

MINUTES OF REGULAR MEETING HELD MAY 4, 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, Van Deursen, Bertoline, McDonald, Glaser, Doty and Giaimis – Present 7.

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

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.

COUNCIL APPEARANCE:

Barbara Carroll Rose, Library Director

Barbara Carroll Rose, Library Director was present to give the Council an update on the Library. No statistical report was available as Mrs. Rose thought her appearance was May 18th instead of this evening. She did give the Council an update on the work that is being done on the maintenance of the Library. They are waiting on the tile being put up presently. There is some problems with matching the tile that is in the Library but they are diligently working to get the work completed.

Two new InterNet computers are available on the floor for the public’s use. The Library in the not too distant future will be placed on a data base called jersey.org that will link our library to many other larger facilities for up-to-date research.

The Library Board is also looking at replacing the carpeting at the Library this year also.

Mrs. Rose entertained comments or questions from the Council. Mayor Van Deursen extended her congratulations to Mrs. Rose who recently got married. She also thanked her for the excellent job that she is doing at the Library. The community is very appreciative of her efforts and that of her staff and the Library Board of Trustees.

MINUTES:

Regular Meeting – April 20, 2004

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

Councilman McDonald noted a correction of Page 2. The word corrections should read communications. On Page 10 at the bottom of the page it should read 2 Nays instead of 2 Ayes.

Councilwoman Bertoline wanted the minutes to reflect on Page 15 in the third paragraph concerning the budget that Council only cut one penny from the budget and that the auditor cut a total of eight cents from the budget.

Roll Call: McDonald, Doty, Van Deursen, Housel, Bertoline and Giaimis
Ayes: 6, Nays: 0. Abstained: Glaser.

Motion carried.

COMMUNICATIONS:

The following communications were entered into the Record:

- 1) Comcast Fax Re: Channel Package Changes;
- 2) NJ League RE: “The Highlands Water Protection & Planning Act”
- 3) NJ League RE: Validity of Solicitation Ordinances in NJ;
- 4) Communities Against Tobacco;
- 5) Members & Friends Series – Transfer of Development Rights;
- 6) JCPL Co. Re: Annual Universal Service Fund Compliance Fund Filing;
- 7) NJ League Re: Contractors Registration act’
- 8) National Arbor Day Foundation – Tree City USA; and
- 9) State of NJ DOT Re: Traffic Signal – Rt. 57 & Prospect St.

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

It was moved by McDonald, seconded by Glaser that the communications numbered #1 thru #9 be acknowledged, received and filed.

Items #2, #7 and #9 were noted for discussion.

Councilman Housel brought up the Contractors Registration Act and noted the money would be going to the State and not the local municipalities. No formal action was taken at this time.

No further discussion took place on Item #2 “The Highlands Water Protection and Planning Act”.

Councilman Housel was pleased with the DOT’s determination that a traffic signal is warranted on Rt. 57 & Prospect St. The crossing guard who spearheaded this action should be commended. Engineer, Bob Miller, brought up the question as to why the Borough was going to be charged for a traffic signal on a State Highway?

Discussion followed at which time a motion was made by McDonald, seconded by Housel that the Manager be directed to write the State a letter and question them why the Borough was going to be expected to pay the electric usage for this traffic signal?

Ayes: 7, Nays: 0.
Motion carried.

AUDIENCE:

Mayor Van Deursen entertained remarks, petitions, statements & testimony from guests on items that were not part of the agenda.

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

Ayes: 7, Nays: 0.
Motion carried.

PUBLIC HEARING:

2004 Proposed Municipal Budget

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

Dale Parichuk, 116 Myrtle Avenue addressed the 2004 Budget as proposed. With the construction of the new homes in the Borough with projected taxes on each home being approximately \$ 10,000.00 he objected to the local tax increase. He felt that it was irresponsible spending on the Council's part.

He also spoke to the paving work that the Borough's Road Department was doing. The Road Department is overextended and this work should be let out to a private contractor.

Road overlay is a waste of money and is just a patch and quilt job. Many of our streets are like wash boards. This project should be taken away from the Road Department as they are over-extended now.

Mayor Van Deursen opened up the discussion to Council:

Councilwoman Bertoline noted that she had notes of several areas to re-visit. She cited that dues, conferences and expenses came to \$ 40,000.00. The Kiwanis dues for the Manager was another area she felt should be cut from the budget. These are just some of the areas that she felt should be revisited.

Mayor Van Derusen noted that the Council did go back over Councilwoman Bertoline's notations and she had to respect the majority decision of the governing body.

Councilwoman Bertoline still felt that Council needed to cut some more from this budget.

Councilman Housel questioned Councilwoman Bertoline on how much she wanted to cut from the budget? She felt that an additional \$ 300,000.00 could have been cut. Councilman Housel noted that this large of a cut would definitely affect services in our community.

Councilwoman Bertoline still felt that we could tighten the belt on spending and there was room for more cuts in the budget. When you take things on, you give up somewhere else.

Councilman Giaimis felt at this time Council could not find a way to do what Councilwoman Bertoline was suggesting. Council, in the future, must make a concerted effort to find a way to reduce spending every year. We have to find a way to control spending. The budget has not been fully analyzed in the past. There are some ideas he has for the future. We have to find a way to maintain the level of services but still have some sense of fiscal responsibility. It is too late to do that with this present budget.

Councilman Giaimis noted that he could not justify any more full time employees and he did not feel that the Code Enforcement position should be full-time.

Councilman McDonald noted that Council did hire an additional Police Officer.

Councilwoman Glaser noted that there are still areas in the budget she would like to see cut; however, she respected the majority rule. Four to five years Council has held the budget flat dipping into surplus. You don't want to take your surplus dangerously low. If you have an emergency the funds would not be readily available. Council had to make a hard decision to raise the taxes this year. All of Council here pay taxes too.

Councilwoman Bertoline noted that when the Code Enforcement Officer was hired, the Manager lost duties but still accepted his five (5%) percent raise. She also felt that a lot of the professional fees could be cut back. Councilman Doty also agreed that professional services could be looked at. We all could do a better job.

Councilwoman Bertoline noted that Council has to be responsible to the people.

Hearing no further discussion, Resolution #90-2004 was put on the table for adoption:

The following Resolution was moved by Housel, seconded by McDonald and adopted:
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(Cont'd.) Page 4

RESOLUTION #90-2004

RESOLUTION ADOPTING 2004 MUNICIPAL BUDGET

BE IT RESOLVED, by the Mayor and Common Council of the Borough of Washington, County of Warren, State of New Jersey that the **2004 Municipal Budget** herein set forth is hereby adopted and shall constitute an appropriation for the purposes stating of the sums thereon set forth as appropriations and authorized of the amount of **\$ 2,839,393.00** for Municipal purposes.

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

Mayor Van Deursen opened up the public hearing on the **Special Improvement District** to the public for their questions or comments.

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

Ayes: 7, Nays: 0. Motion carried.

Council Discussion: None.

It was therefore moved by McDonald, seconded by Glaser that the following Resolution adopting the Special Improvement District budget be adopted:

RESOLUTION #91-2004

RESOLUTION ADOPTING THE BUDGET FOR S.I.D.

WHEREAS, at its meeting of April 6, 2003, the governing body of the Borough of Washington introduced and approved the Washington Borough Special Improvement District budget for the period of January 1, 2004 – December 31, 2004, which budget is annexed hereto; and

WHEREAS, after notice and advertisement in a newspaper of general circulation, the governing body of Washington Borough conducted a public hearing on May 4, 2004; and

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 were (a) advertised; (b) posted in the Borough Clerk's office; and (c) made available to each person requesting the same before and during the public hearing; and

WHEREAS, all persons having interest in the budget were given the opportunity to present objections; and

WHEREAS, the governing body of the Borough of Washington having considered the comments at the public hearing is of the opinion that it is appropriate and desirable to ratify and adopt the budget without amendment as advertised; and

WHEREAS, pursuant to N.J.S.A. 490:56-80 and N.J.S.A. 40:56-84, the governing body of the Borough of Washington is required to adopt the budget by resolution after closing the hearing.

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

- (1) The Washington Borough Special Improvement District budget is approved by the governing body of the Borough of Washington and it is approved 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) This special assessment is hereby imposed and shall 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 and the assessment as follows:

Schedule A1 shall be assessed at \$ 134,348; and Schedule A2 shall be assessed at \$ 65,652.00;
- (3) Payments the District received by the Borough of Washington shall be transferred to the Washing Borough Business Improvement District Management Corporation to be expended in accordance with the approved budget; and
- (4) The Borough Clerk is hereby authorized to forward a certified copy of this 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

(5) Budget:

Management (\$67,000): this consists of a full time Executive Director (\$55,000.00) 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 (\$6,500): **Clean & Safe;** Directed towards cleaning services, and common area environmental protection improvements. **Parking & Pedestrian improvement:** this is a focus on parking management, pedestrian crossing upgrades, signage, and lighting.

Architecture & Design (\$5,000): Maintaining design standards and review system, Note: SIUD/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.

ORDINANCES:

Ordinance #7-2004 – Salary Ordinance – Park Staff (Final Passage)

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

The Clerk read Ordinance #7-2004 by title only and stated that this ordinance was published in the Star Gazette as required by law, a copy was posted on the bulletin board and copies were available in the Clerk's office upon request.

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

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

Ayes: 7, Nays: 0.
Motion carried.

Council Discussion: None.

It was moved by McDonald, seconded by Glaser that Ordinance #7-2004 be adopted on final passage and that final publication be made as prescribed by law.

Roll Call: McDonald, Doty, Van Deursen, Glaser, Housel and Giaimis –
Ayes: 6, Nays: Bertoline.
Motion carried.

ORDINANCE #7-2004

**AN ORDINANCE FIXING THE SALARY AND WAGES
OF CERTAIN MUNICIPAL OFFICIALS AND REPEALING
PORTIONS OF PRIOR INCONSISTENT SALARY AND WAGES
ORDINANCES.**

SECTION 1. The annual salaries, wages and salary and wage ranges for the municipal officials and employees of the Borough of Washington hereinafter named shall be as follows:

SCHEDULE A – FULL-TIME CLASSIFIED

SCHEDULE B – PART-TIME CLASSIFIED

SCHEDULE C – UNCLASSIFIED SERVICE

SCHEDULE D – UNCLASSIFIED SERVICE

(TEMPORARY OR SEASONAL)

	<u>SALARY OR WAGE</u>	<u>SALARY OR WAGE RANGE</u>
Assistant Recreation Supervisor(s) (Swim Team)	-----	\$970.00-\$1,938.00 Season
Attendant Baths & Pools	-----	\$ 6.12-\$10.20 Hr.
Food Service Manager	-----	\$ 7.14-\$11.22 Hr.
Food Service Worker	-----	\$ 6.12-\$10.20 Hr.
Life Guard	-----	\$ 7.14-\$11.22 Hr.
Recreation & Park Maintenance Worker	-----	\$ 6.12-\$10.20 Hr.
Recreation Supervisor (Director)	-----	\$12,240.-\$17,340./Season
Recreation Supervisor Arts & Crafts	-----	\$ 7.14-\$11.22 Hr.
Recreation Supervisor Playground	-----	\$ 7.14-\$11.22 Hr.
Recreation Supervisor Swimming (Swim Team Director)	\$2,800.00/Season	-----
Recreation Supervisor Swimming (Swim Lessons)		\$ 9.18-\$13.26 Hr.
Sports Official Basketball	-----	\$900.-\$1,850./Season
Secretary, Board/Commission (Recreation Commission)	-----	\$ 9.18-\$13.26 Hr.
Supervisor Baths & Pools	-----	\$ 9.18-\$13.26 Hr.

SECTION 2. Salaries herein shall be payable at the rate fixed in equal bi-weekly installments. Wages shall be payable bi-weekly. Any and all fees received by officials and employees of the Borough of Washington shall be paid unto the municipality.

SECTION 3. Any salary and wages ordinance adopted prior to the adoption of this ordinance with provisions inconsistent with the provisions of Section 1 of this ordinance shall, to the extent of any inconsistency and only to the extent of the inconsistency, be repealed.

SECTION 4. Salaries and wages listed in the column with the heading “salary or wage” are the salaries or wages to be paid to employees currently holding the position noted on the date of final passage of this ordinance. In the event the position becomes vacant or no figure is listed, then the figures noted in the column with the heading “salary or wage range” shall be utilized by the appointing authority and any salary or wages paid within this range shall be deemed appropriate and valid. In the event no wage or salary range is listed, then the figure in the column with the heading “Salary or Wage” shall apply.

SECTION 5. The rates contained herein shall become effective January 1, 2004.

SECTION 6. 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 #8-2004 – Amendment of Chapter 47 – Garbage & Refuse (Final Passage)

An ordinance amending Chapter 47 of the garbage and refuse ordinance was introduced by Councilman McDonald.

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

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

Ayes: 7, Nays: 0.
Motion carried.

The Clerk read Ordinance #8-2004 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 were available upon request from the Clerk's office.

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

Hearing no remarks, it was moved by McDonald, seconded by Glaser that the public hearing be closed.

Ayes: 7, Nays: 0.
Motion carried.

Council Discussion: None.

It was therefore moved by McDonald, seconded by Glaser that Ordinance #8-2004 be adopted on final passage and that final publication be prescribed by law.

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

Ayes: 7, Nays: 0.
Motion carried

ORDINANCE #8-2004

**AN ORDINANCE TO AMEND CHAPTER 47 OF THE
CODE OF THE BOROUGH OF WASHINGTON KNOWN
AS THE RUBBISH ORDINANCE OF WASHINGTON
BOROUGH.**

WHEREAS, the Mayor and Council have recently completed a review of Chapter 47 of the Code of the Borough of Washington; and

WHEREAS, there exists a need to amend Chapter 47 to clarify certain requirements of the Code regarding the maximum weight of any container when loaded and placed out at curbside for collection and the maximum size of any container; and

WHEREAS, these changes should not result in any significant change to the Borough Code and should not adversely impact the general public or the Borough's authorized solid waste contractor; and

WHEREAS, the Mayor and Council believe these changes to be in the public interest.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that Chapter 47 of the Code of the Borough of Washington is hereby amended as follows with bracketed “[]” text being deleted and underlined text “___” being added:

SECTION I. By amending Section 7 entitled, “Preparation for collection; separation of recyclable materials”, Subsections D, E, F, H & I as follows:

”D. Cans shall be cleaned and have all paper and plastic labels removed. Aluminum cans and steel cans must be separated from all garbage, refuse and vegetative wastes and placed in covered, heavy-duty plastic or galvanized metal containers whose overall capacity shall not exceed 3[0]2 gallons.”

”E. All glass shall have all metal rings and caps removed and must be cleaned and separated from all other garbage, refuse, and vegetative wastes and be placed in separate, covered, heavy-duty plastic or galvanized metal containers whose overall capacity shall not exceed 3[0]2 gallons.”

”F. Grass clippings, hedge clippings, leaves, straw, thatch, plant stems and roots and similar material shall be placed in kraft-type bags o[f]r covered heavy-duty plastic or galvanized metal containers whose overall capacity shall not exceed 3[0]2 gallons. Borough Council, may, in the fall, waive the requirement to containerize leaves. All items in this section must be separated from all other garbage, refuse, recyclable materials and vegetative wastes.”

”H. Plastic containers shall have all metal rings and caps removed and shall be cleaned. All plastic containers shall be separated from all other garbage, refuse and vegetative wastes and placed in separate, covered, heavy-duty plastic or galvanized metal containers whose overall capacity shall not exceed 3[0]2 gallons.”

”I. Corrugated cardboard shall be flattened, bundle[s]d and tied in two directions with a cord or string in excess of fifty-pound test or placed securely inside a corrugated cardboard box. All corrugated cardboard shall be separated from all garbage, refuse and vegetative wastes.”

SECTION II. By amending Section 8 entitled, “Containers” to read as follows:

”A. [Containers shall be provided] [t]The owner, tenant, lessee or occupant of the premises shall provide refuse containers for the premises. Refuse containers shall be maintain in a clean-safe and good condition. The collector shall have the authority to reject [A]any container that does not conform to the provisions of this chapter or that may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents [thereof shall not be utilized]. [The collector shall have the authority to refuse collection services for failure to comply.]

B. Containers shall be of galvanized metal or of heavy-duty plastic composition, shall not exceed 3[0]2 gallons in overall capacity, shall have a lid or cover and shall have sturdy handle(s). Heavy-duty plastic bags not larger than 30 gallons may be used for garbage and rubbish if properly tied. Plastic bags may not be used for recyclable materials or vegetative wastes.

- C. Wooden, cardboard, composition paper, fiber or similar containers are specifically prohibited for use as refuse containers. [The collector may, at his discretion, refuse to collect refuse in such container or remove such container and dispose of it as refuse.]
- D. No refuse container, when loaded and placed for collection, shall exceed a gross weight of 60 pounds. The [authorized] contractor may, at his discretion refuse to collect any material in a refuse container[s whose combined gross weight exceeds] weighing more than 60 pounds.
- E. The collector may, at his discretion, either refuse to collect refuse in any container which does not conform to the requirements set forth in this section.”

SECTION III. By amending Section 9.1 entitled, “Limitations on amounts per household”, Subsection A & B as follows:

“A. The Borough shall collect and dispose of not more than two thirty-two gallon containers, or an equivalent quantity of garbage, rubbish or refuse, per residential, commercial, institutional, office, school, public utility or industrial unit, together with any other items the Borough Council may choose to contract for collection and disposal of, unless a sticker purchased from the Borough of Washington is attached thereon.

B. The Borough shall make available to its residents stickers to be affixed to the garbage, trash or refuse to be disposed of in excess of the allowable quantities. The price charged per sticker shall be \$ 2 per thirty-two gallon container or equivalent quantity of garbage, trash or refuse and may be purchased from the Borough Clerk. For stickers purchased by mail an additional charge not to exceed \$0.50 shall be assessed by the Clerk.

SECTION IV. By amending Section 13 entitled, “Frequency of collections”, Subsection A as follows:

“A. Curbside collection of recyclable material in all areas of the Borough shall be once a week on Thursday, Clear, green and brown container glass, aluminum cans, steels cans, and plastic containers shall be collected, in accordance with the collection schedule posted annually by the municipality, on Thursday, on an every-other-week basis, except in the case of a holiday, when collection shall be on the Wednesday preceding the holiday. Newspapers, corrugated cardboard and magazines and mixed papers shall be collected, in accordance with the collection schedule posted annually by the municipality, on Thursday, on an every-other-week basis, except in the case of a holiday, when collection shall be on the Wednesday preceding the holiday. Collection of high-grade office paper and corrugated cardboard shall be every Thursday for commercial and industrial sites within the Borough, except in the case of a holiday, when collection shall be on the Wednesday preceding the holiday.”

SECTION V. 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 #9-2004 – Ordinance Establishing Rental Property Owners Registration Requirements (First Reading)

An ordinance establishing rental property owners registration requirements was introduced by Councilman McDonald.

It was further moved by McDonald, seconded by Bertoline that the Clerk read Ordinance #9-2004 by title only.

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

The Clerk read Ordinance #9-2004 entitled, "ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF WASHINGTON, COUNTY OF WARREN, AND STATE OF NEW JERSEY ESTABLISHING RENTAL PROPERTY OWNERS REGISTRATION REQUIREMENT."

Council Discussion:

Councilman Giaimis questioned whether the \$ 25.00 nominal fee was per property or per owner. A poll of Council was taken and it was felt it should be per property. The Registration Fee shall reflect "per property".

It was also felt that the title should reflect that this ordinance only applies to "Residential Rental Property Owners". This will be reflected in the title of the ordinance.

Councilwoman Bertoline was concerned with whether the citizens would react in such a way that this would be laying the groundwork for a "Property Maintenance Code".

Attorney Cushing summarized the purpose of this ordinance and the necessary function of Borough government that it would assist. This ordinance will particularly assist the code enforcement officer with issues creating harmful conditions to the health and safety of the occupants and the general public. The Code Enforcement Officer will have a mechanism within which to get in touch with the landlord to abate the problem. This ordinance is put forth this evening to decide whether or not you want to implement such an ordinance.

The tenant definition was questioned by Councilwoman Bertoline but was left as written. Item (d) was questioned as to whether it was necessary. It was agreed to strike this section from the ordinance as it is not needed. Item (g) was discussed and it was agreed to change the wording from "Borough" to "Mayor and Council".

Councilman Giaimis questioned the penalty section and felt that the \$ 1,000.00 maximum was too high. He suggested a minimum fine of \$ 250.00.

Manager Fisher noted that this minimum fine may be too high and much too stringent and could be met with a lot of negativity. By leaving it at \$ 1,000.00, a first time offender could possibly get a minimum fee of maybe \$ 50.00 or \$ 100.00 depending on circumstances. A new landlord could perhaps just overlook registering his property. First time offenders, depending on circumstances, would be handled by the prosecutor and judge. It was decided to leave the maximum penalty at \$ 1,000.00.

The section dealing with owners of the property, the Manager suggested language which follows the Municipal Land Use Law. Partners and/or shareholders holding 10% more of its stock should be listed. This section will be amended as such.

Hearing no further discussion, it was moved by Glaser, seconded by Giaimis that Ordinance #9-2004 be approved on first reading, subject to the changes proposed this evening being prepared by the attorney and manager for advertising.

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

Ayes: 7, Nays: 0.
Motion carried.

It was further moved by McDonald, seconded by Glaser that Ordinance #9-2004 be published in the Star Gazette on May 13, 2004 and that the public hearing be scheduled for June 1, 2004.

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

Ayes: 7, Nays: 0.
Motion carried.

REPORTS:

It was moved by McDonald, seconded by Giaimis that the Trial Balance, Borough Clerk's, Police and Zoning/Code Enforcement reports be accepted as presented and filed.

Discussion: The Manager's report will be carried until the next meeting. Councilman Doty had a question on the Clerk's report with respect to the wood chip save harmless agreement that the sum of \$ 1.00 is taken in for each agreement.

Ayes: 7, Nays: 0.
Motion carried.

VOUCHERS:

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

Several questions were raised with respect to the vouchers by Councilwoman Bertoline and Councilman McDonald. On Page 5 the invoice to Attorney Ours dealt with the Baker litigation.

The replacement of a window at the movie theater property was questioned. This was done to pay them for their many acts of kindness in allowing the Borough to advertise community events on their billboard free of charge.

Councilwoman Bertoline asked a question regarding the Fix Asset Appraisal on Page 1. This is a yearly project that must be completed.

Councilman Doty questioned a bill to Carl Hines on Page 5. This was compensation for work completed on a grant application.

Councilwoman Bertoline noted that we only have the January General Ledger figures done to date. The accountant is already behind. Kay Stasyshan, Collector/Treasurer was in the audience and stated for the record that it was not the accountant but the fact that her office is behind in getting the information to him.

Hearing no further questions, it was moved by McDonald, seconded by Glaser that the vouchers and claims be paid in the amount of \$ 1,115,803.09 as reflected in the debit/credit memorandum on file in the Collector-Treasurer's office.

Roll Call: Giaimis, Housel, Glaer, Van Deursen, Doty and McDonald.
Ayes: 6, - Bertoline – 1 Nay. Motion carried.

OLD BUSINESS:

The "Old Business" was taken care of after the public hearings on the budgets.

NEW BUSINESS:

To Establish Public Hearing on Proposed Sewer Connection Fee for Year of 2004

A revised copy of the public notice was on everyone's desk. A motion would be in order to establish the public hearing on the Municipal Sewer Utility sewer connection fee for 2004.

It was therefore moved by Housel, seconded by Giaimis that the Council establish the public hearing on the Municipal Sewer Utility Sewer Connection fee for 2004 for Tuesday, June 1, 2004 at 8 PM and that it be properly advertised in the Star Gazette on May 13, 2004.

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

Discussion – Open Public Records Act Via E-Mail – Requested by Councilwoman Bertoline

Councilwoman Bertoline was in receipt of a letter from the Executive Director, Paul F. Dice, of the Government Records Council. Contact was made with their office due to the fact that she had trouble getting information from the Borough Manager's office. She was initially denied her request because it was not on the Borough generated form. The letter from the Government Record's Council clearly indicates that any request whether it be a communication or e-mail should be accepted if it contains a request for information.

Councilwoman Bertoline wanted to be sure that the Borough offices were instructed to accept any request for public records.

Attorney Cushing addressed the OPRA Law and noted that this law is becoming very burdensome and there seems to be the question of what is reasonable? There is also a question on anonymous requests; there seems to be a conflict in this area also.

Councilman Housel asked whether the Attorney General has taken a position on this?

The Manager prepared a draft form for the Council to look at. This form is a combination of the League and the State form. He merged them both into one form.

Mayor Van Deursen questioned how do you verify the seven day window? Councilman Giaimis noted that you have to respond within seven days of receipt of the request.

Attorney Cushing will review the drafted form that the Manager provided.

Proclamation – Older Americans Month

Mayor Van Deursen read a proclamation declaring the month of May as "Older Americans Month" in the Borough of Washington.

Resolution #84-2004 – To Void a Check

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

RESOLUTION #84-2004

A RESOLUTION TO VOID A CHECK

WHEREAS, Check #044740 was written April 7, 2004 on Washington Borough's Operating Fund #8102360230 in the amount of \$ 106.51 and payable to Warren County Service Center, 228 Route 94, Columbia, NJ 07832; and

WHEREAS, the Treasurer's office was informed that the invoice from this vendor was already paid. A replacement check is not necessary.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington that the Treasurer be authorized to void Check #044740.

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

Ayes: 7, Nays: 0.
Motion carried.

Resolution #85-2004 – Authorizing the Refunding of an Overpayment of the Borough's Sewer Service Charge

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

RESOLUTION #85-2004

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>
9/1	Amato, Sherri L. 109 West Stewart 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:

 Sherri Hallett-Amato
 C/o 318 Victory Avenue
 Phillipsburg, NJ 08865

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, Doty, Bertoline, Van Deursen, Glaser and Giaimis.

Ayes: 7, Nays: 0.
Motion carried.

Resolution #86-2004 – Refund of an Overpayment of Sewer Service Charge

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

RESOLUTION #86-2004

**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>
22.04/8	Fleming, Cathleen 9 Cherry Street	\$ 43.00

The former owner made an overpayment during the closing procedures on the above property location. A refund of \$ 3.00 should be mailed to:

Cathleen Fleming
3 Presidential Drive
Washington, NJ 07882

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

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

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

Ayes: 7, Nays: 0.
Motion carried.

Resolution #87-2004 – Redemption of Tax Certificate, Blk. 94, Lot 21

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

RESOLUTION #87-2004

**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 the Borough of Washington, County of Warren, State of New Jersey, were sold on October 19, 2000 to FUNB Cust/TTEE c/o Plymouth SPV 2, PO Box 2288, Morristown, New Jersey 07963-2288 in the amount of \$ 807.72 for taxes or other municipal liens assessed for the year 1999 in the name of DeMonti, Michael J & Lisa A as supposed owner, and in said assessment and sale were described as 22 Vannatta Street, Block 094, Lot 021, which sale was evidenced by Certificate #337-00, dated and recorded in the Office of the County Clerk; and

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington do certify that on 4-29-04 and before the right to redeem was cut off, as provided by law, LERETA Corp. representing Fairbanks Capital, claiming to have an interest in said lands, did redeem said lands claimed by FUNB Cust/TTEE, c/o PLYM SPV 2, by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$ 3,926.28, which is the amount necessary to redeem Tax Sale Certificate #337-00.

NOW, THEREFORE, BE IT RESOLVED, on this 4th day of May 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 (formerly FUNB) Cust/TTEE c/o Plymouth SPV 2, PO Box 2288, Morristown, NJ 07962-2288 in the amount of \$ 3,926.28.

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 094, Lot 021 from the tax office records.

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

Ayes: 7, Nays: 0.
Motion carried.

Resolution #88-2004 – Redemption of Tax Certificate

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

RESOLUTION #2004

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

KNOW ALL MEN BY THESE PRESENCE, THAT, WHEREAS, lands in the taxing district of the Borough of Washington, 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, NJ7962-2288, in the amount of \$ 300.99 for taxes or other municipal liens assessed for the year 2002 in the name of DeMonti, Michael J & Lisa A, as supposed owners, and in said assessment and sale were described as 22 Vannatta Street, Block, 094, Lot 021, which sale was evidenced by Certifidate #385-03, dated and recorded in the office of the County Clerk; and

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 04-29-04 and before the right to redeem was cut off, as provided by law, LERET Corp. representing Fairbanks Capital, claiming to have an interest in said lands, did redeem said lands 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 \$ 1,277.73, which is the amount necessary to redeem Tax Sale Certificate #385-03.

NOW, THEREFORE, BE IT RESOLVED, on this 4th day of May, 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 \$ 1,277.73.

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 094, Lot 021 from the tax office records.

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

Ayes: 7, Nays: 0. – Motion carried.

Resolution #89-2004 – Supporting Governor’s Decision to Appeal the American Trucking Case

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

RESOLUTION #89-2004

A RESOLUTION SUPPORTING GOVERNOR’S DECISION TO APPEAL AMERICAN TRUCKING CASE.

WHEREAS, on March 24, 2004, a decision was entered in the U.S. District Court in the case of American Trucking Associations, et al. v. Christine Todd Whitman invalidating State regulations requiring 102 inch wide trucks and double trailer-truck combinations to use only New Jersey National Network, the New Jersey Turnpike and the Atlantic City Expressway when they were engaged purely in interstate commerce; and

WHEREAS, in striking down the regulations, the Court itself stated that the regulations have resulted in fewer truck accidents on New Jersey roads and that aid regulations serve a “legitimate state purpose”; but found them to be unnecessarily discriminatory against interstate commerce; and

WHEREAS, we disagree with the Court’s holding and, to the contrary, find that the regulations properly balance safety and interstate commerce interests, by keeping large trucks on the roads that were built to handle them, while still allow for safe reliable and efficient interstate transport; and

WHEREAS, only the current regulations imposing the truck ban can serve the compelling state interest of road safety as effectively and therefore should be upheld.

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 we commend and support the decision of Governor McGreevey to appeal the decision of the U.S. District Court in the case of American Trucking Associations et. al v. Christina Todd Whitman, and the decision of the New Jersey League of Municipalities to join in that appeal.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to Governor James McGreevey, Commissioner Jack Lettiere of the N.J.D.O.T., Senators Jon Corzine and Frank Lautenberg and William G. Dressel, Jr., Executive Director of the New Jersey State League of Municipalities.

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

Ayes: 7, Nays: 0.
Motion carried.

Resolution #92-2004 – Redemption of Tax Certificate, Blk. 37, Lot 19

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

RESOLUTION #92-2004

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 25, 2001 to Mooring Tax Asset Group, LLC, 8614 Westwood Center Drive, Suite 650 Vienna, VA 22182 in the amount of \$ 317.27 for taxes or other municipal liens assessed for the year 2000 in the name of Fenwick, Mark D. and Trena Mae as supposed owners, and in said assessment and sale were described as 55 N. Jackson Avenue, Block 0937, Lot 019, which sale was evidenced by Certificate #353-01, 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 04-30-04 and before the right to redeem was cut off, as provided by law, Fairbanks Capital Corp., claiming to have an interest in said lands, did redeem said lands claimed by Mooring Tax Asset Group, LLC, by paying the Collector of Taxes of said taxing district of the Borough of Washington the amount of \$ 15,777.47, which is the amount necessary to redeem Tax Sale Certificate #353-01.

NOW, THEREFORE, BE IT RESOLVED, on the 4th day of May, 2004 by the Mayor and Council of the Borough of Washington, County of Warren, to authorize the Treasurer to issue a check payable to Mooring Tax Asset Group, LLC, 8614 Westwood Center Drive, Suite 650, Vienna, VA 22182 in the amount of \$ 15,777.47.

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 037, Lot 019 from the tax office records.

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

Ayes: 7, Nays: 0.
Motion carried.

COUNCIL REMARKS:

Mayor Van Deursen polled Council for their remarks.

Councilman Giaimis had no remarks.

Councilman Housel had no remarks.

Councilwoman Glaser had no remarks.

Councilman Doty reported on the Arbor Day Celebration, Thursday, April 29th. Three trees were planted at the Taylor Street School. He thanked the Mayor for her participation.

Councilman Doty noted that he gave Bob Miller, Engineer a Soil Erosion Standards application to review. He also had a vegetative waste description for branches he would give to the Manager.

Councilwoman Bertoline had no remarks.

Councilman McDonald had the occasion to attend the Maynard Ferguson Jazz program at the school at Warren Hills. He reported that the program was outstanding and was pleased with the talent that came out of this program. He thoroughly enjoyed it.

Mayor Van Deursen commended Thomas Doty and Kathleen Halpin for the excellent Arbor Day Program at the school that she participated in. When reading the proclamation she stood on a map depicting Nebraska where Arbor Day originated from. What a positive program this is to share for our school children.

Mayor Van Deursen also was pleased with the jazz ensemble program at Warren Hills. It is refreshing to have so much talent in our community.

Mayor Van Deursen thanked the Mayor and Council for the flowers which met a lot to her family during this every difficult time in the passing of her mother-in-law. They were deeply touched by Council's kind thoughts.

It was moved by Bertoline, seconded by McDonald that the Council take a short recess at 9:20 PM prior to going into Executive Session to discuss a personnel matter.

Ayes: 7, Nays: 0.
Motion carried.

It was moved by McDonald, seconded by Doty that the Council go out of Executive Session and back into open session at approximately midnight.

Ayes: 7, Nays: 0.
Motion carried.

A motion was made by McDonald, seconded by Bertoline that the Clerk be instructed to advertise an Executive Session meeting to continue discussing a personnel matter for Tuesday, May 11, 2004 at 8 PM in the Council Chambers.

Ayes: 7, Nays: 0.
Motion carried.

Hearing no further business to come before Council, it was moved by McDonald, seconded by Glaser that the meeting be adjourned.

Ayes: 7, Nays: 0.
Motion carried.

Marianne Van Deursen, Mayor

Linda L. Hendershot, RMC/CMC
Borough Clerk