

## MINUTES OF REGULAR MEETING HELD APRIL 20, 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: Giaimis, Doty, Housel, Glaser, McDonald and Bertoline –  
Present: 6.

Absent: Van Deursen – 1 Absent.

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

Deputy Mayor Glaser noted for the record that Mayor Van Deursen was absent due to the untimely death of her mother-in-law. She also noted that the attorney was going to be a little late in arriving this evening.

The Flag Salute was led by Deputy Mayor Glaser.

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.

Deputy Mayor Glaser deviated from the order of business and entertained Council Appearance of the Clerk.

### **COUNCIL APPEARANCE:**

#### **Linda L. Hendershot, RMC/CMC, Borough Clerk/Elections**

Linda L. Hendershot, Borough Clerk gave the Mayor and Council an overview of the Clerk’s office, her duties and responsibilities generated from the office. The Financial Disclosure forms are due in the Clerk’s office by the end of this month. The Clerk addressed the OPRA Law and the impact it has taken on not only her office but the other administration offices as well. She updated the governing body on her re-certification process and will be re-certified up through September, 2006. Several changes have taken place in the Registrar’s office in the implementation of safety paper for reproducing marriages, death and birth certifications. The computer software has yet to be made available from the State to date. She also touched upon the elections beginning with the school election, primary election and general election.

Mrs. Hendershot addressed her working relationship with Mr. Fisher and commended his skills in public management and the fact that he has saved this Borough a great deal of money in the field of public management. She also put the Council on notice that some thought be given to hiring someone in her office. Retirement is being contemplated in the not too distant future.

Mrs. Hendershot entertained questions or comments from Council. Councilman McDonald inquired about the computer software package for the Registrar’s duties and whether there would be any training involved? Mrs. Hendershot explained that there would be some seminars offered for training.

Deputy Mayor Glaser thanked Mrs. Hendershot for her many dedicated years of service to the Borough.

### **PRESENTATION:**

#### **Anthony J. Terminelli Award**

Deputy Mayor Glaser presented Patrolman Steven P. Harrington with a plaque naming him the “Officer of the Year for 2003”. This award was initiated in memory of former Chief Anthony J. Terminelli. The Award is known as the “Anthony J. Terminelli Award” for the Officer of the Year. This recommendation was made by George G. Cortellesi, Chief of Police. Family, fellow Officers and the Chief were in attendance.

### **MINUTES:**

#### **Regular Meeting – April 6, 2004**

Deputy Mayor entertained additions or corrections to the minutes of the regular meeting held April 6, 2004.

Councilman McDonald noted a correction on Page 24 on the Roll Call; it should have been 6 Ayes instead of 5.

Councilwoman Bertoline noted that on Page 24 the figure for North Prospect Street should be \$ 20,035.58. She also requested that on Page 18 that it be noted that the auditor’s proposed the 8-1/2 cent increase.

The Clerk noted the corrections. It was therefore moved by McDonald, seconded by Giaimis that the minutes of the regular meeting held April 6, 2004 be approved as corrected.

Ayes: 6, Nays: 0.  
Motion carried.

### **COMMUNICATIONS:**

The following communications were entered into the Record:

- 1) State of NJ Re: Traffic conditions & Rt. 57 & Prospect St.;
- 2) NJ State League Re: Contractors Registration act & PERS Enhanced Benefits;
- 3) NJ State League RE: Fire Deployment Concerns;
- 4) State of NJ Re: Statewide Livable Communities Local Library Aid Program;
- 5) R. Cushing, Esq., Re: Punitive Damages;
- 6) NJ State League RE: The American Trucking Case & Heavy Truck Regulation;
- 7) Comcast Re: Parental Control Features;
- 8) Invitation Open Space Roundtable;
- 9) NJ State League RE: Federal Railroad Administration Rule on Use of Train Horns at Highway-Rail Grade Crossings;
- 10) R. Cushing, Esq. Re: Open Public Records Act – Application for Public Records;
- 11) Township of White Re: Highlands Water Protection & Planning Act
- 12) NJ State League Re: Recess Advisory

Deputy Mayor Glaser entertained a motion to acknowledge, receive and file the communications.

It was moved by Giaimis, seconded by Bertoline that the communications #1 thru #12 be acknowledged, received and filed.

Discussion: Manager Fisher noted that some consideration and thought should be discussed on the Highlands Water Protection Act. Assemblywoman Myers is recommending a resolution opposing this act.

Councilwoman Bertoline was very pleased to see some action was being considered with respect to the traffic conditions on the corner of Prospect Street and Rt. 57. She also had some questions and concerns with Item #6 dealing with the American Trucking Case. This was tabled until the attorney arrived. She also wanted to discuss Item #10 with the attorney when he arrived.

Councilman Doty felt that Council should take no action the Highlands Act until Council could see the actual amendment and proposed legislation.

Manager Fisher noted that the Senate and Assembly would be acting on this legislation April 27<sup>th</sup>. Councilman Giaimis also felt Council should wait until it is released from the full committee. Councilman Doty noted that as it stands now it is very restrictive. Councilman Housel also agreed that no formal action should be taken at this time.

Attorney Cushing arrived and took his seat.

The American Trucking Case was discussed with the attorney and the general consensus was to have a resolution prepared for the next meeting for consideration supporting the League's position.

Councilwoman Bertoline addressed Item #10 dealing with the application for public records. She asked the Attorney what needed to be done next? The Attorney noted that the form should be re-drafted. It was agreed that the Manager and Attorney would work together on the re-draft of this form.

**AUDIENCE:**

Deputy Mayor Glaser entertained remarks from the audience on items that do not appear on the agenda.

Bruce Smith, Rt. 31 commended the Police Department for their many acts of assistance and kindness they have extended to him. He is presently serving on a Committee for the mentally challenged in working for changes to the Medicaid Program. He may need the assistance of the governing body in the future.

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

**ORDINANCES:**

None.

**REPORTS:**

It was moved by Housel, seconded by Bertoline that the Police and Borough Manager's reports be acknowledged, received and filed.

Ayes: 6, Nays: 0.  
Motion carried.

**VOUCHERS:**

Deputy Mayor Glaser entertained additions or questions to the vouchers and claims for payment.

Councilwoman Bertoline questions all the bills being paid out on several pages of the vouchers for InterNet services. This is another area where the Council should look into consolidation and where it would be more cost effective. We are also looking into this same situation with the telephone system.

She also had some questions on Page 12 dealing with the Sunrise Terrace and State Street engineering projects of which the engineer gave a status report on the specifications that are being prepared to go out to bid.

Hearing no further questions, it was moved by McDonald, seconded by Housel that the vouchers and claims be paid in the amount of \$399,403.54 and the handwritten checks in the amount of \$ 180,993.59 as reflected in the debit/credit memorandum on file in the Collector-Treasurer's office.

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

Ayes: 6, Nays: 0.  
Motion carried.

**OLD BUSINESS:**

**Lawrence P. Cohen, Esq., RE: Adult Housing Project**

This was placed on the agenda as a result of the Council's directive from the last meeting.

Councilman Giaimis asked what they were proposing? Councilwoman Bertoline thought the Planning Board should hear their presentation before they come here? Councilman Doty noted that is contrary to what the minutes say!

Councilman Giaimis asked what action they looking for. Manager noted that if the project was found to be beneficial to the community they would be looking for an amendment to the Land Use Ordinance and the Master Plan. Councilman Giaimis felt that it would not hurt to hear their presentation.

Councilman Housel stated that he would be very interested in hearing their plan.

Councilman Doty also agreed that it would be nice to see a conceptual plan. What type of development and the acreage of land.

Councilwoman Bertoline noted that she would entertain an informal presentation only.

Manager Fisher noted that only one property owner requested to appear before the governing body. There is another interested party. He asked whether the Council would like him to invite the second interested party to this meeting. They agreed he should invite the second interested party. In view of the fact that the budget hearing was scheduled for May 4<sup>th</sup>, it was suggested that they be invited to appear at our meeting of May 18<sup>th</sup>.

**Discussion – Chapter 47 - Garbage & Refuse**

Discussion was held with respect to stumps and branches under the section of the ordinance dealing with vegetative waste. Councilman Doty noted that he did not know of any municipality he has worked with that has accepted pick-up of large stumps. He felt that stumps should be removed from the ordinance for pick-up. He also felt that a better definition is needed for branches. Councilman Doty also felt that once a week for this type of pick-up was not necessary.

Councilman McDonald questioned whether there would be any cost savings in reducing this service. Another suggestion was to define the size of the amount of pile that could be placed out curbside.

Attorney Cushing stated that what it appears Council is looking for is a clear definition and a clear-uniform policy. He suggested looking at other ordinances from other municipalities. The Clerk also suggested that General Code be contacted for sample ordinances.

Manager Fisher noted that the frequency and amount has never been limited in the Borough.

Councilman Giaimis noted that there could be other areas in the ordinance that also need to be looked at as well.

The Attorney and Clerk will compile some other sample ordinances that could be looked at. They also suggested talking to John Burd about reducing the frequency and reducing the amount that could be picked up.

Councilwoman Bertoline noted that in addressing frequency and reducing the amount that could be picked up, some consideration would have to be given if a storm came about. This is still another whole issue.

This issue will be discussed at the next meeting if information is available.

**NEW BUSINESS:**

**Application for Raffle License – The ARC Foundation of Warren County**

An application for a raffle license was presented from The Arc Foundation of Warren County. The application is in order and fees have been paid.

It was moved by Housel, seconded by Bertoline that the Clerk be authorized to issue the license to The Arc Foundation of Warren County.

Ayes: 6, Nays: 0.  
Motion carried.

**St. Joseph's Parish Community Procession "Santacruzán"**

A request was received from Saint Joseph's asking permission to hold a procession called "Santacruzán" on Sunday, May 23, 2004 between the hours of 4 PM to 5 PM.

It was moved by Giannis, seconded by Bertoline that this request be approved and that the Police Department be apprised of this request and work them for an orderly procession.

Ayes: 6, Nays: 0.  
Motion carried.

**Proclamation – Arbor Day**

Deputy Mayor Glaser read a Proclamation proclaiming **Thursday, April 29, 2004 as Arbor Day** in the Borough of Washington.

**Resolutions:**

It was agreed to act on Resolutions #75-2004 thru #81-2004, pulling Resolution #76-2004 for further discussion. A motion to adopt Resolution #75-2004 was moved by McDonald, seconded by Bertoline as follows:

**Resolution #75-2004 – Redemption of Tax Certificate, Blk. 98, Lot 1**

**RESOLUTION #75-2004**

**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 Michael Mastellone, PO Box 109, Cedar Knolls, NJ 07927, in the amount of \$ 533.51 for taxes or other municipal liens assessed for the year 2002 in the name of Ayers, Jacqueline Estate (Now Wells Fargo Bank Minnesota, NA, Trust), as supposed owners, and in said assessment and sale were described as 51 Cornish Street, Block 098, Lot 001, which sale was evidenced by Certificate #386-03

**WHEREAS**, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington do certify that on 4/15/04 and before the right to redeem was cut off, as provided by law, Attorney Matthew C. Johnston, claiming to have an interest in said lands, did redeem said lands claimed by Michael Mastellone, and last above mentioned, by paying to the Collector of Taxes of said taxing district of Washington Borough the amount of \$ 4,547.11, which is the amount necessary to redeem Tax Sale Certificate #386-03.

**NOW, THEREFORE, BE IT RESOLVED**, on this 20<sup>th</sup> day of April, 2004 by the Mayor and Council of the Borough of Washington, County of Warren authorize the Treasurer to issue a check payable to Michael Mastellone, PO Box 109, Cedar Knolls, NJ 07927 in the amount of \$ 5,247.11, which includes a \$ 700.09 premium.

**BE IT FURTHER RESOLVED**, that the Tax Collector is authorized to cancel this lien on Block 098, Lot 001 from the tax office records.

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

Ayes: 6, Nays: 0.  
Motion carried.

**Resolution #77-2004 – Refunding an Overpayment of Sewer Service Charge**

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

**RESOLUTION #77-2004**

**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

<b><u>BLOCK/LOT</u></b>	<b><u>PROEPRTY OWNER/ PROPERTY LOCATION</u></b>	<b><u>AMOUNT TO BE REFUNDED</u></b>
101/15.52	Khim, Ann 77 Lenape Trail	\$ 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 the executor of the Estate of Ann Khim:

Mary Wing  
189 Cedar Street  
Cedar Grove, NJ 07009-1615

**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 s authorized to refund the above overpayment amount.

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

Ayes: 6, Nays: 0. – Motion carried.

**Resolution #78-2004 – Refunding of an Overpayment of Sewer Service Charge**

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

**RESOLUTION #78-2004**

**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

<b><u>BLOCK/LOT</u></b>	<b><u>PROPERTY OWNER/ PROPERTY LOCATION</u></b>	<b><u>AMOUNT TO BE REFUNDED</u></b>
13/5	Palermo, Scott & Christine 44 State 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:

Christine Finnegan, Attorney Trust Account  
128 Belvidere Avenue  
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: McDonald, Bertoline, Doty, Giaimis, Glaser and Housel.

Ayes: 6, Nays: 0.  
Motion carried.

**Resolution #79-2004 – Refunding of an Overpayment of Sewer Service Charge**

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

**RESOLUTION #79-2904**

**A RESOLUTON 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

<b><u>BLOCK/LOT</u></b>	<b><u>PROPERTY OWNER/ PROPERTY LOCATION</u></b>	<b><u>AMOUNT TO BE REFUNDED</u></b>
<u>  </u> 101/18	Ceraulo & LoCascio 217 West Washington Ave.	\$ 193.50

The former owner made an overpayment during the closing procedures on the above property location. A refund of \$ 193.50 should be mailed to:

Vincenza LoCascio  
Frank Ceraulo  
P.O. Box 79  
Martinsville, NJ 08836

**WHEREAS**, the Borough Treasurer's office has received a written request that the above amount be refunded.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Borough Treasurer is authorized to refund the above overpayment amount.

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

Ayes: 6, Nays: 0.  
Motion carried.

**Resolution #80-2004 – Refunding of an Overpayment of Sewer Service Charge**

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

**RESOLUTION #80-2004**

**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

<b><u>BLOCK/LOT</u></b>	<b><u>PROPERTY LOCATION/ PROPERTY LOCATION</u></b>	<b><u>AMOUNT TO BE REFUNDED</u></b>
101/15.26	Pavelchak, Mark 96 Lenape Trail	\$ 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:

Mark Pavelchak  
2 Terhune Road  
Andover, NJ 07821-2130

**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: Giaimis, Glaser, Housel, McDonald, Doty and Bertoline.

Ayes: 6, Nays: 0.  
Motion carried.



**Resolution #81-2004 – Refunding of an Overpayment of Sewer Service Charge**

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

**RESOLUTION #81-2004**

**A RESOLUTION TO ESTABLISH E.D.U'S ALLOCATION  
AND RESERVE CAPACITY CHARGES FOR CERTAIN  
INDUSTRIAL USERS IN ACCORDANCE WITH CHAPTER  
70, SECTION 28 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**, industrial facilities with approved wastewater flow meters are required to have their E.D.U.'s allocation adjusted annually based upon the most recent 12 months of data; and

**WHEREAS**, reserve capacity charges are required to be reviewed annually based upon the most recent 12 months of data; and

**WHEREAS**, Municipal Capital Management, L.L.C. and Hatch Mott MacDonald have collaborated in calculation of the appropriate E.D.U. allocation and reserve capacity charges for Picheny/Cebal Americas and B.A.S.F.; and

**WHEREAS**, all parties affected by this resolution have been notified of the action proposed to be taken, in writing, and notified of an opportunity to appear, in person, before the governing body.

**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 report, dated March 25, 2004 entitled, "Base and Reserve Capacity Charges" and attached hereto is hereby approved.

**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 Veolia Water for billing purposes.

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

Ayes: 6, Nays: 0.

Motion carried.

**Resolution #76-2004 – Local Budget Examination of the Chief Financial Officer**

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

**RESOLUTION #76-2004**

**A RESOLUTION PERTAINING TO ANNUAL LOCAL  
BUDGET EXAMINATION BY THE BOROUGH OF  
WASHINGTON'S CHIEF FINANCIAL OFFICER.**

**WHEREAS**, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

**WHEREAS**, N.J.A.C. 5:30-7 was adopted by the Local Finance Board of February 11, 1997; and

**WHEREAS**, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the Borough of Washington has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2004 budget year.

**NOW, THEREFORE, BE IT RESOLVED**, by the governing body of the Borough of Washington, in the County of Warren, State of New Jersey that in accordance with N.J.S.A. 5:30-7.6b and based upon the Chief Financial Officer's Certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - A. Payment of interest and debt redemption charges;
  - B. Deferred charges and statutory expenditures;
  - C. Cash deficit of preceding year;
  - D. Reserve for uncollected taxes;
  - E. Other reserves and non-disbursement items;
  - F. Any inclusion of amounts required for school purposes.
2. That the provisions related to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are full met (Complies with the "CAP" law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
  - A. All estimates of revenue are reasonable, accurate, and correctly stated;
  - B. Items of appropriation are properly set forth;
  - C. In itemization, form, arrangement, and content the budget will permit the exercise of the controller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

Discussion: Councilwoman Bertoline stated that she did not think that the budget was ready to be examined at this time. She did not feel that this resolution should be passed. Manager Fisher explained that the Borough's auditor has recommended that it be a part of the budget process as directed by the Council as a result of the budget workshops.

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

Motion carried.

**Resolution #82-2004 – Temporary Emergency Resolution**

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

**RESOLUTION #82-2004**

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

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

**WHEREAS**, the total temporary emergency appropriations adopted in the year 2004 pursuant to the provisions of Chapter 96, P.L. 1951, (N.J.S.A. 40A:4-20), including this resolution and temporary appropriations, total \$ 2,606,462.00; and

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

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

**GENERAL GOVERNMENT:**

Administrative and Executive	
Salary & Wages	\$ 51,000.00
Other Expenses	12,000.00
Mayor and Council	
Salary & Wages	3,650.00
Other Expenses	2,500.00
Elections (Municipal Clerk)	
Salary & Wages	13,000.00
Other Expenses	2,000.00
Financial Administration	
Other Expenses	0.00
Auditing Services	
Other Expenses	20,000.00
Collection of Taxes	
Salary & Wages	30,000.00
Other Expenses	1,000.00
Assessment of Taxes	
Salary & Wages	10,000.00
Other Expenses	2,500.00

Legal Services	
Salary & Wages	\$ 13,000.00
Other Expenses	10,000.00
Engineering Services	
Other Expenses	13,000.00
Downtown Redevelopment	
Other Expenses	29,000.00
<u>LAND USE ADMINISTRATION</u>	
Planning Board	
Salary & Wages	1,800.00
Other Expenses	8,000.00
Board of Adjustment	
Salary & Wages	1,750.00
Other Expenses	0.00
Zoning Enforcement	250.00
Local Code Enforcement	
Salary & Wages	6,000.00
Other Expenses	0.00
<u>INSURANCE:</u>	
Insurances	
Commercial Package	677.00
Excess Liability	(77.00)
Professional Liability	1,220.00
Surety Bonds	600.00
Other Insurance	9,000.00
Workmen's Compensation	14,000.00
Group Medical	63,000.00
Unemployment Compensation	1,000.00
<u>PUBLIC SAFETY:</u>	
Police Department	
Salary & Wages	290,000.00
Other Expenses	18,000.00
Civil Emergency Preparedness	
Salary & Wages	1,800.00
Other Expenses	0.00
Fire Department	
Other Expenses	12,000.00
First Aid Organization	
Other Expenses	7,000.00
Uniform Fire Safety Act	
Salary & Wages	3,500.00
Other Expenses	0.00

Municipal Prosecutor	
Salary & Wages	\$ 5,600.00

PUBLIC WORKS:

Road Department	
Salary & Wages	66,000.00
Other Expenses	20,000.00

Garbage Collection	
Other Expenses	64,000.00

Public Buildings & Grounds	
Salary & Wages	12,000.00
Other Expenses	12,000.00

Shade Tree Commission	
Salary & Wages	300.00
Other Expenses	6,000.00

HEATH AND HUMAN SERVICES:

Animal Regulation	
Salary & Wages	2,050.00

Public Assistance	
Salary & Wages	1,400.00

PARKS AND RECREATION:

Recreation Commission	
Other Expenses	33,000.00

EDUCATION:

Library	
Salary & Wages	57,000.00
Other Expenses	11,000.00

UNCLASSIFIED:

Public Events	
Other Expenses	2,000.00

P.E.O.S.H.A.	
Other Expenses	0.00

UTILITIES:

Electricity	
Other Expenses	12,500.00

Street and Traffic Lights	
Other Expenses	13,000.00

Telephone	
Other Expenss	13,000.00

Water		
Other Expenses		\$ 1,300.00
Natural Gas		
Other Expenses		10,000.00
Heating Oil		
Other Expenses		1,500.00
Sewage Disposal		
Other Expenses		1,500.00
Gasoline & Diesel Fuel		
Other Expenses		5,000.00
Fire Hydrants		
Other Expenses		14,000.00
<u>SOLID WASTE DISPOSAL:</u>		
Solid Waste Disposal		
Other Expenses		30,000.00
<u>CONTINGENCY:</u>		
		5,000.00
<u>STATUTORY EXPENDITURES:</u>		
Public Employees' Retirement		0.00
Social Security		32,000.00
Consolidated Police & Firemen's Pension		59.00
Police & Firemen's Retirement		0.00
<u>FEDERAL AND STATE GRANTS (X-CAP):</u>		
<u>General Government</u>		
Municipal Alliance		
Other Expenses		4,000.00
N.J. Site Remediation Grant		
Other Expenses		122,920.00
<u>Public Safety</u>		
Body Armor Grant		
Other Expenses		1,231.00
Drunk Driving		
Salary & Wages (Police)		8,972.00
U.S. Justice – Partnership Grant		
Other Expenses		2,430.00
U.S. Justice – COPS MORE Grant		
Salary & Wages		12,500.00

Sanitation

Clean Communities	
Salary & Wages	\$ 6,064.00
Other Expenses	0.00
Recycling Tonnage Grant	
Other Expenses	520.00

Municipal Court

A.E.R.F. Grant	
Other Expenses	375.00

MUNICIPAL COURT (X-CAP):

Municipal Court	
Salary & Wages	\$ 27,000.00
Other Expenses	1,000.00
Public Defender	
Other Expenses	( 300.00)

DEBT SERVICE (X-CAP):

Bond Principal	0.00
Bond Interest	0.00
Note Principal	0.00
Note Interest	0.00

**TOTAL OF THIS EMERGENCY  
TEMPORARY APPROPRIATIONS \$ 1,270,091.00**

Discussion: Councilwoman Bertoline asked how far this resolution would carry Council through? The Manager indicated that this would carry us thru June 30<sup>th</sup>. Councilwoman Bertoline stated that Council was spending money that has not been approved yet.

Deputy Mayor Glaser explained that this resolution gives the Borough money to operate until the budget is adopted.

Councilwoman Bertoline noted that Council may be spending money that could be pulled from the budget if it is not adopted. The budget presented only cuts a penny off the tax rate. She was not happy with the budget as approved. Council only cut a penny from the budget and the auditor cut a total of eight cents from the budget.

Councilman Giaimis addressed the Downtown Revitalization appropriation and asked where the design planning funds were being appropriated? Manager Fisher stated that the grant application states that the Borough would be doing the design work for the project. This includes the parking lot, mid-block crosswalk, sign and street improvements from S. Lincoln Avenue up Rt. 57 to the Central Business District. If the grant is award we would have to have the design ready to proceed and therefore the funds have to be available.

Councilwoman Bertoline once again stated that we are spending money that the public has not had a say in approving it.

Manager Fisher stated for the record that this resolution requires 2/3 vote to proceed with the adoption. If we do not adopt this resolution there will be over-expenditures in our Temporary Budget.

Councilwoman Bertoline noted that some of the proposed increases may encompass areas in the budget that she does not feel necessary. If the monies are already expended other areas of the budget would have to be cut.

Deputy Mayor Glaser questioned whether only necessary services be expended until the budget is adopted?

Attorney Cushing noted that he was hearing some concern about certain line item issues such as downtown revitalization and the recreation commission budget? This resolution is only authorizing up to fifty (50%) percent of the budget proposed.

Councilwoman Bertoline objected to the resolution being on her desk this evening. She did not have an ample opportunity to study the resolution thoroughly.

Councilman Giaimis thought that when the Special Improvement District was created their budget would cover some of the costs Council is appropriating?

Dave Higgins, who was in the audience, noted that when he was on Council there was specific statutes which deal with the Temporary Budget. Who was ultimately responsible is this resolution is not adopted and there are over-expenditures? Ultimately it is the Council.

Councilman Housel noted that by not approving this resolution we would be over-expending our Temporary Budget.

Councilman Giaimis noted that if our budget was adopted earlier the Council wouldn't be faced with this problem.

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

Motion carried.

**Resolution #83-2004 – Temporary Emergency Resolution – Municipal Sewer Utility**

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

**RESOLUTION #83-2004**

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

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

**WHEREAS**, the total temporary emergency appropriation adopted in the year 2004 pursuant to the provisions of Chapter 96, P.L. 1951, (N.J.S.A. 40A:4-20), including this resolution and temporary appropriations, total \$ 626,966.00; and

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



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

**TEMPORARY EMERGENCY APPROPRIATIONS – 2004 SEWER UTILITY**

Operations:

Salary & Wages	\$ 4,000.00
Other Expenses	235,000.00

**TOTAL APPROPRIATIONS**

Debt Service

Bond Interest	0.00
Environmental Trust/Fund Principal & Interest	0.00

**TOTAL OF THIS EMERGENCY TEMPORARY APPROPRIATION: \$ 239,000.00**

Discussion: Councilwoman Bertoline asked if these appropriations were a part of the 2004 proposed budget. The Manager indicated “Yes”.

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

Ayes: 6, Nays: 0.  
Motion carried.

**COUNCIL REMARKS:**

Deputy Mayor Glaser polled Council for their remarks.

Councilman Giaimis had no remarks.

Councilman Housel had no remarks.

Councilman McDonald had no remarks.

Councilwoman Bertoline asked the status of the telephone specifications and the Inter Net website? The Manager noted that neither are ready to date.

Councilwoman Bertoline congratulated Patrolman Harrington.

She also extended condolences to the Mayor’s family on the death of her Mother-in-law.

Councilman Doty pointed out that the Borough’s Soil & Sedimentation Control application needs to be updated. The engineer will revise the application.

Deputy Mayor Glaser also wanted to extend condolences to the Mayor and her family on the death of her Mother-in-law. The Clerk noted that flowers were sent from the Mayor and Council.

**Executive Session**

It was moved by McDonald, seconded by Bertoline that the Council go into Executive Session to discuss matters of litigation.

Ayes: 6, Nays: 0. – Motion carried.

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Councilman Giaimis excused himself and left the room from one of the issues raised in Executive Session as he had a conflict.

It was moved by Doty seconded by Bertoline that the Council go out of Executive Session back into open session.

Ayes: 5, Nays: 0.  
Motion carried.

Councilman Giaimis came back into the Council Chambers.

It was therefore moved by Bertoline, seconded by McDonald that hearing no further business, the meeting be adjourned at 9:50 PM.

Ayes: 6, Nays: 0.  
Motion carried.

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Marianne Van Deursen, Mayor

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Linda L. Hendershot, RMC/CMC  
Borough Clerk