

MINUTES OF REGULAR MEETING HELD MARCH 2, 2004

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

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

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

The Flag Salute was led by the Mayor.

“The requirements of the ‘Open Public Meetings Law’ P.L. 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:

Kay F. Stasyshan, Collector of Taxes

Mrs. Stasyshan introduced herself to members of the Council and outlined the duties and responsibilities of her office. Her staff consists of two full time employees and one part-time employee. Her staff’s responsibilities fall into one employee in charge of purchasing and preparation of the claims list, another employee in charge of collecting taxes and handling the escrow accounts and her part-time staff member handling the sewer utility accounts. There is presently no delinquent taxes to be collected for the years 2001 and 2002. The delinquencies for 2003 will be advertised in the required tax sale notice held each year. In December the Borough held a successful bond sale at a rate of 1.283%. She outlined her educational requirements that must be met for her certifications which are all current.

She entertained questions of her office. Hearing none, Mayor Van Deursen extended her thanks on behalf of the Council to Mrs. Stasyshan and her staff for the excellent job they do for our community.

MINUTES:

Regular Meeting – February 3, 2004 and February 17, 2004

Mayor Van Deursen entertained additions or corrections to the minutes.

Councilwoman Bertoline referred to Page 8 of the February 3rd minutes and noted that she made the request for further information on Civil Service.

Councilwoman Bertoline referred to Page 2 of the February 17th minutes and noted also that she wanted the corrections made to be specifically noted as to what they were.

Councilwoman Bertoline referred to Page 13 of the February 17th minutes and under the award for professional services she was the one who asked if the costs were covered under the grant.

The Clerk noted these corrections.

It was therefore moved by Giaimis, seconded by Glaser that the minutes of the regularly scheduled meetings of February 3, 2004 and February 17, 2004 be approved as corrected.

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

COMMUNICATIONS:

The following communications were entered into the record:

- 1) ANJEC Re: Resolution in support of a Regional Plan for the Highlands;
- 2) NJ State League RE: NJ Appellate Division Confirms First Lien Status for Municipal Tax Due on Insolvent Estate;
- 3) NJ State League RE: S-128 Outlaw Punitive Damages;
- 4) NJ State League RE: Property Tax Reform Initiative;
- 5) R. Cushing Esq., RE: Open Public Records Act;
- 6) NJ State League RE: DEP Stormwater Regulations;
- 7) NJ State League RE: Domestic Partnership Law;
- 8) NJ State League RE: DKM Residential Properties v. Montgomery Township RE: Supreme Court Grants Certification;
- 9) NJ State League RE: Governor's Budget Proposal; and
- 10) Morris Canal Bus Tour

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

It was moved by Giaimis, seconded by Glaser that the communications numbered #1 thru #10 be acknowledged, received and filed.

Discussion: Councilwoman Bertoline addressed #1. She asked whether this was an issue that Council would like to support. Discussion followed at which time Councilman Doty cautioned Council on moving forward on this right now. The farmers and foresters have some concerns with respect to this issue. Councilwoman Bertoline is concerned about the fiscal fairness to all areas impacted. Councilman Giaimis felt that Council should wait for the recommendations of the Task Force that the Governor has appointed. The general consensus was to wait for additional information.

Councilwoman Bertoline addressed #3 dealing with punitive damages. Attorney Cushing commented on this communication. Attorney Cushing felt that the Council should take the position to support this legislation protecting the municipality. Attorney Cushing will provide additional information and a resolution for consideration at the next meeting.

Councilman Housel addressed #7 and questioned whether this issue should be placed on a future agenda dealing with the domestic/partnership law. Manager Fisher noted that it was up to Council to make a decision as to where they wanted to go with this? Attorney Cushing noted that you do not have to provide this benefit. It is not binding.

Councilwoman Bertoline addressed #4 on Property Tax Reform Initiative? Attorney Cushing noted that this is basically a political decision. No action was taken.

Councilwoman Bertline addressed #6 on the Stormwater Regulations and asked if the Borough has applied for a permit? Manager Fisher noted that we have applied for the required permit.

Hearing no further discussion on the communications a vote was taken.

Ayes: 7, Nays: 0.
Motion carried.

AUDIENCE:

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

Kevin McDonald, Lenape Trail addressed the garbage issue that has most recently come about concerning the size of the garbage containers that can be utilized. He alleged that the garbage issue has not been handled properly and everyone is not hearing the same thing. He stated that when he came into the office that the Manager did not take the time to explain what the issues were. He simply stated that he was in violation of the ordinance. Mr. McDonald felt that the ordinance in itself was misleading. There was no prior communication in regard to this issue prior to its implementation. Mayor Van Deursen noted that there was a press release issued and circulated to the newspapers. Mr. McDonald felt that the issue merits discussing. How much garbage and what size should be put out. 30 gallon containers or 32 gallon containers?

Manager Fisher noted that there is copies of the Code available to the public. The Code clearly identifies that a resident is restricted to 60 gallons of garbage per family. The size of the container should be 30 gallons and there is a 60 Lb. weight limitation. Upon doing some investigation it appears that 32 gallon containers seem to now be the standard size container and the garbage contractor will pick them up. Mr. McDonald also indicated that with a family it is difficult to meet this requirement of two 30/32 gallon containers per week. Manager Fisher noted that the State does encourage recycling to cut down on the amount of garbage generated each week. Further, there is a provision for additional stickers if you have excess garbage that you want removed each week. You can purchase these stickers and place your excess containers out along with your two 30/32 gallon containers. Mr. McDonald stated that he did not receive the proper information on coming into the Borough Hall and Mr. Fisher did not take the time to explain the Code to him.

Councilwoman Bertoline addressed the “Garbage Code” and agreed that the ordinance did need some clarification. She took the time to research what size containers are available in the stores and the thirty (30) gallon containers with wheels are difficult to purchase.

Discussion followed at which time it was moved by Bertoline, seconded by Giaimis that Council re-address the garbage ordinance at the next meeting.

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

Ayes: 7, Nays: 0.
Motion carried.

Joe Fox, Fire Chief updated the Council on the grant that was awarded last year that the Fire Department applied for in the amount of \$ 104,000.00. Ninety-five (95%) percent of the equipment has been purchased and received and is in service. The Fire Department is presently working on another grant this year for \$ 260,000.00. They have two opportunities to acquire this grant as early as July or as late as March of next year. If they are successful they will be asking for the ten (10%) percent match. They are looking to replace the 1978 Pumper. Mayor Van Deursen recognized Steve Alpaugh who was instrumental in applying for the first grant and is actively working on this grant. The grant they are applying for will not cover such expenditures as contractual review and travel expenses to inspect the truck. These will be additional expenses over and above the grant award. The grant deadline is April 1st. The truck they plan on purchasing will basically be order bare bones as far as equipment. The grant, if awarded, will go to Steamer Company #1. The Fire Department will also be looking to, in the future, modify the building to house their equipment.

Chris Benedict, Prosper Way was also interested in following up on the garbage situation. He also wanted to know if Prosper Way was going to be reassessed in regard to the condition of the roadway. The oil and chipping process he was not in favor of and felt that it was a waste of taxpayers money. Another problem he wanted to have looked into was the car dealership on Rt. 57 by the bridge. He questioned how many cars they could have on the lot?

Councilwoman Bertoline noted that she has noticed storage of motors and unlicensed cars that have been there for for more than year.

Attorney Cushing noted that some of the questions posed could be investigated by the Zoning Officer but some of the uses on this sight in respect to the business could perhaps have been considered grandfathered in and pre-dates zoning.

Mayor Van Deursen noted that the Borough Council will be reviewing their budget and discussing the conditions of our roads in the Borough during their Capital Budget. This area of Prosper Way will be a part of the overall discussion.

Rick Feldman, Prosper Way noted that there are a lot of cars being driven from this car dealership without any plates on them. It was suggested that the Police Department be apprised of this concern.

Hearing no further remarks from the audience, it was moved by Housel, seconded by McDonald that the audience portion of the meeting be closed.

REPORTS:

It was moved by McDonald, seconded by Bertoline that the Road Department O.T., Police, WWTP, Borough Clerk's, Code/Zoning Enforcement, Borough Manager's and Collector/Treasurer's Yearly report be accepted as presented and filed.

Discussion: Councilwoman Bertoline commented on the Manager's report with respect to the Technical School N.J.P.D.E.S. Permit and its impact on the Borough's permit from DEP. She also commented on the grant that the Business Improvement District has applied for in the downtown business district.

Ayes: 7, Nays: 0.
Motion carried.

VOUCHERS:

Mayor Van Deursen entertained any questions or comments on the vouchers and claims for payment, either handwritten or regular vouchers.

Councilman Doty commented on work for a tree on Grand Avenue that was already scheduled on Page 6 of the regular vouchers.

Councilwoman Bertoline had a question on the handwritten bills for January on Page 15 dated 3-2-04 regarding the North Prospect Street Sidewalk project. Attorney Cushing noted that the Bonding Company isn't covering any costs to date. He has had no response from them to date. This work was for the engineering evaluation of the work that needs to be done yet. The fence and gate installation at the park was noted on the claims list. The costs for the court recorder was noted as paid from two separate accounts on Page 14 and 18. A new recording system was purchased.

Councilman Doty had a question on the handwritten vouchers regarding the self-storage bill? Personal property of the Borough is stored on this site that is being held for public or private sale. Councilman Giannis also noted that perhaps some of this personal property could be donated?

Hearing no further questions in regard to the vouchers and hand-written list for January, it was moved by McDonald, seconded by Housel that the vouchers and claims be paid in the amount of \$ 916,556.19 and the hand-written vouchers for January in the amount of \$ 175,796.81 as reflected in the debit/credit memorandum on file in the Collector-Treasurer's office.

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

Ayes: 7, Nays: 0.
Motion carried.

PRESENTATION:

Discussion W/Frank Brockerhoff, Converse Consultants RE: Remedial Action Progress Report – Alleger Street Garage

Mayor Van Deursen deviated from the order of business to hear a presentation from Mr. Brockerhoff regarding the Alleger Street Garage. Council concurred.

Mr. Brockerhoff presented a report with respect to the three underground storage tanks that were removed from the Alleger Street site in 1990 and outlined in his report the history of the problem, its current status, the DEP's letter with their requirements and recommendations under date of January, 2004..

Councilwoman Bertoline had some technical questions in regard to the DEP report and questioned why this problem has been going on for thirteen years? Discussion followed with Council. There was no supporting data that this is an ongoing source.

Councilman Doty noted that in view that there is nothing seen that it is an on-going source, he recommended that the Council should move forward with the NJ DEP's option of injecting food grade molasses to aid in reducing the chlorination.

Council concurred with this suggestion and will discuss the costs involved at the Budget workshop sessions.

It was moved by Bertoline, seconded by Glaser that the Council take a short recess at 9:10 PM.

Ayes: 7, Nays: 0.
Motion carried.

Council reconvened with everyone present at 9:25 PM.

OLD BUSINESS:

Discussion – Web Committee Report RE: Website

Councilman McDonald reported the results of the sub-committee established to discuss a Borough web-site. The Committee consisted of Councilwoman Bertoline and the Mayor, along with some professional volunteers who discussed the best approach to providing a web-site for the Borough. The Committee is recommending that the Council hire a professional to design and up-date the web-site in accordance with the Inter Net Laws. There will be a cost involved.

It was therefore moved by McDonald, seconded by Bertoline that bid specifications and/or proposals be prepared to provide a web-site for the Borough.

Discussion: Manager Fisher indicated that he would welcome a volunteer group to assist in preparing the specifications.

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

Ayes: 7, Nays: 0.
Motion carried.

Discussion of Council Members requests for Information

Attorney Cushing outlined the sequence of events that led up to Councilwoman Bertoline's filing of an OPRA request to the Clerk. The Clerk questioned the charges that were required to be charged for the research and work that was done to provide this information to Councilwoman Bertoline. Attorney Cushing reviewed the information forward to him by the Clerk and advised that the charges be voided on the basis that she was not notified of the estimated costs involved in this request.

Councilwoman Bertoline outlined the manner in which her initial request to the Manager was made; that she didn't get the documents she felt she was entitled to get to make an informed decision. Councilwoman Bertoline stated that she would like to have her say in this matter as the facts were presented. After her initial request was made to the Manager, she found that the information did not provide her with enough facts to make an informed decision. She filed a letter in the form of an OPRA request. The Manager requested that she file her request on the form that the Borough prepared. She alleged that the request does not have to be on a Borough generated form. She also took exception that overtime was necessary to provide the information she requested. The fact that she was charged was unnecessary. When Councilman Housel requested information for an ordinance he was not charged. No Council person has been charged in the past. She alleged that the Manager was censoring information and providing Council what he wanted them to know. The information she requested could have been downloaded from the payroll records and did not require excess overtime. The information given to Council was not complete and the Manger's e-mails were not included and contradicted hers. She referred to executive session minutes and the fact they are not approved. Is Council trying to hide information? Councilwoman Bertoline stated that Council should want to make good solid decisions.

Attorney Cushing explained that any citizen could request a record under the OPRA Act. However, under Council-Management Form of Government it is different. Attorney Cushing spoke to the different forms of government and how they function. The OPRA Law addresses existing records. It does not require a record to be generated. If it is not a reasonable request or requires extensive research and the record has to be generated within the seven (7) day period the person requesting the record should be advised that it is going to take time, that the record must be generated and that there is going to be a substantial cost involved. Before OPRA people took the time to come in and review documents and this is still permissible.

Councilwoman Glaser noted that she thought that some of the information requested was confidential? Most of the information that was requested is public information.

Mayor Van Deursen noted that the majority of Council did not want this information. This information was not requested on behalf of the Council. Councilwoman Bertoline disagreed and stated that it was not a dead issue. She asked for additional information from the attorney.

Manager Fisher stated that he would like to address some of the accusations and attacks being directed at him by Councilwoman Bertoline. He stated that there were no records being hidden. He was exercising reasonable resources of the Borough's records. Some of the information requested had to be generated and did take time which required the overtime over and above the general duties of the office during normal business hours. Manager Fisher noted that he had requested this be on the agenda because of the personal attacks against him. A policy should be considered to handle requests. Council can request research of a reasonable nature but this request had a far reaching impact and warranted generating and creating the record.

Councilman Giaimis took exception to the Manager's remarks alleging that he was being attacked. He is a public official. He stated that as an elected official they all face tough issues where they are being attacked by the public.

Councilman Giaimis was appalled at the charge involved for these records. He has requested records of other municipalities where they were difficult to access and the charge was not this high.

Discussion followed at which time no further action was taken on this issue.

Discussion Re: Tax Exemption & Abatement Ordinance

Discussion was held with respect to the draft ordinance prepared providing for the implementation of a five years tax exemption and abatement law in the Borough.

This ordinance was prepared as a result of a sub-committee formed on this topic and a result of their recommendations.

Councilman Giaimis posed the question of multiple dwellings and asked if they downsized to a two family would they be eligible for abatement?

Councilwoman Glaser noted that this question needs to be clarified inasmuch as they would be decreasing the unit size.

Councilwoman Glaser noted that the ordinance was created to encourage property owners in the downtown area to not just improve their store fronts but the apartments as well.

Jim Sheldon, Executive Director was recognized by the Mayor. Mr. Sheldon pointed out to Council that we have a very high percentage of renters in the community. He would like to see an incentive to those people who have taken the very large Victorian Homes and converted them into apartments to get some type of exemption if they convert them back to single residential. Councilwoman Glaser noted that this idea would be very harmful to the tax base. Councilwoman Glaser noted that there used to be HUD Grants available for low interest loans for improvements.

Councilman McDonald suggested that perhaps the local banks would cooperate along these avenues.

Manager Fisher recommended the sub-committee discuss the ordinance further or adopt this ordinance and revisit some of the suggestions at a later date in time.

Manager Fisher noted that the Borough is looking to get the most for their money through giving the commercial properties a incentive.

Councilwoman Glaser would like to see the issues that need clarification resolved and to consider the ordinance for introduction at the next meeting. The Committee can then reconvene to discuss other avenues.

Councilwoman Bertoline had a question with respect to Item #4 as to when the exemption began? It will not take effect until the project is fully completed and a C.O. is issued. The Assessor will keep a record of the exemptions.

The ordinance, as written, applies to businesses and multi-dwellings.

Further clarification will be looked into with respect to the definition of a mixed use, Item #3 as to reduction of multiple units 3+ family, a better definition of home based businesses and Attorney Cushing suggested that a fee be instituted for the initial application. These fees can be a percentage of the first year's projected savings.

Councilman Giaimis asked how other communities handled the fee? Councilman Giaimis also voiced his sentiments regarding this ordinance and hoped it could be considered for adoption at the next meeting. Perhaps this section could be left blank for inclusion at the meeting.

Councilwoman Glaser noted that during the next couple of weeks these issues raised would be researched and examples and recommendations would be e-mailed to the sub-committee so that the ordinance could be considered at the next meeting.

Jim Sheldon stated that the ordinance will be an excellent tool and will do great things for the downtown business district.

The ordinance will be ready at the next Council meeting for introduction.

To consider the appointment of a Council Representative to serve on the Warren County Municipal & Charitable Conservancy Trust Funds Committee

Mayor Van Deursen was looking for a volunteer from Council to serve as the Council Representative to serve on the Warren County & Charitable Conservancy Trust Fund Committee. Councilman Jerry Giaimis volunteered to serve. Council concurred.

Resolution #44-2004 – Authorizing the Release of Funds from an Escrow Account B.A.S.F.

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

RESOLUTION #44-2004

A RESOLUTION AUTHORIZING THE RELEASE OF FUNDS FROM AN ESCROW ACCOUNT ESTABLISHED IN THE NAME OF B.A.S.F. CORPORATION AND HELD IN TRUST BY THE BOROUGH OF WASHINGTON.

WHEREAS, BASF Corporation applied for a received site plan approval to construct a guard house, parking lot and other site improvements; and

WHEREAS, funds were posted in escrow to cover the cost of inspection services and to provide performance guarantee on site improvements; and

WHEREAS, Municipal Engineer Robert Miller, C.M.E., P.E. has determined that all site work required under the site plan approval has been completed in a satisfactory manner.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Municipal Treasurer is hereby authorized to issue a check to BASF Corporation for the balance in the inspection escrow account, after all outstanding bills have been paid for inspection services, and the performance guarantee account in BASF Corporation name established for the project noted above.

Discussion: Councilwoman Bertoline asked if all the trees were planted? It was answered in the affirmative by the engineer.

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

Ayes: 7, Nays: 0.
Motion carried.

Resolution #45-2004 – Accepting a Grant from the Hazardous Discharge Site Remediation Fund

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

RESOLUTION #45-2004

A RESOLUTION ACCEPTING A GRANT FROM THE HAZARDOUS DISCHARGE SITE REMEDIATION FUND MUNICIPAL PROGRAM THROUGH THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.

WHEREAS, the Borough of Washington has applied for and has been awarded a grant in the amount of \$ 122,920.00 from the Hazardous Discharge Site Remediation Fund Municipal Grant Program through the New Jersey Department of Environmental Protection and the New Jersey Economic Development Authority for the preliminary assessment and site investigation as well as report preparation of the Aristicover Inc./Frm. Vikon Tile Corporation property;

NOW, THEREFORE, BE IT BE RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey, that the above-referenced grant is hereby accepted and the Mayor and Borough Clerk are hereby authorized and directed to execute grant documents as authorized representatives there under, as the representatives for the Borough of Washington.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the New Jersey Economic Development Authority.

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

Ayes: 7, Nays: 0.
Motion carried.

Resolution #46-2004 – Redemption of Tax Certificate, Blk. 82, Lot 36

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

RESOLUTION #46-2004

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE AS PER N.J.S.A. 54:5

KNOW ALL MEN BY THESE PRESENCE, THAT, WHERAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 8, 2002 to Carol L. Baron, PO Box 877, Barnegat Light, NJ 08006-0877, in the amount of \$ 30.30 for taxes or other municipal liens assessed for the year 2001 in the name of Lewis, Cathy A., as supposed owners, and in said assessment and sale were described as 69 Park Avenue, Block 82, Lot 36, which sale was evidenced by Certifidate #370-02.

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 2-23-04 and before the right to redeem was cut off, as provided by law, First American/Bank of America, c/o Home Focus, claiming to have an interest in said lands, did redeem said lands claimed by Carol L. Baron, and last above mentioned, by paying to the Collector of Taxes of said taxing

district of Washington Borough the amount of \$ 723.67, which is the amount necessary to redeem Tax Sale Certificate 370-02.

NOW, THEREFORE, BE IT RESOLVED, on this 2nd day of March, 2004 by the Mayor and Council of the Borough of Washington, County of Warren, authorize the Treasurer to issue a check payable to Carol L. Baron, PO Box 877, Barnegat Light, NJ 08006-0877 in the amount of \$ 723.67.

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

Ayes: 7, Nays: 0.
Motion carried.

Resolution #47-2004 – Refunding of an Overpayment of the Borough Sewer Service Charge

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

RESOLUTION #47-2004

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>
2.01/12	Steven & Michele Ike 110 McDonald Street	\$ 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:

Steven & Michele Ike
30 Bowerstown 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 over payment amount.

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

Ayes: 7, Nays: 0.
Motion carried.

Resolution #48-2004 – Refunding of an Overpayment of the Borough's Sewer Service Charge

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

RESOLUTION #48-2004

**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>
13.01/7	Edward German 20 Grand Ave.	\$ 86.00

The former owner made an overpayment during the closing procedures on the above property location. A refund of \$ 86.00 should be mailed to:

Edward German
3 Victoria Lane #5
Hackettstown, NJ 07840

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, Van Deursen, Housel, Bertoline, McDonald, Giaimis and Glaser.

Ayes: 7, Nays: 0.
Motion carried.

Resolution #49-2004 – Void and Replace a Check

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

RESOLUTION #49-2004

A RESOLUTION TO VOID AND REPLACE A CHECK

WHEREAS, Check #044421 was written 2-18-04 on Washington Borough's Operating Fund #8102360230 in the amount of \$ 18,26 and made payable to Foster & Company, Inc., at 15 Wing Drive, Cedar Knolls, NJ 07927; and

WHEREAS, the Treasurer's office was made aware that this check should have been issued to Jim Flynn's Truck Repair, Inc., PO Box 262, Glen Gardner, NN 08826.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington that the Treasurer be authorized to void and replace check #044421.

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

Ayes: 7, Nays: 0. – Motion carried.

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Resolution #50-2004 – Contract for Professional Engineering Services

Council interviewed two engineering firms prior to the consideration of this Resolution for professional services. It was moved by Bertoline, seconded by Glaser that the firm of Maser Consulting be awarded the contract for the Borough's engineering services in the area of wastewater collection:

RESOLUTION #50-2004

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER
INTO A CONTRACT FOR PROFESSIONAL SERVICES
WITHOUT SEEKING COMPETITIVE BIDS.**

WHEREAS, there exists a need for professional engineering services in the area of wastewater collection and treatment; and

WHEREAS, funds are available in the 2004 Municipal Budget & 2004 Sewer Utility Budget; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et. seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids must be publicly advertised; and

WHEREAS, the firm of Maser Consulting P.A. of Matawan, New Jersey has agreed to Professional Engineering Services attached hereto; and

WHEREAS, the services to be provided by Maser Consulting, P.A. of Matawan, New Jersey constitutes professional services that need not be bid pursuant to the Public Contract Law (N.J.S.A. 40A:11-1 et. seq.).

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey as follows:

1. The Mayor and Clerk are hereby authorized and directed to enter into the attached Agreement with Maser Consulting, P.A. of Matawan, New Jersey;
2. The contract is awarded without competitive bidding as professional services in accordance with N.J.S.A. 40A:11-5; and
3. The necessary funds are available in the 2004 Municipal Budget and 2004 Sewer Utility Budget.
4. Notification of the contract award shall be printed in the Star Gazette.
5. That an executed copy of the contract between the parties be on file with the Office of the Clerk and be available for public inspection in accordance with the law.

Roll Call: Glaser, Giaimis, Bertoline and McDonald – Ayes: 4,
Housel, Van Deursen and Doty – Nays: 3.

Motion carried.

Resolution #51-2004 - Contract for Professional Services – Municipal Auditor

Council interviewed three auditing firms prior to consideration of this Resolution for the Borough's professional auditing services for the fiscal year 2004. The Council narrowed it down to the present firm of Nisovaccia and Company and the firm of Suplee, Clooney & Company. Extensive discussion followed with respect to these two firms. The present firm of Nisovaccia has been doing an excellent job for the Borough but both Councilwoman Glaser and Councilman Housel felt it good practice to change auditors after so many years. Both agreed that both firms were excellent choices.

Discussion: Councilwoman Bertoline noted that six were there to hear their presentations. Councilman Housel was not present. Councilman Housel noted for the record that his father had emergency surgery that day and his place was to be with his family.

Roll Call: McDonald, Doty, Van Deursen, Glaser and Housel – Ayes: 5,
Nays: Bertoline and Giaimis – 2.

Motion carried.

Resolution #52-2004 – Contract for Professional Services – Risk Manager

Council interviewed three firms prior to consideration of this Resolution for professional services for Risk Management Services. It was the general consensus that everyone was in favor of retaining the firm of Statfeld Vantage Insurance Group of Allamuchy, New Jersey for their Risk Management Services. The following Resolution was moved by McDonald, seconded by Bertoline and adopted:

RESOLUTION #52-2004

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER
INTO A CONTRACT FOR PROFESSIONAL SERVICES
WITHOUT SEEKING COMPETITIVE BIDS.**

WHEREAS, there exists a need for professional risk management services for fiscal year 2004; and

WHEREAS, funds are available in the 2004 Municipal Budget; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et. seq.) requires that the resolution authorizing the award of contracts for “Professional Services” without competitive bids must be publicly advertised; and

WHEREAS, the firm of Statfeld Vantage Insurance Group of Allamuchy New Jersey has agreed to perform professional risk management services, as outlined in the Risk Management Agreement attached hereto; and

WHEREAS, the services to be provided by Statfeld Vantage Insurance Group of Allamuchy, New Jersey constitutes professional services that need not be bid pursuant to the Public Contract Law (N.J.S.A. 40A:11-1 et. seq.).

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey as follows:

1. The Mayor and Clerk are hereby authorized and directed to enter into a Professional Services Agreement with Statfeld Vantage Insurance Group of Allamuchy, New Jersey;
2. The contract is awarded without competitive bidding as professional services in accordance with N.J.S.A. 40A:11-5; and
3. The necessary funds are available in the 2004 Municipal Budget.
4. Notification of the contract award shall be printed in the Star Gazette.
5. That an executed copy of the contract between the parties be on file with the Office of the Clerk and be available for public inspection in accordance with the law.

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

Resolution #53-2004 – Appointment of a Risk Management Consultant for the Statewide Workers' Compensation Fund

Council agreed to appoint **Randall W. May** from the firm of **Statfeld Vantage Insurance Group of New Jersey** as its Local Risk Management Consultant. The following Resolution was moved by Glaser, seconded by McDonald and adopted:

RESOLUTION #53-2004

A RESOLUTION APPOINTING A RISK MANAGEMENT CONSULTANT FOR THE STATEWIDE INSURANCE FUND.

WHEREAS, the Borough of Washington (hereinafter "Local Unit") has joined the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-35 et seq.; and

WHEREAS, the Bylaws require participating members to appoint a Risk Management consultant, as those positions are defined in the Bylaws, if requested to do so by the Fund; and

WHEREAS, the Fund has requested its members to appoint individuals or entities to that position; and

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Washington, in the County of Warren, and State of New Jersey as follows:

1. The Borough of Washington hereby appoints Randall W. May of the firm of Statfeld Vantage Insurance Group of Allamuchy, New Jersey as its local Risk Management Consultant.
2. The Mayor and Clerk are hereby authorized to execute the Risk Management Consultant's Agreement for the year 2004 in the form attached hereto.

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

Ayes: 7, Nays: 0.
Motion carried.

Resolution #54-2004 – Deferred Local District School Tax

The following Resolution was moved by Bertoline, seconded by Glaser that the following Resolution be adopted:

RESOLUTION #54-2004

DEFERRED LOCAL DISTRICT SCHOOL TAX

WHEREAS, the local district school tax for the fiscal year July 1, 2003 to June 30, 2004 was raised in the 2003 tax levy in the amount of \$ 3,337,029.00; and

WHEREAS, the statutes permit the deferral of the cash liability of such school tax up to 50% of the school tax levy or \$ 1,668,514.50;

NOW, THEREFORE, IT RESOLVED, by the Mayor and Council of the Borough of Washington, that the deferred school tax for the local school district be increased from \$ 1,585,248.00 to \$ 1,668,514.50 as of December 31, 2003; and

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed with the Director of the Division of Local Government Services.

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

Ayes: 7, Nays: 0.
Motion carried.

Resolution #55-2004 – Deferred Regional High School Tax

The following Resolution was moved by Bertoline, seconded by Glaser and adopted:

RESOLUTION #55-2004

DEFERRED REGIONAL HIGH SCHOOL TAX

WHEREAS, the Regional High School Tax for the fiscal year July 1, 2003 to June 30, 2004 was raised in the 2003 tax levy in the amount of \$ 2,915,888.64; and

WHEREAS, the statutes permit the deferral of the cash liability of such school tax up to 50% of the school tax levy or \$ 1,457,944.32;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, that the deferred school tax for the Regional High School District be increased from \$ 1,443,435.06 to \$ 1,457,944.18 as of December 31, 2003; and

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed with the Director of the Division of Local Government Services.

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

Ayes: 7, Nays: 0.
Motion carried.

COUNCIL REMARKS:

Mayor Van Deursen polled the Council for their remarks.

Councilman Giaimis advised the Clerk that Councilwoman Bertoline would be attending the League Dinner.

Councilman Housel had no remarks.

Councilwoman Glaser had no remarks.

Councilman McDonald had no remarks.

Councilwoman Bertoline made a motion, seconded by Giaimis that Council approve Executive Session minutes.

Discussion: The Clerk stated that the Executive Session minutes are very brief. No formal action is taken during these sessions. The Council comes out of their Executive Session and makes a motion if formal action is required for the permanent record.

Attorney Cushing explained that the Executive Session minutes do not have to be really detailed. They can become a source of claims or litigation against the municipality.

Roll Call: Bertoline, McDonald and Giaimis – 3 Ayes.
Van Deursen, Housel, Glaser and Doty – 4 Nays.

Motion defeated.

Councilwoman Bertoline also suggested that some consideration be given to retaining the tapes longer than the required eighty-eight (88) days. This is not sufficient time for people to get information if they choose to listen to the tapes. There was no discussion or comments from any of the other Council members. No action was taken.

Councilman Doty had no remarks.

Hearing no further business to come before Council, it was moved by Housel, seconded by Glaser 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