

MINUTES OF REGULAR MEETING HELD APRIL 6, 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: Housel, Bertoline, McDonald, Van Deursen, Doty and Giaimis.
Present: 6.

Absent: Glaser – Absent 1.

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

Mayor Van Deursen noted for the record that Councilwoman Glaser was ill and unable to attend the meeting this evening.

The Flag Salute was led by the Mayor.

The following Statement was entered into the Record:

“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.

Mayor Van Deursen suggested deviating from the order of business in order to present a Plaque and read a Resolution of Appreciation to **Arnold Howell** for his many years of service to the Shade Tree Commission. Councilman Tom Doty, who is also Chairman of the Shade Tree Commission, assisted and gave Mr. Howell the plaque on behalf of the Commission. The Resolution was moved by Giaimis, seconded by Doty and read as follows:

RESOLUTION #67-2004

A RESOLUTION OF APPRECIATION TO ARNOLD J. HOWELL FOR HIS CONTRIBUTIONS TO THE BOROUGH OF WASHINGTON SHADE TREE COMMISSION.

WHEREAS, Arnold J. Howell has been a lifelong resident of the Borough of Washington; and

WHEREAS, Arnold J. Howell has been a licensed realtor in the Borough of Washington for 32 years; and

WHEREAS, Arnold J. Howell has served on the Borough of Washington Shade Tree Commission since September of 1980; and

WHEREAS, Arnold J. Howell has declined reappointment for another five year term; and

WHEREAS, the Mayor and Council of the Borough of Washington desire to express their appreciation to Arnold J. Howell for his dedicated service to the Borough of Washington Shade Tree Commission.

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 heartfelt appreciation of the Borough of Washington and all its inhabitants are hereby expressed to Arnold J. Howell and affectionately known to everyone in the community as “Arnie” for his more than twenty-three years of service to the community as a member of the Borough of Washington Shade Tree Commission.

BE IT FURTHER RESOLVED, that this resolution be duly embossed, signed by the Mayor and Clerk, publicly presented to Arnold J. Howell on the evening of Tuesday, April 6, 2004 and forever recorded in the official records of the Borough of Washington as an everlasting tribute to Arnold J. Howell by an appreciative and thankful community.

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

Ayes: 6, Nays: 0.
Motion carried.

COUNCIL APPEARANCE :

Dorothy Repsher, Chair – Municipal Alliance

Dorothy Repsher presented a detailed Annual Report for the Municipal Alliance. She highlighted the accomplishments of the Alliance Team highlighting the Warren Hills Regional Middle School Summer Recreation Program, a new Reading Program was instituted for students with language based disorders, they completed a three year “Need Assessment” project for the Governor’s Council on Drug and Alcohol Prevention, Re-instituted the Intramural Program at the Memorial School which is an after-school program on Physical Fitness. She also reported that they are in the process of assembling a “Team” of grant researchers, writers and administrators to improve funding problems with the school system. They have presently already filed two grants and are working on four more grants.

Mayor Van Deursen entertained questions or comments. Councilwoman Bertoline commended Mrs. Repsher for the work she has done to find money for the school programs that have been instituted. She is to be commended for her work. Mayor Van Deursen also extended a sincere thanks and appreciation from the governing body.

MINUTES:

Mayor Van Deursen entertained a motion to approve the minutes of the following meetings:

- Special Meeting- March 6 2004
- Special Meeting – March 7, 2004
- Special Meeting – March 13, 2004
- Regular Meeting – March 16, 2004
- Special Meeting – March 30, 2004

Prior to the motion the following corrections were noted on the minutes of March 16th by Councilwoman Bertoline and Councilman McDonald:

On Page 4 Councilman McDonald also voted to remove the Kiwanis voucher from the list.

On Page 8 at the bottom of the page Bertoline and Van Deursen Abstained from voting on the bingo license.

On Page 5, the sixth paragraph under Old Business, the word should be changed from garage to garbage.

On Page 6 the vote should be changed to 6 instead of 7.

Hearing no further corrections, it was moved by Giaimis, seconded by McDonald that the minutes of March 6th, March 7th, March 13th, March 16th and March 30th, with the necessary corrections being noted and changed.

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

Councilwoman Bertoline Abstained from the meeting of March 30th and Councilman Doty abstained from the meeting of March 13th.

COMMUNICATIONS:

The following communications on the agenda #1 thru #19 were entered into the record, in addition to two communications added by the Manager (Delaware River Keeper and NJ League Mayors' April 16th Property Tax Summit Postponed).

- 1) State of NJ – DOT Re: Capital Program for NJDOT & NJ Transit;
- 2) NJ Local Boards of Health Association RE: Smoke-free environment;
- 3) Suplee, Clooney & Company – letter of thanks;
- 4) State of NJ – DEP RE: Stormwater Discharge New Master General Permit;
- 5) State of NJ – Department of Community Affairs RE: Center Designations;
- 6) Highlands Task Force recommendations for the Highlands;
- 7) Borough of Bernardsville RE: Farmland Assessment Act;
- 8) NJ State League RE: Home Rule on Smoking Regulations;
- 9) Township of Aberdeen RE: Property Tax Bills;
- 10) Washington Watch RE: Transportation Funding;
- 11) NJ State League RE: Transfer of Development Rights;
- 12) NJ State League RE: Heavy Truck Bans;
- 13) NJ Army National Guard Re: Tuition Free Program;
- 14) NJ State League RE: The “Highlands Water Protection & Planning Act”;
- 15) NJ State League RE: State Budget Prospects;
- 16) Comcast – Channel Package Changes;
- 17) Letter fro Lawrence P. Cohen, Esq., Regarding Adult Housing Project for Block 73 Lot 7 & 7.01;
- 18) Mayor’s Fax Advisory from N.J.L.M. Regarding Heavy Truck Traffic;
- 19) Mayor’s Fax Advisory from N.J.L.M. Regarding Natural Gas Hazards;
- 20) Delaware River Keeper Network; and
- 21) NJ State League RE: Mayor’s April 16th Property Tax Summit Postponed.

It was moved by McDonald, seconded by Housel that the communications numbered #1 thru #21 be acknowledged, received and filed.

Discussion: Mayor Van Deursen and Councilman Doty noted that they would be attending the Highlands meeting. The Manager noted, however, that the Borough is not in the core area of the Highlands.

The communication regarding adult housing was noted by the Mayor and she questioned whether this should have been sent to the Planning Board? Manager Fisher noted that they may want to appear before the Council to entertain a change in zoning. It was suggested that this item be placed on the agenda for the next meeting.

Councilwoman Bertoline commented on Item 4 and suggested it be forwarded to the Planning Board. She also commented on Item 5 dealing with the Center Designations. So far she has not seen where it has done much good thus far. We should be getting more for our money. Manager Fisher agreed that the Center designation should give us some incentives. He summarized his comments at a meeting he attended today on this very issue. School construction issues were raised at this particular meeting.

Ayes: 6, Nays: 0.
Motion carried.

AUDIENCE:

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

Debbie & Charles Storm, Youmans Avenue wanted to know what the status was of a drainage problem that they brought to the attention of the governing body more than a year and a half ago on Lower Park Drive. The Borough's Road Department Superintendent, John Burd and the Borough Engineer met with the Storm's and they were told that the project would be done. They wanted to know when this project would be completed?

Manager Fisher explained that this project required appropriating funds. The funds have been budgeted in the current budget and it will be bid out with other small projects that will be done throughout the Borough. The engineer noted that the bid specifications are presently being prepared for May. The project should begin approximately three weeks after the bid is awarded. Mr. Storm felt that this project has been postponed too long and there is a severe safety hazard to his property. They requested that they would like to have a Council liaison to keep them informed of the progress on this project. The Mayor asked them to leave a telephone number with the Clerk and they would be kept informed on the project status.

Michael Tilson, 126 Sunrise Terrace lodged a complaint that his logs were not taken as vegetative waste. It was his opinion that the enforcement of vegetative waste is not consistent. He also felt that the garbage issue on the large containers was handled very poorly. The garbage should have been taken and with notification that no future garbage would be taken until the containers were replaced. The whole issue as far as public relations was handled very poorly and he alleged that the citizens were treated with hostility from the municipal employees.

Mr. Tilson also noted that he doesn't know who the Police Chief is? The police need to get more involved in the community. The downtown is not safe. The police should be getting out of their cars and making their presence known downtown.

Mr. Tilson also suggested that the large household pick-up should be handled through a monthly voucher system. Everything sits on the curb if one thing is illegal. He felt that there was too much of a liberal interpretation of the ordinance and too many inconsistencies.

Councilman Doty noted that the vegetative waste section of the ordinance could be better spelled out and defined to make it clearer to the citizen.

Councilman McDonald suggested to the Manager that perhaps a memo to the employees encouraging them to put forth an effort to be cordial and put on a happy face for our citizens. Manager Fisher noted that he has observed and heard the employees dealing with this issue and they have been nothing but helpful and courteous in their dealing of the citizens concerns. Notices have been given to those citizens that are not in compliance with the ordinance.

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

Ayes: 6, Nays: 0.
Motion carried.

ORDINANCES:

Ordinance #5-2004 – Amending Ord. #7-2003 – Creating a Special Improvement District (Final Passage)

An ordinance amending Ord. #7-2003 Creating a Special Improvement District was introduced by Councilman McDonald.

It was further moved by McDonald, seconded by Bertoline that the Clerk read Ordinance #5-2004 by title only.

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

Ayes: 6, Nays: 0.
Motion carried.

The Clerk read Ordinance #5-2004 by title only and stated that this ordinance had been published in the Star Gazette as required by law, a copy was posted on the bulletin board and copies available upon request from the Clerk's office.

Mayor Van Deursen opened up the public hearing for questions or comments from the audience.

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

Ayes: 6, Nays: 0.
Motion carried.

Council Discussion: None.

It was moved by Housel, seconded by McDonald that Ordinance #5-2004 be adopted on final passage and that final publication be made as prescribed by law.

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

Ayes: 6, Nays: 0.

ORDINANCE #5-2004

**AN ORDINANCE TO AMEND ORDINANCE #7-2003
CREATING A SPECIAL IMPROVEMENT DISTRICT FOR
THE WASHINGTON BOROUGH BUSINESS COMMUNITY.**

WHEREAS, business and property owners in Washington Borough petitioned the Governing Body to create a Special Improvement District with a Management Corporation pursuant to N.J.S.A. 40:56-1 et seq.; and

WHEREAS, the Governing Body adopted Ordinance #7-2003 establishing a Special Improvement District within the Borough of Washington; and

WHEREAS, the Governing Body established the Washington Borough Special Improvement District designated in Schedules A1 & A2 as the Washington Borough Business Improvement District; and

WHEREAS, a commercial property was purchased by the A.R.C. of Warren County and qualifies as tax-exempt property; and

WHEREAS, this change will take effect in 2004 and this property must now be removed as part of the Special Improvement District.

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

SECTION 1.

Schedule A1 is hereby amended be deleting the following property:

<u>Block/Lot</u>	<u>Class</u>	<u>Owner Information</u>	<u>Location/Land/Acres</u>
101/6.01	4A	W.C. Chapter of the ARC, Inc. 319 W. Washington Ave. Washington, NJ 07882	319 W. Washington Ave. 101 x 423 .9808

SECTION 2.

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.

Ordinance #6-2004 – Providing for the Implementation of a “Five Year Tax Exemption and Abatement Law” in the Borough (Final Passage) *

An ordinance providing for a “Five Year Tax Exemption and Abatement Law” was introduced by Councilman McDonald.

It was further moved by McDonald, seconded by Housel that the Clerk read Ordinance #6-2004 by title only.

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

Ayes: 6, Nays: 0.
Motion carried.

The Clerk read Ordinance #6-2004 by title only and stated that Ordinance #6-2004 was published in the Star Gazette as required by law, a copy was posted on the bulletin board and copies available from the Clerk’s office upon request.

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

Mr. Tilson asked whether this ordinance would affect single family homes? Mr. Tilson was advised that this ordinance covers multiple dwellings, mixed use structures and commercial and industrial properties.

Councilman Giaimis advised that maybe in the future it would be expanded. There are county programs that may assist single family dwellings in improving their properties.

Hearing no further remarks from the audience, it was moved by Housel, seconded by Giaimis that the public hearing portion of the ordinance be closed.

Ayes: 6, Nays: 0.
Motion carried.

Council Discussion: None.

It was moved by Housel, seconded by McDonald that Ordinance #6-2004 be adopted on final adoption and that final publication be made as prescribed by law.

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

Ayes: 6, Nays: 0.
Motion carried.

ORDINANCE #6-2004

**AN ORDINANCE PROVIDING FOR THE IMPLEMENTATION
IN THE BOROUGH OF WASHINGTON OF THE
“FIVE YEAR TAX EXEMPTION AND ABATEMENT LAW”
PURSUANT TO N.J.S.A. 40A:21-1, ET. SEQ.**

WHEREAS, pursuant to N.J.S.A. 40A:21-1, et. seq., a municipality having within its corporate limits areas in need of rehabilitation may, by ordinance, provide for the exemption and/or abatement of real property taxes, to encourage and provide incentives for the construction and rehabilitation of multiple dwellings, mixed use structures and industrial and commercial structures; and

WHEREAS, on February 17, 2004, the Borough of Washington designated the Borough as an Area in Need of Rehabilitation (hereinafter “ANR”) as that term is defined in N.J.S.A. 40A21-1, et. seq.; and

WHEREAS, the Borough of Washington desires to provide for real estate tax incentives for multiple dwellings, mixed use structures and commercial and industrial structures within the boundaries of the ANR; and

WHEREAS, N.J.S.A. 40A:21-1, et. seq. provides for the exemption of assessments on improvements for five years following completion of a project as defined in the statute and the exemption or abatement of property taxes for new construction for a five year period following completion of the project as defined in the statute;

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

1. Definitions.

- A. The definitions contained in N.J.S.A. 40A:21-3 are incorporated herein by reference as is set forth at length. As used in this Chapter, words shall have the meanings as so defined unless a different meaning is expressed.
- B. Mixed Use Structure: A structure with two or more different uses such as, but not limited to, residential, commercial or industrial.

2. Tax Exemptions and Abatements Authorized.

The Borough hereby authorizes the utilization of tax exemption and abatement in accordance with Article VIII, Section I, Paragraph 6, of the New Jersey Constitution and establishes the eligibility of multiple dwellings, mixed use structures, commercial and industrial structures for five-year tax exemptions and abatements as authorized by N.J.S.A. 40A:21-1, et. seq., throughout the entire municipality, but only to the extent set forth herein.

3. Improvements to Multiple Dwellings.

Improvements to multiple dwellings are eligible for tax exemption. The Assessor’s full and true value of the improvements shall be regarded as not increasing the value of the property for a period of five (5) years commencing with the completion of an improvement notwithstanding that the value of the property to which the improvements are made is increased thereby. During the exemption period, the assessment on the property shall not be less than the assessment existing thereon immediately prior to the improvement unless there is damage to the multiple dwelling through action of the elements sufficient to warrant a reduction. As used in this section, “improvements” shall not be construed to include an increase in the number

of dwelling units nor the reduction of the total number of dwelling units to less than three.

4. Improvements to Mixed Use, Commercial and Industrial Structures.

Improvements to mixed use, commercial and industrial structures are eligible for tax exemption for a period of five (5) years commencing with the completion of an improvement. The Assessor's full and true value of the improvements shall be regarded as not increasing the value of the property notwithstanding that the value of the property to which the improvement is made is increased thereby. During the exemption period, the assessment on the property shall not be less than the assessment existing thereon immediately prior to the improvements, unless there is damage to the structure through action of the elements sufficient to warrant a reduction.

5. Construction of New Mixed Use, Commercial and Industrial Structures.

Construction of new mixed use, commercial and industrial structures shall be eligible for tax exemption or exemption and abatement commencing with completion of the project. Any such exemption and abatement shall be subject to the owner and Borough entering into a tax agreement as provided by N.J.S.A. 40A:21-10.

A. The applicant shall furnish to the municipality all the information required by N.J.S.A. 40A:21-9. In addition, every applicant shall file the application form prescribed by the Director of the New Jersey Division of Taxation I the Department of Treasury, with the Tax Assessor, as a condition to approval, within thirty (30) days, including Saturdays and Sundays, following the completion of the improvement. Every application for exemption or exemption and abatement so filed shall be approved and allowed by the Assessor to the degree that the application is consistent with the provisions of this Article, provided that the improvement for which the application is made, qualifies as such, pursuant to the provisions of this Article and the tax agreement. The granting of an exemption or exemption and abatement and tax agreement, if appropriate, shall be recorded and made a permanent part of the official tax records of the taxing district, which record shall contain a notice of termination date thereof.

B. No tax exemption shall be granted unless approved by resolution of the Borough Council on an individual basis after review, evaluation and approval of each application for compliance with the terms of this Ordinance and the underlying statute, rules and regulations.

C. The tax agreement shall provide for the applicant to pay to the Borough in lieu of full property tax payments an amount annually to be computed by one, but in no case a combination, of the three formulas set forth in N.J.S.A. 40A:21010, viz., the "Cost", Gross revenue," or Tax phase in" basis.

6. Eligibility for Additional Construction or Improvement.

An additional improvement or construction, completed on a property granted a previous exemption or abatement during the period in which such previous exemption or abatement is in effect, shall be qualified for an exemption and/or abatement, just as if such property had not received a previous exemption or abatement. In such case, the additional improvement or construction shall be considered as separate for the purposes of calculating exemptions and abatements, except that the assessed value as it was prior to that improvement or construction for the purpose of determining the assessed valuation of the property from which any additional abatement is to be subtracted.

7. Applicability of Statutory Regulatory Provisions.

Every application for exemption or abatement and every exemption and abatement granted shall be subject to all the provisions of N.J.S.A. 40A:21-1, et seq., and all rules and regulations issued thereunder.

8. Applicability of Federal, State and Local Laws.

All tax abatement and exemption agreements shall provide that the applicant is subject to all federal, state and local laws and regulations.

9. Equalization.

The percentage which the payment in lieu of taxes bears to the property taxes which would have been paid had an abatement not been granted for the property under the agreement shall be applied to the valuation of the property to determine the reduced valuation of the property to be included in the valuation of the municipality for determining equalization for county apportionment and school aid during the term of the tax abatement agreement covering the property.

10. Cessation or Disposition of Property.

If during any tax year prior to the termination of the tax abatement or exemption agreement, the applicant ceases to operate or disposes of the property or otherwise fails to meet the conditions of eligibility, the tax otherwise due if there had been no abatement or exemption shall become due and payable by the property owner. The Tax Assessor shall notify the property owner and the Tax Collector forthwith and the Tax Collector shall within fifteen (15) days thereof notify the owner of the property of the amount of taxes due. However, with respect to sale or other disposal of the property which it is determined that the new owner of the property will continue to use the property pursuant to the conditions which were set forth in the tax abatement or exemption agreement, the exemption or abatement shall continue.

11. Default in Tax Payments.

In the event of default by the applicant, including but not limited to the failure to make timely tax or in lieu of tax payments to the municipality, the municipality shall notify the applicant, in writing, of said default. The applicant shall have, thirty days to cure any default. Following the thirty day cure period, the municipality shall have the right to proceed against the property pursuant to the In Rem Tax Foreclosure Act, N.J.S.A. 54:4-1, et. seq. and/or may cancel the Financial Agreement upon thirty days notice to the applicant.

12. Taxes Upon Termination.

At the termination of a tax abatement or exemption agreement, a project shall be subject to all applicable real property taxes as provided by state law and local ordinance.

13. Payment of Fees.

No application for tax exemption or abatement shall be accepted by the municipality unless accompanied by full payment of the required application fee. Such fees shall be based on total project cost as set forth in a schedule on file with the Office of the Municipal Clerk.

14. Ordinance Sent to Department of Community Affairs.

The Municipal Clerk is hereby authorized and directed to forward a certified copy of this Ordinance to the State of New Jersey Department of Community Affairs.

15. Ineligibility

No exemptions shall be granted for any property for which property taxes or any other municipal charges are delinquent or remain unpaid or for which penalties for nonpayment are due for a period of at least one year, or for any property not being used in conformance with local, state or federal ordinance, regulation or statute. In addition, one and two family structures which contain home based businesses are ineligible for the tax exemption or abatement programs described herein.

16. Appeal.

Appeal of any determination made by the municipality under the terms of this Ordinance shall be made to the Warren County Board of Taxation.

17. Construction of Ordinance.

Where consistent with the context in which used in this ordinance, words importing the singular shall include the plural; words importing the plural shall include the singular; and, words importing one gender shall include all other enders.

18. Inconsistent Ordinances Repealed.

Should any provisions of this ordinance be inconsistent with the provisions of any prior ordinances, the inconsistent provisions of such prior ordinances are hereby repealed, but only to the extent of the inconsistencies.

19. Severability.

In the event that any provisions of this ordinance or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provisions or application of this ordinance which may be given effect, and, to realize this intent, the provisions and applications of this ordinance are declared to be servable.

20. Captions.

Captions contained in this ordinance have been inserted only for the purpose of facilitating reference to the various sections, and are not intended and shall not be utilized to construe the intent and meaning of the text of an section.

21. Effective Date.

This ordinance shall be effective as of 2005 as provided in N.J.S.A. 40A:21-4.

Ordinance #7-2004 – Salaries for the Park Staff (First Reading)

An ordinance providing the salaries for the park staff was introduced by Councilman McDonald.

It was moved by McDonald, seconded by Housel that the Clerk read Ordinance #7-2004 by title only.

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

Ayes: 6, Nays: 0.
Motion carried.

The Clerk read Ordinance #7-2004 entitled, “AN ORDINANCE FIXING THE SALARY AND WAGES OF CERTAIN MUNICIPAL OFFICIALS AND REPEALING PORTIONS OF PRIOR INCONSISTENT SALARY AND WAGE ORDINANCES”.

Council Discussion: Councilman McDonald asked if the rates were consistent with the Recreation Commission budget.

Councilwoman Bertoline stated that she could not support the ranges. Some employees were going to work for less. It was, however, noted that the budget was changed.

It was moved by Giaimis, seconded by McDonald that Ordinance #7-2004 be approved on first reading.

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

Ayes: 6, Nays: 0.
Motion carried.

It was further moved by McDonald, seconded by Housel that Ordinance #7-2004 be published in the Star Gazette on April 15, 2004 and that the public hearing be scheduled for May 4, 2004.

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

Ayes: 6, Nays: 0.
Motion carried.

Ordinance #8-2004 – Amending Chapter 47 of the Code RE: Garbage & Refuse (First Reading)

An ordinance amending Chapter 47 of the Garbage and Refuse Code was introduced by Councilman McDonald.

It was moved by McDonald, seconded by Housel that the Clerk read Ordinance #8-2004 by title only.

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

Ayes: 6, Nays: 0.
Motion carried.

The Clerk read Ordinance #8-2004 entitled, “AN ORDINANCE TO AMEND CHAPTER 47 OF THE CODE OF THE BOROUGH OF WASHINGTON KNOWN AS THE RUBBISH ORDINANCE OF WASHINGTON BOROUGH.”

Council Discussion:

Councilman Doty noted that the ordinance does not have a clear-cut definition for logs/stumps. This area of the ordinance does need some work and clarification.

Discussion of the ordinance was held and Councilwoman Bertoline questioned whether this ordinance could be changed or amended without incurring additional costs? Manager Fisher noted that it would be his recommendation to proceed forthwith with approving this ordinance for introduction to correct the immediate problem of the size cans and then further study it for additional amendments at another meeting.

Councilman Housel suggested discussing this at the next meeting or forming a committee to go over the ordinance further.

Councilman Giaimis suggested getting some other definitions from other communities that provide this service.

It was therefore moved by Giaimis, seconded by McDonald that Ordinance #8-2004 be approved on first reading.

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

Motion carried.

It was moved by Housel, seconded by McDonald that Ordinance #8-2004 be published in the Star Gazette on April 15, 2004 and that the public hearing be scheduled for May 4, 2004.

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

Ayes: 6, Nays: 0.
Motion carried.

REPORTS:

The Borough Manager's report was submitted this evening and will be considered for approval at the next meeting.

It was moved by McDonald, seconded by Housel that the Borough Clerk's, Collector-Treasurer's, A & E O.T., Zoning/Code Enforcement and Municipal Alliance reports be accepted as presented and filed.

Ayes: 6, Nays: 0.
Motion carried.

VOUCHERS:

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

Councilman McDonald had several questions on Page 6 dealing with the Shade Tree Commission, Page 18 on the park trees, Page 7 on the work done on one of the police cars. Manager Fisher answered his questions.

Councilwoman Bertoline also had a question on Page 19 on payment of Capital Expenditure projects with payments made in increments. This practice is typical of Capital Expenditure projects.

Hearing no further questions, it was moved by McDonald, seconded by Giaimis that the vouchers be paid in the amount of \$ 376,456.43 as reflected in the debit/credit memorandum on file in the Collector-Treasurer's office.

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

Ayes: 6, Nays: 0.
Motion carried.

OLD BUSINESS:

None.

NEW BUSINESS:

To consider proposing an Ordinance for “Landlord Registration” (Requested by Councilman Giaimis

Councilman Giaimis reported to Council that he had discussed Landlord Registration with the Code Enforcement Officer as a result Mr. Bescherer informing him that he has had some difficulty in locating the present owners of properties.

Attorney Cushing noted that presently we do have Landlord/Tenant Registration forms which provide for the tenant emergency telephone numbers, the suppliers of their utilities and the landlord's address and telephone numbers. This only deals with rentals that are not owner occupied. It is also utilized for eviction purposes. Attorney Cushing advised Council that he would provide them with the specific statute dealing with this registration.

Councilman Giaimis suggested an Ordinance with a reasonable registration fee being charged the landlord.

Councilman McDonald questioned how we would locate these landlords? They can be found through the tax records. Councilman McDonald also asked if there would be any legal challenge singling out a certain group of taxpayers? Attorney Cushing noted as long as they ordinance had rationale to it and a reasonable fee he felt that the Council would stand on firm ground. A nominal registration fee of \$ 25.00 was thrown out.

Further discussion followed at which time it was decided a sub-committee would be the best route to go. The Sub-Committee is composed of the Mayor, Councilman Giaimis and Councilman McDonald.

Washington Township Re: Comcast Cable – Committeeman Dave Dempsy

Committeeman Dave Dempsy forwarded a communication concerning the Comcast Cable franchise. Attorney Cushing discussed the pros and cons of short and long term franchise renewals. A shorter term does give the governing body some dialogue with them during the franchise renewal periods. The Borough renewed their franchise in the year 2002 for a ten (10) year period and did receive a sum of \$ 25,000.00, some of which was allocated to the schools for cable hook-ups.

Discussion followed and Councilman McDonald volunteered to discuss this issue with Committeeman Dave Dempsy for further information.

To consider nominating a citizen for 2004 Warren County “Outstanding Senior Citizen”

Forms were distributed to the Mayor and Council for nominating someone from the County for an Outstanding Senior Nominee. The deadline for filing is April 23rd.

Mrs. Richard Alampi – To consider her request to purchase property from the Borough

Mrs. Richard Alampi appeared before the governing body requesting assistance in purchasing land across the street from their resident on Myrtle Avenue. This land happens to be a part of the Morris Canal property. They have lived here since 1988 and have taken care of this small parcel and would like to purchase the land. Recently some of the neighbors have allowed their children to ride their dirt bikes on this land is being badly damaged and looks unsightly.

Discussion ensued with the Council and Attorney. The ownership of this section of land is unknown. The Borough has a lien on it. Attorney Cushing cited the title problems with trying to obtain clear title and the expense it would involve for the municipality to try and convey this land to her.

Councilwoman Bertloine questioned whether the Borough could find a way to erase the liens? Attorney Cushing noted that it could not be done.

The Council suggested that Mrs. Alampi consult her own attorney and also to possibly contact the Canal Commission; that perhaps they could be of some service or have some funding available to pursue this issue.

Mayor Van Deursen suggested that the Council take a short recess at 9:30 PM. It was moved by Giaimis, seconded by McDonald that the Council take a short recess.

Ayes: 6, Nays: 0.
Motion carried.

Council reconvened with everyone present at 9:30 PM.

RESOLUTIONS:

Council agreed to make a motion to approve the adoption of Resolutions #60-2004 thru #64-2004 and Resolutions #69-204 thru #71-2004. These resolutions were moved for adoption by Councilman Giaimis and seconded by Councilman McDonald.

Resolution #60-2004 – To Adjust Sewer Billings

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

RESOLUTION #60-2004

A RESOLUTION TO ADJUST SEWER BILLINGS IN ACCORDANCE WITH CHAPTER 70, SECTION 28B OF THE CODE OF THE BOROUGH OF WASHINGTON.

WHEREAS, the Borough of Washington commenced operations of a municipal sewer utility in January of 1999; and

WHEREAS, certain facts have come to the attention of the Borough to justify modification of sewer service charges which have been reviewed by the Borough Manager; and

WHEREAS, notice has been provided to the owner(s) of the property or properties listed below of the action proposed to be taken with the date, time and place where the Mayor and Council will meet to consider change(s) in the E.D.U.'s assigned to the property or properties listed below; and

WHEREAS, all parties affected by this resolution will be notified of the action taken, in writing, and notified of an opportunity to appear, in person, at a formal hearing of the governing body, if dissatisfied with the decisions made herein.

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 following changes in sewer serve charge(s) are approved:

<u>BLOCK</u>	<u>LOT</u>	<u>NAME/ADDRESS</u>	<u>REASON/ADJUSTMENT</u>
54	5	101 Foundation 70 Route 31, North	Change in Use 15 E.D.U.'s to 2.5 E.D.U.'s

BE IT FURTHER RESOLVED, that the Borough Clerk be directed to send a certified copy of this resolution to all parties affected by this resolution and advise them of their right to protest the decision and request a formal hearing before the governing body, as provided in Chapter 70, Section 13. If no protest is filed, the decisions contained herein shall be considered final.

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

Ayes: 6, Nays: 0.
Motion carried.

Resolution #61-2004 – Authorizing the Refunding of an Overpayment of the Borough's Sewer Charge

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

RESOLUTION #61-2004

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>
16.01/2	Bartman, Brett & Samantha 44 W. Warren 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:

Brett & Samantha Bartman
28 Mark Dr
High Bridge, NJ 08829

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: Housel, Giaimis, Van Deursen, Doty, Bertoline and McDonald.

Ayes: 6, Nays: 0.
Motion carried.

Resolution #62-2004 – Authorizing the Refunding of an Overpayment of the Borough's Sewer Charge

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

RESOLUTION #62-2004

**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>
98/13	Balint, George 35 South Lincoln Ave.	\$ 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:

George Balint
7 Alexander Avenue
Manchester, NJ 08759

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: McDonald, Bertoline, Doty, Giaimis, Van Deursen and Housel.

Ayes: 6, Nays: 0.
Motion carried.

**Resolution #63-2004 – Authorizing the Refunding of an Overpayment of the
Borough's Sewer Charge**

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

RESOLUTION #63-2004

**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>
22.04/7	Oatley, Raymond & Sandra 16 West Church 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:

Raymond & Sandra Oatley
P.O. Box 135
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: Van Deursen, McDonald, Doty, Bertoline, Giaimis and Housel.

Ayes: 6, Nays:0.
Motion carried.

Resolution #64-2004 – Authorizing the Release of a Performance Bond for B.A.S.F. Corporation

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

RESOLUTION #64-2004

A RESOLUTION AUTHORIZING THE RELEASE OF A PERFORMANCE BOND FOR B.A.S.F. CORPORATION AND HELD BY THE BOROUGH OF WASHINGTON.

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

WHEREAS, a performance bond was posted to cover the cost of 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 Clerk is hereby authorized to release BASF Corporation's Performance Bond held by the Borough for the project noted above.

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

Ayes: 6, Nays: 0.
Motion carried.

Resolution #65-2004 – Authorizing the Mayor to enter into a Contract for Professional Services

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

RESOLUTION #65-2004

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 were 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 TRC VECTRE, Mountain Lakes, New Jersey has agreed to professional engineering services attached hereto; and

WHEREAS, the services to be provided by TRC VECTRE, Mountain Lakes, 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 TRC VECTRE, Mountain Lakes, New Jersey;
2. The contract is awarded without competitive bidding as professional services in accordance with N.J.S.A. 40A:11-5 in the amount of \$ 116,590.00; 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 in the Office of the Clerk and be available for public inspection in accordance with the law.

Discussion: Councilwoman Bertoline questioned why this project was not placed out for bidding? Manager Fisher noted this firm has applied for the grant and the State requires this resolution. The grant covers this cost.

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

Ayes: 6, Nays: 0.
Motion carried.

Resolution #68-2004 – Introducing the Proposed 2004 Municipal Budget

Manager Fisher presented the proposed 2004 Municipal Budget for introduction. The publication date will be April 15, 2004 and the public hearing will be scheduled for Tuesday, May 4th at 8 PM.

Mayor Van Deursen entertained a motion to introduce the 2004 Proposed Municipal Budget. It was moved by Giaimis, seconded by McDonald that the following Resolution be adopted:

Councilwoman Bertoline stated that the budget was not ready for introduction and still needs to be worked on. The tax increase is too large. The Council only removed a penny from the tax base. The auditor proposed the 8-1/2 cent increase. There is still areas in which the budget can be cut. She also voiced her objections to the budget and other documents being on their desks this evening. It did not give her ample opportunity to review the documents. The budget still needs to be cut back.

Manager Fisher noted that the budget was only just submitted today from the auditor; that is why they did not have them sooner. The budget was prepared in accordance with the workshop sessions the Council had and he was just following the Council's directive.

The context of the Resolution is as follows:

RESOLUTION #68-2004

**RESOLUTION INTRODUCING THE
2004 MUNICIPAL BUDGET**

BE IT RESOLVED, that the following (see filed copy) Statement of Revenues and Appropriations shall constitute the Local Budget for the **Year of 2004**.

BE IT FURTHER RESOLVED, that said Budget shall be published in the **Star Gazette** in the issue of **April 15, 2004**, and a **Public Hearing** shall be scheduled for **May 24, 2004**.

Roll Call: Housel, McDonald, Giaimis and Van Deursen – Ayes: 4.
Doty and Bertoline – Nays: 2.

Motion carried.

Resolution #69-2004 – Redemption of Tax Certificate, Blk. 6, Lot 50

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

RESOLUTION #69-2004

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

KNOW ALL MEN BY THESE PRESENCE, THAT, WHEREAS, Lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 24, 2003 to Wachovia Cust for Plym Pk Tax Srvs, PO box 2288, Morristown, NJ 07962-2288, in the amount of \$ 4,737.60 for taxes or other municipal liens assessed for the year 2002 in the name of Smith, Larry R Sr and K.A. Rodenbaugh, as supposed owners, and in said assessment and sale were described as 39 Kinnaman Avenue, Blk. 006, Lot 005, which ale was evidenced by Certificate #378-03, dated and recorded in the office of the County Clerk.

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington do certify that on 3-30-04 and before the right to redeem was cut off, as provided bylaw, Larry R. Smith Sr. and Kimberly Rodenbaugh-Smith, claiming to have an interest in said lands, did redeem said ands claimed by Wachovia Cust for Plym Pk Tax Srvs, by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$ 10,330.92, which is the amount necessary to redeem Tax Sale Certificate #378-03.

NOW, THEREFORE, BE IT RESOLVED, on this 6th day of April, 2004 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Wachovia Cust for Plym Pk Tax Srvs., PO Box 2288 Morristown, NJ 07962-2288 in the amount of \$ 10,430.92, which includes a premium of \$ 100.00.

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 006, Lot 005 from the tax office records.

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

Ayes: 6, Nays: 0.
Motion carried.

Resolution #70-2004 – Redemption of Tax Sale Certificate, Blk. 95, Lot 3

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

RESOLUTION #70-2004

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

KNOW ALL MEN BY THESE PRESENCE, THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, **WHEREAS,** Certificate #358-01 sold on October 25, 2001 to Crusader Servicing Corp., 179 Washington Lane, Jenkintown, PA 19046 in the amount of \$ 7,238.94 for taxes or other municipal liens assessed for the year 2001 and in the name of St. Cloud Hotel, LLC, as supposed owners, and in said assessment and sale were described as 33 W. Washington Avenue, Block 095, Lot 003, which sales were evidenced by Certificates #358-01 and #72-02, dated and recorded in the office of the County Clerk.

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 3-23-04 and before the right to redeem was cut off, as provided by law, Attorney Mrugesh Patel for the buyer, claiming to have an interest in said lands, did redeem said lands claimed by Crusader Servicing Corp., by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$ 104, 301.25; which includes \$ 55,082.63 for Certificate #358-01 and \$ 46,209.78 for Certificate #372-02 and \$ 2,914.13 (principal) + 94.71 (interest) for 1st quarter 2004 delinquent taxes, which is the amount to redeem the certificates.

NOW, THEREFORE, BE IT RESOLVED, on this 6th day of April, 2004 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Crusader Servicing Corp., 179 Washington Lane, Jenkintown, PA 19046 in the amount of \$ 101,292.41.

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

Ayes: 6, Nays: 0.
Motion carried.

Resolution #71-2004 – Void Check and Rescind Refund Resolution Approval

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

RESOLUTION #71-2004

**A RESOLUTION TO VOID A CHECK AND RESCIND
REFUND RESOLUTION APPROVAL**

WHEREAS, Resolution #59-2004 was approved to refund the amount of \$ 44.16 for a sewer refund to the prior owner and check #044569 was issued for this refund; and

WHEREAS, the Treasurer was made aware after processing Resolution #59-2004 that the overpayment belonged to the new property owner not the prior owner therefore no refund is due to the prior owner.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington that the Treasurer be authorized to void Check #044569 and rescind approval of Resolution #59-2004.

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

Ayes: 6, Nays: 0.
Motion carried.

Resolution #72-2004 – van note-harvey RE: Parking area in Downtown Business District – To consider authorizing additional work

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

RESOLUTION #72-2004

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

WHEREAS, there exists a need for additional professional engineering services related to documentation of qualifications as a Bona Fide Prospective Purchaser on property owned by Alan Typinski & Dennis Donahue and under active consideration by the Borough for acquisition as a municipal parking lot; and

WHEREAS, funds are available in the Capital Fund Accounts for this purpose; 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 van note-harvey, p.c. of Princeton, New Jersey has agreed to perform engineering services, as outlined in their proposed agreement, dated May 30, 2004; and

WHEREAS, the services to be provided by van note-harvey, p.c. of Princeton, 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. That the Mayor and Council hereby appoint van note-harvey, p.c. of Princeton, New Jersey to provide professional engineering services to the Borough of Washington in matters pertaining to documentation of qualifications as a Bona Fide Prospective Purchaser on property owned by Alan Typinski & Dennis Donahue and under active consideration by the Borough for acquisition as municipal parking lot, as more specifically outlined in their proposed agreement, dated March 30, 2004.
2. The Mayor and Clerk are hereby authorized and directed to enter into an agreement with van note-harvey, p.c. of Princeton, New Jersey.

3. The contract is awarded without competitive bidding as professional services in accordance with N.J.S.A. 40A:11-5 in the amount of \$ 4,000.00.
4. The necessary funds are available in the Capital Funds Accounts.
5. Notification of the contract award shall be printed in the Star Gazette.
6. That an executed copy of the contract between the parties be on file with the Office of the Clerk and be available for public inspection in accordance with the law.

Discussion: Councilwoman Bertoline questioned why additional work was being done? Attorney Cushing noted that the Borough must have the maximum protection under the law. This was discussed during executive session. Councilwoman Bertoline was not pleased that we are spending more and more money in professional fees.

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

Resolution #73-2004 – W.B.B.I.D. Proposed 2004 Budget Introduction

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

RESOLUTION #73-2004

INTROUCING AND APPROVING THE BUDGET OF:

THE WASHINGTON BOROUGH SPECIAL IMPROVEMENT DISTRICT

WHEREAS, the governing body of the Borough of Washington on June 4 2003 adopted Ordinance #7-2003 creating the Washington Borough Special Improvement District; and

WHEREAS, the governing body of Borough of Washington designated the Washington Borough Business Improvement District Management Corporation as the District Management Corporation for the Special Improvement District; and

WHEREAS, the Washington Borough Business Improvement District Management Corporation Board of Director have approved a 2004 Special Improvement District Budget for submittal to Borough Manager for submission to the Mayor and Council of the Borough of Washington for their consideration; and

WHEREAS, pursuant to N.J.S.A. 40:56-80 and N.J.S.A. 40:56-84, the governing body of Borough of Washington is required to approve the budget and fix the time and place for the holding of a public hearing upon the budget.

WHEREAS, the governing body of Washington Borough has determined that at least one (1) week prior to the hearing a complete copy of the proposed budgets shall be: (a) posted on the bulletin board in the Borough Municipal Building; (b) be made available to each person requesting the same before and during the public hearing; (c) a copy of the budget shall be advertised along with the date, time and place of the hearing in a newspaper published in the county and circulating in the municipality at least 10 days prior to the hearing; and (d) the hearing shall be held not less than 28 days after the approval of the budget.

NOW, THEREFORE, BE IT RESOLVED, the governing body of the Borough of Washington that:

- (1) The Washington Borough Special Improvement District budget is hereby introduced and approved by the governing body of the Borough of Washington for the period of January 1, 2004 – December 31, 2004 in the amount of \$200,000 to the Washington Borough Business Improvement District Management Corporation.
- (2) A special assessment will be imposed and will be collected with either the regular tax payment (or payment in lieu of taxes), or otherwise, on properties located within the Borough of Washington as set forth within Ordinance #7-2003 as amended from time to time and the assessment proposed will be as follows:

Schedule A1 shall be assessed at \$ 14,348; and Schedule A2 shall be assessed at \$65,652;
- (3) Payments received by the Borough of Washington for the District will be transferred to the Washington Borough Business Improvement District Management Corporation to be expended in accordance with the approved budget; and
- (4) The Borough Clerk will be authorized to forward a certified copy of the adopting resolution to Washington Borough Business Improvement District Management Corporation, the Warren County Board of Taxation and the Director of the Division of Local Government Services in the State of New Jersey Department of Community Affairs after the public hearing and adoption by a majority vote of the full membership of the governing body.
- (5) The proposed Budget is as follows:

Washington Business Improvement District
Management Corporation
Proposed “2004” Budget

Management (\$67,000): this consists of a full time Executive Director (\$55,000) Part-time staff (\$12,000).

General Administration (17,000): To cover the cost of an accountant, legal and professional services, and office supplies, and equipment, office rent and repairs, telephone, janitorial, utilities, conferences and dues and fees.

Insurance (\$7,500): Liability and corporate insurances, and health insurance for Executive Director.

Promotions and Public Relations (\$20,000): To promote and market the district as a premier destination to shop and conduct business. This includes concert series, newsletters, banners, and advertisements.

Quality of Life (\$561,500): **Clean & Safe**: Directed towards Cleaning services and common area environmental improvements. **Parking & Pedestrian impromement**: this is a focus on parking management, pedestrian crossing upgrades, signage, and lighting.

Architecture & Design (\$5,000): Maintaining design standards and review system, **Note**: SID/BIDs are permitted to have enhanced design standards that must be met prior to other meeting Planning Board requirements. This provides upgrades particular to business facades, maintaining cohesiveness, and building effective partnerships with municipal planning efforts. The design standards must be approved by the Planning Board prior to enactment.

Business Recruitment (\$15,000): As a retail district, these monies will be used to retain current business, while attempting to attract new businesses to the Washington Borough.

Grantmanship (\$12,000): These funds will be used to retain a grants and fundraising consultant.

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

Ayes: 6, Nays: 0.
Motion carried.

To consider approving the Execution of an Agreement to Connect the Park Hill Motel to the Borough of Washington Sewer System

An agreement was presented to the Mayor and Council to hook the Park Hill Motel into the Borough's sanitary sewer system. It was noted that the hook-up does not require going into the Township.

It was therefore moved by McDonald, seconded by Bertoline that the Mayor and Clerk be authorized to execute the agreement to allow the Park Hill Motel to hook into the Borough's sanitary sewer.

Discussion: Councilman Housel was opposed to this approval. This had been discussed in the past and former Council's agreed not to extend sanitary sewer services piece meal into the Township properties. This was something he was not in favor of approving. Manager Fisher did reiterate that the entire line was going to be constructed in the Borough for this hook-up.

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

North Prospect Street Up-date

Attorney Cushing spoke to a letter in the Council's packet under date of April 5th. The Bonding Company has finally agreed to pay the face amount of the maintenance bond on the North Prospect Street sidewalk project of \$ 20,035.58. He suggested that a resolution be included in the minutes. Attorney Cushing read a rough draft of a resolution he would forward to the Clerk's office for inclusion in the minutes.

It was moved by Housel, seconded by Bertoline that the Council adopt the following resolution:

Mr. Robert Mayer, who was present in the audience was not pleased with the amount the bonding company was going to release to the Borough.

RESOLUTION #74-2004

RESOLUTION AUTHORIZING MAYOR AND CLERK TO EXECUTE GENERAL RELEASE TO RLI INSURANCE COMPANY.

WHEREAS, Santos Brother Company, Inc., the contractor on the North Prospect Street Curb and Sidewalk Restoration Project ("Contractor"), failed to perform certain maintenance obligations; and

WHEREAS, the Contractor has defaulted on its obligations to the Borough of Washington; and

WHEREAS, RLI Insurance Company issued a Maintenance Bond to the Borough of Washington on behalf of the Contractor to guarantee the Contractor fulfill its maintenance obligations; and

WHEREAS, the default of the Contractor has been brought to the attention of RLI Insurance Company; and

WHEREAS, RLI Insurance Company, through its attorneys, Dreifuss Bonacci & Parker, LLP has agreed to pay the penal amount of the Maintenance Bond issued to the Borough of Washington on behalf of the Contractor.

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

1. The Borough of Washington accepts the offer of the penal amount of RLI Insurance Company in the amount of \$ 20,035.58 and hereby release RLI Insurance Company from all other obligations under said bond.
2. The Mayor and Clerk are hereby authorized to execute a General Release to RLI Insurance Company and such other documents necessary to obtain payment of the bond.

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

Ayes: 6, Nays: 0.
Motion carried.

COUNCIL REMARKS:

Mayor Van Deursen polled Council for their remarks.

Councilman Giaimis attended the S.I.D. events and was very pleased with their presentation. They were very well organized. He also attended his first Anti-Trust meeting with the County and looked forward to sharing information with the governing body.

Councilman Housel also attended the S.I.D. grand opening events and was very pleased. He congratulated Jim Sheldon for a job well done.

Mayor Van Deursen also extended her sincere thanks and appreciation to Jim Sheldon and his administrative assistant, Mrs. Kennedy. The affairs were also attended by some members of the Warren County Freeholder Board as well.

Councilman Doty was out of town but also congratulated Mr. Sheldon.

Councilwoman Bertoline was working but also congratulated Mr. Sheldon. She also wished everyone a Happy Easter.

Councilman McDonald also congratulated Jim Sheldon for a job well done. The pastries served were wonderful.

Executive Session

It was moved by Housel, seconded by McDonald that the Council go into Executive Session to discuss personnel matters and litigation.

Councilman McDonald excused himself and walked out of the Executive Session at 10:30 PM.

It was moved by Giaimis, seconded by Bertoline that the Council go out of executive session and back into open session

Ayes: 5, Nays: 0. – Motion carried.

Hearing no further business to come before Council, it was moved by Giaimis, seconded by Bertoline that the Council meeting adjourn at 10:30 PM.

Marianne Van Deursen, Mayor

Linda L. Hendershot, RMC/CMC
Borough Clerk