goals and objectives of the Town Center designation and those of the Downtown Revitalization Plan.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Washington Borough Planning Board for its consideration and recommendations.

Roll Call: Doty, Bertoline, Housel, McDonald, Van Deursen, Glaser and Giaimis.

Ayes: 7, Nays: 0.

Motion carried.

Resolution #40-2004 – Authorizing the Refunding of an Overpayment of the Borough's Sewer Service

The following Resolution was moved Giaimis, seconded by McDonald and adopted:

RESOLUTION #40-2004

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>
100/44	Lincoln Trust 53 Cornish St.	\$ 43.00

The former owner made an overpayment during the closing procedures on the above property location. A refund of \$ 43.00 should be mailed to:

Lincoln Trust Company
C/o Steel Property
P.O. Box 699
Summit, NJ 07902

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.

Roll Call: Doty, Bertoline, McDonald, Giaimis, Glaser, Van Deursen and

Resolution #41-2004 – Authorizing the Refunding of an Overpayment of the Borough's Sewer Service Charge

The following Resolution was moved by Giaimis, seconded by McDonald and adopted:

RESOLUTION #41-2004

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>
72/7	Frank Calabrese 27 Presidential Drive	\$ 43.00

The former owner made an overpayment during the closing procedures on the above property location. A refund of \$ 43.00 should be mailed to:

Frank Calabrese
195 Brass Castle Rd.
Washington, NJ 07882

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.

Roll Call: Doty, Bertoline, McDonald, Housel, Glaser, Van Deursen and Giaimis.

Ayes: 7, Nays: 0.
Motion carried.

Resolution #42-2004 – Refunding Overpayment of Taxes

The following Resolution was moved by Giaimis, seconded by McDonald and adopted:

RESOLUTION #42-2004

A RESOLUTION TO REFUND OVERPAYMENT ON 2003 REAL ESTATE TAXES

WHEREAS, according to the Tax Collector's records, there is an overpayment of \$ 1,243.51 on 2003 3rd Quarter Regular Taxes paid on property located at 38 W. Johnston Street, also known as Block 020.01, Lot 002 and in the name of Hagensen, Vincent B. ad Margaret S.; and

WHEREAS, this overpayment was created by Attorney Baucom paying for the new property owners and Washington Mutual thru Transamerica Tax Service paying for the old property owners; and

WHEREAS, Transamerica/Washington Mutual is requesting the overpayment be refunded to the former property owners.

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 Treasurer to refund the amount of \$ 1,243.51 in the name of:

Vincent B. and Margaret S. Hagensen
65 Hillairy Avenue
Morristown, NJ 07960

Roll Call: Van Deursen, Glaser, Housel, Giaimis, McDonald, Bertoline and Doty.

Ayes: 7, Nays: 0.
Motion carried.

Resolution #43-2004 – Emergency Temporary Appropriation

The following Resolution was moved by Giaimis, seconded by McDonald and adopted:

RESOLUTION #43-2004

**A RESOLUTION PROVIDING FOR EMERGENCY
TEMPORARY APPROPRIATIONS PRIOR TO THE
ADOPTION OF THE 2004 MUNICIPAL BUDGET FOR THE
BOROUGH OF WASHINGTON, IN THE COUNTY OF
WARREN, STATE OF NEW JERSEY.**

WHEREAS, an emergency condition has arisen with respect to a delay in the adoption of the 2004 Municipal Budget creating a shortage of funds and no adequate provisions have been made in the 2004 Temporary Budget for aforesaid purposes, and N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned; and

WHEREAS, the total temporary emergency appropriations adopted in the year 2004 pursuant to the provisions of Chapter 96, P.L. 1951, (N.J.S.A. 40A:4-20), including this resolution and temporary appropriations, total \$ 1,336,371.00; and

WHEREAS, these appropriations do not exceed the amounts proposed for final adoption in the 2004 Municipal Budget.

NOW, THEREFORE, BE IT RESOLVED, that in accordance with N.J.S.A. 40A:4-20 the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey by two-thirds affirmative vote do hereby make the following emergency temporary appropriation for the departments and accounts as listed below:

FEDERAL AND STATE GRANTS (X-CAP):

General Government

Municipal Alliance

Other Expenses \$ 2,000.00

TOTAL OF THIS EMERGENCY TEMPORARY APPROPRIATIONS: \$ 2,000.00

Roll Call: Doty, Van Deursen, Giaimis, Glaser, Housel, McDonald and

B.A.S.F. Request for Street Light on Pershing Avenue

A request was received from B.A.S.F. Wyandotte for an additional street light on Pershing Avenue. Council Discussion followed at which time the Council did not feel that a street light was warranted at our costs. They suggested that additional lighting be placed on B.A.S.F. Wyandotte property.

It was moved by Bertoline, seconded by Glaser that B.A.S.F. Wyandotte's request for a street light on Pershing Avenue be denied.

Ayes: 7, Nays: 0.
Motion carried.

Township/Borough Joint Meeting to Discuss G.I.S. & Stormwater Management Planning

A joint meeting with the Township is scheduled for February 24th at 8:30 PM at the Township Police Headquarters to discuss G.I.S. Stormwater Management.

Mayor Van Deursen commented that shared services would be beneficial to the taxpayers. The Clerk was directed to prepare the necessary meeting notice and forward to the news media.

To consider the Award of a Professional Service Contract for Environmental Studies at the former Vikon Tile Site

The contract was submitted for execution. Attorney Cushing stated that he had reviewed the context of the contract and is suggesting some minor modifications to the contract dealing with indemnification, consequent damage on Page 4 and the deletion of Article 9 completely from the contract. Council discussed the contract and Councilman McDonald questioned the time constraints that may be involved in executing this agreement? Councilwoman Bertoline asked whether the costs are covered under the grant? The costs are covered.

Attorney suggested that in the interest of saving time Council could make a motion to execute the contract, subject to the approval of the modifications he proposed being done.

It was therefore moved by McDonald, seconded by Housel that the Council approve the execution of this agreement with TRC subject to the modifications suggested by the Borough Attorney.

Roll Call: Housel, Giaimis, Glaser, Van Deursen, Doty, Bertoline and McDonald.

Ayes: 7, Nays: 0.
Motion carried.

To consider approval of a Bingo License Application for Central Warren Youth Association

An application for bingo license was submitted from Central Warren Youth Association.

The application being in order, it was moved by Bertoline, seconded by Glaser that the Clerk be authorized to issue the license to Central Warren Youth Association.

Ayes: 7, Nays: 0.
Motion carried.

Councilman Doty asked what the status of the tax appeal was for Central Warren Youth Association? No information is available at this time.

Phase II Bid Results – To consider rejection of all bids

Manager Fisher reported that the bids came in over budget. 1.2 million was budgeted and the bids came in at 1.4 million dollars. He recommended that all bids be rejected and that the scope of work be reduced and we go out for new bids.

It was therefore moved by Glaser, seconded by Bertoline that the Council reject all bids and that the scope of work be reduced and the project placed out for re-bid.

Roll Call: McDonald, Bertoline, Doty, Van Deursen, Housel, Giaimis and Glaser.

Ayes: 7, Nays: 0.
Motion carried.

Council Remarks:

Mayor Van Deursen polled Council for their remarks.

Councilman Housel had no remarks.

Councilwoman Glaser had no remarks.

Councilman Doty had no remarks.

Councilwoman Bertoline had no remarks.

Councilman McDonald noted to the Clerk that he would be attending the next League Dinner.

Mayor Van Deursen had no remarks.

Executive Session

It was moved by Bertoline, seconded by Housel that the Council go into Executive Sessions to discuss litigation and land acquisition at 10:20 PM.

Ayes: 7, Nays: 0.
Motion carried.

It was moved by Housel, seconded by Glaser that the Council go out of Executive Session back into open session at 11:10 PM.

Ayes: 7, Nays: 0.
Motion carried.

Hearing no further business to come before Council, it was moved by Bertoline, seconded by Housel that the meeting be adjourned at 11:10 PM.

Ayes: 7, Nays: 0.
Motion carried.

Marianne Van Deursen, Mayor

Linda L. Hendershot, RMC/CMC
Borough Clerk