

## **MINUTES OF REGULAR MEETING HELD JUNE 1, 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, Doty, Giaimis, Van Deursen, Bertoline, McDonald and Glaser – Present 7.

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

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:**

#### **Paul Brown, Captain – Washington Emergency Squad**

Paul Brown, Captain of the Emergency Squad was present to give the Council a statistical report on the number of calls they had in 2003 which totaled 1,229. The calls responded to were in the area of medical emergencies, transports, accidents, fire calls, mutual aid. He also gave statistical data for 2004 up to this date. Captain Brown introduced his officers, Joseph Groff, Assistant Captain and Bob Kerschner, Lieutenant.

Councilman McDonald asked if there was a breakdown of how many calls are out into the Township versus the Borough. Captain Brown did not have that information available this evening. Mutual Aid was discussed and how each municipality assists each other. Last year when the Borough was experiencing staffing problems mutual aid was very beneficial.

Mayor Van Deursen asked whether the Township has contributed any funding to the Emergency Squad to date? Captain Brown has sent out a letter to the Mayor of the Township but there has been no response to date. Mayor Van Deursen suggested a meeting with the Township may be in order. No contribution from the Township has been received to date.

The Emergency Squad plans on having a fund raiser in October which will be a concert at Warren Hills – Beatle Mania. They had one last year and it was a huge success.

On behalf of the Mayor and Council the Mayor thanked the Emergency Squad for the wonderful way in which they serve the community. It is very much appreciated by the governing body and our citizens.

### **MINUTES:**

#### **Regular Meeting – May 18, 2004**

Mayor Van Deursen entertained additions or corrections to the minutes of the regular meeting held May 18, 2004.

Councilwoman Bertoline noted two minor corrections, one on Page 1 correcting the name of the Police Department’s K-9 dog spelled “Tego” and the other on Page 6 with a repeat of Mr. Smith’s address. The Clerk so noted these corrections.

It was therefore moved by Giaimis, seconded by Housel that the minutes of the regular meeting held May 18, 2004 be approved as corrected.

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

Ayes: 7, Nays: 0.  
Motion carried.

**COMMUNICATIONS:**

The following communications were entered into the Record:

1. NJ League RE: The Highlands Water Protection & Planning Act;
2. NJ League Re: Contractor's Registration Act;
3. State of NJ – DOT RE: Municipal Aid Program;
4. NJ League RE: Hometown Security Aid;
5. State of NJ – DOT RE: American Trucking Association vs Christine Todd Whitman;
6. NJ League RE: Fire Deployment Regulations Update;
7. R. Cushing, Esq. RE: Bills A2073 & S-1558; and
8. NJ League RE: Urgent Act – A2073/S-155

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

It was moved by McDonald, seconded by Bertoline that the communications numbered #1 thru #8 be acknowledged, received and filed.

Discussion: None.

Ayes: 7, Nays: 0.  
Motion carried.

**Audience**

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

**Jim Sheldon, Executive Director of S.I.D.** distributed a flier of events that the Business Improvement District is a part of. A Car Show is planned for June 12, 2004 in the parking lot between the Antique Center and Christian Book Store. Mr. Sheldon requested that no parking be instituted in this lot from Friday evening until after the event on Saturday at 2 PM. The Road Department has also assisted in working on the lot behind the Antique Store to level it out. Traffic for the car show will be brought in from School Street to alleviate traffic problems on Rt. 57.

A motion was moved by Housel, seconded by Glaser that Council grant the necessary permission to institute "No Parking" in this lot from Friday evening, June 12<sup>th</sup> until after the Antique Show is over on June 13<sup>th</sup> at 2 PM, details to be coordinated with the Police Department.

Ayes: 7, Nays: 0.  
Motion carried.

Mr. Sheldon also addressed vendor fees that was on the books for a one day \$ 5.00 permit fee for those who wanted to participate in events being held downtown. He would like to see the fees waived for these events to help promote the town and help the merchants. A Farmers Market is planned and approximately 10 spaces will be required for this event.

Councilman McDonald did not have a problem with waiving the fees for non-profit organizations but he felt any organization making a profit should pay the fee.

Councilwoman Glaser felt that in the Inaugural Year of the Business Improvement District it would be appropriate to waive the fees to support all of the events so that they can promote the community.

A motion made made by Glaser, seconded by Bertoline that Council waive the fees for all of the events this year in view that it would be in the best interest of the community in promoting the Business Improvement District.

Ayes: 6, Nays: 1.  
Motion carried.

**Mike Tilson, 126 Sunrise Terrace** suggested that more advertisement of these events be done so that the community can participate. A banner across the State Highway was suggested. Mr. Sheldon noted that this is something that they are looking into but it does take some time to get something like this approved by the NJ DOT. Mr. Tilson also suggested perhaps getting in touch with the Railroad to utilize the railroad underpass.

Mr. Tilson also felt that the level of Code Enforcement should be looked at. He did appreciate the work that the Code Enforcement Officer is doing but in some areas it was felt that everyone was living under a micro-scope and there was an invasion of privacy on some level. He also addressed 18" swimming pools and the reasoning for fencing. This ordinance should also be looked at for possible revisions.

**Robert Cammarota, 47 Alvin Sloan Avenue** reported a drainage problem he is having with his property. He is getting nowhere with the builder. Mr. Miller has also been contacted and is aware of his problem. When there is a heavy rain the water sits on his property for anywhere from 2 – 3 days.

Mr. Miller agreed that there is a problem and he has been working with the developer on this problem since August of 2003. There is also several other properties that have a similar problem. He has been trying to pressure the developer to correct this problem.

Councilman Giaimis asked what the normal time frame was for correcting a problem such as this? Mr. Miller noted that in a couple of months the contractor will be completing the roads and will be asking the Borough to accept the development.

Councilwoman Bertoline noted that eight months have elapsed since Mr. Cammarata has been complaining. The soccer field is also an issue that has not been resolved. Could we stop the contractor from applying for their permits?

Mayor Van Deursen suggested that maybe a strong letter from the governing body would help. C.O.'s could be held up on a permanent basis. Temporary C.O.'s could be issued.

Councilman Doty noted that under the Soil Conservation Plan there should be some leverage there to make the developer correct these deficiencies. There is penalties involved with these conditions being left go.

Council discussion followed at which time it was moved by Housel, seconded by McDonald that the attorney write a strong letter to the developer to correct these drainage issues on the site.

Ayes: 7, Nays: 0.  
Motion carried.

**Christine Woykowski, 24 S. Prospect Street** wanted to revisit an issue she raised two weeks ago which was not answered. There were several questions asked of Council with no answers given. She distributed to everyone a paper that addressed three specific statutes dealing with expenditures without appropriations and appropriation transfers. She wanted to know how the funding for replacement of the Manager was going to be provided for? How is the Council going to appropriate funds they did not budget for.

Costs are going to be required for a consultant, an interim manager and the severance package given to the present Manager and a salary for a new Manager. Some of these issues cited in the memo she distributed call for a 2/3 vote of the governing body.

Mayor Van Deursen asked what these statutes meant? Attorney Cushing noted that these statutes address how all this money can be appropriated and handled by way of emergency appropriations, contingencies and transfers in November.

Mrs. Woykowski wanted to know time frames and how all of this was going to happen?

Mayor Van Deursen noted that 2/3 vote was going to require five (5) affirmative votes to appropriate funds. Mrs. Woykowski wanted to know when she and the public could expect an answer to these questions? Mayor Van Deursen noted that the answers would have to be worked out within the next few months.

**Dave Higgins, 113 Harding Drive** noted that in his opinion everything that was going on was strictly a political show. He was in receipt of the mailing that Mr. Sloan had distributed. Mr. Higgins took exception to his name being drawn into the auditor's appointment once again. He questioned the validity of some of the statements and asked the Mayor what she was going to do about it?

Mr. Higgins also asked the Mayor and Council if they have ever been ticketed for any violation in the Borough from the Code Enforcement Officer? Indication from Council was in the affirmative.

**Matthew Van Deursen, 32 Lambert Street** directed a question to Councilman Giaimis on some of the statements made in his campaign literature? Councilman Giaimis declined to answer his questions during the meeting but would discuss his concerns after the meeting.

**Kevin McDonald, 90 Lenape Trail** questioned why our children were playing on dirt fields and were providing services to the Township. Where are our nice fields like the Township residents have? The signs at the Borough Park are dirty and he was ashamed of our town. The Borough only has one official baseball field that can be played on. We should be spending money for our children. Mr. McDonald also stated that it was his understanding that there cannot be a night game at the Borough Park unless an electrician is retained to turn the lights on. He urged Council to take care of what we have and start thinking of our children which are the future of this community.

Councilman Housel noted that the Borough has tried negotiating with the Township in the past and they have not been very cooperative.

Councilwoman Bertoline noted that in addition to the drainage issue at Washington Meadows she is now hearing that the fields donated to the Borough are also not completed for use. The contractor should be shut down and fined if we have the power to do something positive. Mayor Van Deursen agreed.

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

Ayes: 7, Nays: 0.  
Motion carried.

**Public Hearing - Proposed Sewer Connection Fee for 2004**

The public hearing was opened up to the public to comment on the new proposed sewer connection fee for 2004. The fee is proposed to be increased to \$ 1,798.66 rounded off to \$ 1,799.00.

A motion was made by Housel, seconded by Giaimis to open up the public hearing for comments from the audience on this proposed increase.

Mr. Michael Tilson questioned how the figure was arrived at with respect to this fee? Stephanie Lewis, the Borough's financial consultant summarized the formula utilized which takes into account the new sewage treatment plant, its expenses and debt. Each year this connection fee is adjusted for new connections into the sewer which take into consideration what our residents are paying.

Hearing no further comments from the audience, it was moved by Housel, seconded by Bertoline that the public hearing be closed.

Ayes: 7, Nays: 0.  
Motion carried.

It was therefore moved by Housel, seconded by Glaser that the sewer connection fee for the calendar year of 2004 be established at \$ 1,799.00.

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

Ayes: 7, Nays: 0.  
Motion carried.

**ORDINANCES:**

**Ordinance #9-2004** – Establishing Residential Rental Property Owners Registration Requirement (Final Passage)

An ordinance establishing a residential rental property owners registration requirement was introduced by Councilman Giaimis.

It was moved by Giaimis, seconded by Glaser that the Clerk read Ordinance #9-2004 by title only.

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

Ayes: 7, Nays: 0.  
Motion carried.

The Clerk read Ordinance #9-2004 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 from the Clerk's office upon request.

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

Heather Oakley asked what rental properties this would encompass. Councilman Giaimis noted that it would only affect those rental properties that were non-owner occupied.

Hearing no further comments or questions from the audience, it was moved by McDonald, seconded by Giaimis that the public hearing portion of the ordinance be closed.

Ayes: 7, Nays: 0. Motion carried.

Council Discussion: Mayor Van Deursen noted that she had been approached by two older residents who were concerned with the fee? Why did it have to be \$ 25.00? Why not \$ 5.00?

Councilman Giaimis noted that he was not looking for this ordinance as a revenue generating ordinance. The fee can always be looked at again at another time.

Councilwoman Bertoline asked if the fee was changed would the ordinance have to be readvertised. Attorney Cushing noted that it would as it would be a major change.

Andrew Turner, 300 Belvidere Avenue was recognized by the Mayor. He indicated that he felt this fee would be tax deductible for the owner. Attorney Cushing noted that it probably could be an expense. Councilwoman Glaser noted that it could also probably be written off as a loss.

Hearing no further discussion, it was moved by Giaimis, seconded by Glaser that Ordinance #9-2004 be approved on final passage and that final publication be made as prescribed by law.

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

Ayes: 7, Nays: 0.  
Motion carried.

#### **ORDINANCE #9-2004**

### **ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF WASHINGTON, COUNTY OF WARREN AND STATE OF NEW JERSEY ESTABLISHING RESIDENTIAL RENTAL PROPERTY OWNERS REGISTRATION REQUIREMENT.**

**WHEREAS**, N.J.S.A. 46:8-28. mandates the registration of rental units within the State of New Jersey or within the municipality wherein the rental unit is situated; and

**WHEREAS**, the Borough Council intends this Ordinance to parallel the requirements of N.J.A.A. 46:8-28 et seq and to the extent that the information required to be furnished by the Ordinance satisfied the requirements of the Statute, the information will be filed and indexed in such a manner that the owner will comply with the requirements of N.J.S.A. 46:8-18 et seq as well as with the requirements of this Ordinance; and

**WHEREAS**, it is the express intention of the Borough Council to encourage compliance with the State law and nothing contained within this Ordinance is intended to be nor shall be construed to be an attempt to interfere with a legislative policy enacted by the State of New Jersey.

**WHEREAS**, municipalities are authorized to regulate buildings used for sleeping, lodging and occupancy purposes, including but not limited to, rental housing, boarding houses, rooming houses, and living units under N.J.S.A. 40:52-1, et. seq.; and

**WHEREAS**, N.J.S.A. 40:48-2.12(a) authorizes the governing body of any Municipality to make, amend, repeal and enforce ordinances to regulate buildings and structures and their use and occupation, to prevent and abate conditions therein harmful to the health and safety of the occupants of said buildings and structures and the general public in the municipality; and

**WHEREAS**, the Mayor and Council of the Borough of Washington have received numerous complaints related to rental properties located within the Borough; and

**WHEREAS**, it has come to the attention of the governing body that a number of rental units within the Borough are not supervised by the landlord, creating harmful conditions to the health and safety of the occupant's and the general public; and

**WHEREAS**, the problems are exacerbated by absentee landlords who do not properly manage or supervise their rental properties; and

**WHEREAS**, conditions such as code violations have caused and continue to cause the Borough to incur considerable expense in its enforcement efforts and to have a deleterious effect on the quality of life of Borough residents; and

**WHEREAS**, the Mayor and Council have determined that it is necessary to require persons who engage in the business of offering property for rent to file a registration statement in order to protect the public health and safety; and

**WHEREAS**, to assist the Borough health and safety officers in effectively fulfilling their responsibilities, it is necessary to identify all rental properties and the number and names of all tenants therein in order to properly regulate the rental properties, enforce all laws, ordinances and regulations, safeguard the health and safety of all residents of the Borough of Washington and ensure the proper management of rental properties; and

**WHEREAS**, it is the intention of the Borough to use the information contained in the registration statement to create a data base shared by the police department, fire department and code enforcement office to better oversee rental properties, enforce violations and protect the tenants in the rental units; and

**NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:**

**Section I Definitions**

“Owner” shall mean any person who owns any legally cognizable interest in any Rental Property including but not limited to outright ownership, ownership through a partnership, corporation or limited liability company.

“Rental Property” shall mean any structure or building which contains one or more individual residential units other than owner occupied structures or buildings.

“Rental Property Registration Statement” shall mean the form filed by Rental Property Owners pursuant to this Ordinance.

“Rental Unit” shall mean and include that portion of a dwelling, building or structure rented or offered for rent, for living and dwelling purposes to individuals or family units.

“Tenants” shall mean those persons who have leased the unit from the owner for a period of at least one month regardless of the type of tenancy under which they occupy the unit.

**Section II Registration Requirement**

1. **Registration Requirement:** The Owner of every Rental Property shall provide, at least one a year, the information required on the Rental Property Registration Statement set forth in Section III. In the event the tenancy changes during the year, the Owner shall, within 30 days of the change in tenancy, provide an

updated Rental Property Registration Statement for every unit in which a change in tenancy has occurred. A change in tenancy shall mean the addition of any person not included in the annual statement, or deletion of any person on the annual statement. In the event ownership of the property is transferred during the license year, the new Owner shall register as provided herein within 10 days of the transfer.

2. **Registration Fee:** All Owners of Rental Property shall pay upon registration a fee as follows:

The annual license fee shall be \$ 25.00 per property.

### **Section III Rental Property Registration Statement**

#### **1. Rental Property Registration Statement Filing Requirements:**

The owner of every Rental Property in the Borough of Washington shall file a Rental Property Registration Statement with the Borough Clerk, the form of which is on file with the Borough Clerk. The Borough Clerk shall provide a copy of same to the health and safety officials. The Rental Property Registration Statement shall be filed on an annual basis, on, or before July 1 of each year.

#### **2. Rental Property Registration Statement Contents:**

The Rental Property Registration Statement shall include:

- a. The name and address of all record owners of Rental Property, building or of the rental business (including all general partners holding 10% interest of more in the case of a partnership and all members in the case of Limited Liability Company and all shareholders holding 10% or more of its stock in the case of a Corporation);
- b. The name and address of a person who resides in Warren County and is authorized to accept notices from a tenant or a municipality, to issue receipts for these notices and to accept service of process on behalf of the record owner;
- c. The name and address of the managing agent, and if applicable, the name, address and telephone number of the superintendent, janitor, custodian or other person employed to provide regular maintenance services, and in the name, address and telephone number of an individual representative of the Rental Property Owner or managing agent who may be reached or contacted at any time in the event of an emergency affecting the dwelling or any dwelling unit, including such emergencies as the failure of any essential service or system, and who has authority to make emergency decisions concerning the building or unit, including the making of repairs;
- d. The name and address of all holders of recorded mortgages on the property;
- e. If fuel oil is used to heat the unit and landlord furnishes heat, the name and address of the fuel oil dealer servicing the unit and the grade of oil used;
- f. Such other information as may be required by the Mayor and Borough Council.

### **Section IV Violation and Penalties**

- a. Failure to comply with the provisions of this Ordinance shall result in the imposition of this Ordinance for each and every Rental Property and/or Rental Unit for which the violation occurs.



**Section V Severability**

If any part of this Ordinance shall be deemed invalid such part shall be deemed severable and the invalidity thereof shall not affect the remaining part of this Ordinance.

**Section VI Superseded Prior Ordinances**

Any ordinance or portion of an ordinance that is inconsistent with the provisions of this Ordinance are hereby repealed and superseded.

**Section VII Effective Date**

This Ordinance shall become effective 20 days after final passage unless the Council, by an affirmative vote of five (5) Council Members, shall adopt a resolution declaring the Ordinance to be an emergency upon which said Ordinance will take effect upon final passage.

**REPORTS:**

It was moved by McDonald, seconded by Housel that the Recreation Commission, Zoning/Code Enforcement, Municipal Court (2), Borough Clerk's and Road Department reports be accepted as presented and filed.

Discussion: Councilwoman Bertoline questioned why overtime from the Road Department for work done at the park? The Road Department has always assisted the park in getting it up and running prior to the season's opening.

Ayes: 7, Nays: 0.  
Motion carried.

**VOUCHERS:**

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

Councilman McDonald questioned two bills on Page 7 for work done on an exhaust system on one of our trucks. Why two bills? One was for the parts and the other for the labor.

Councilwoman Bertoline questioned a bill that was being paid from 2003 on Page 1 for Christmas lights. She also questioned the increase the cell phone for the Recreation Commission that has increased to \$ 80.00? The Manager will check into it. There could be some reimbursement for telephone calls made by the Recreation Commission Director that were made on his personal cell phone. She also questioned the pager utilized the Animal Control Officers. This pager # may be shared by other municipalities in which they work for. If this is the case the cost of the pager should be shared with the other municipalities, not just the Borough. The Manager will also look into this matter also.

On Page 15 Councilwoman Bertoline questioned the bills from Attorney Goldshore with respect to the parking lot. Attorney Cushing explained the necessity of continuing his services.

It was therefore moved by McDonald, seconded by Giaimis that the vouchers and claims be approved for payment in the amount of \$ 164,140.90 as reflected in the debit/credit memorandum on file in the Collector/Treasurer's office.

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

Ayes: 7, Nays: 0.  
Motion carried.

**OLD BUSINESS:**

**Discussion – Open Public Records Act Form**

Review of the Manager's OPRA Form generated from the State and League was reviewed by the Attorney's office. There were two areas of concern raised. The two areas dealt with the deposit and the other dealing with whether or not the form is used.

Council directed that the changes be made as recommended by the Attorney and a copy of the form forwarded to Council for their information.

**NEW BUSINESS:**

**Sewer Utility Fee Analysis – Stephanie Lewis, Financial Consultant**

Mrs. Lewis presented a report to Council regarding the sewer fee analysis with her recommendations. It was her recommendation to leave the fee as it is for this year; \$ 43.00 per month or \$ 516.00 per year and then prepare ourselves for a slight increase in 2005 of \$ 14.00 per EDU, from \$ 516.00 to \$ 530.00 and another increase of \$ 20.00 to \$550.00 per EDU. Total increase over these two years would be 6.6%. There have been no rate increases for six years since 1999.

Her report reflects that last year there was a decline in surplus.

Councilwoman Bertoline questioned why our rate was so much higher than Hackettstown's HUMA? Manager Fisher noted that their system is much older and ours is a new facility. Councilwoman Bertoline questioned whether there was any way in which it could be subsidized?

Mrs. Lewis explained the funding that the Borough has for the debt and operation of this plan, half of which is costed out at the fair market rate and the other half is an interest free loan. There are no sources of grants available. Our plant also has a small amount of users.

Councilwoman Bertoline noted that perhaps it could be better managed?

The method of billing was touched upon and it was noted that the EDU system is much more equitable. Given the amount of debt this was the Borough's sound financial option.

Councilman McDonald also noted that our credit rating remains stable also in this instance. The amount of debt undertaken here could not be raised through bonding.

Council agreed that the sewer utility fee would remain \$ 43.00 per month for 2004 and that in September or October, this issue would be reconsidered for setting a fee for the calendar year of 2005.

**Discussion Qualifications of the Manager**

The qualifications or description of the Manager's position was discussed. General discussion took place and the general consensus was that the position should warrant a Masters Degree in Public Administration.

Councilwoman Glaser noted that a candidate would need experience in public administration and public policy on government studies. A degree in business does not necessarily prepare someone for administering government. This discussion led into the second subject matter dealing with the Manager as follows:

**Recruitment Service – Jersey Professional Management** (Requested by Councilman Jerry Giaimis)

Councilman Giaimis noted that Jersey Professional Management (JPM) has expressed an interest in assisting the Borough in recruiting a new Manager for the Borough. He informed them to prepare a proposal to be forward to the Mayor and Council.

Councilwoman Bertoline noted that the League recommends this firm.

Councilwoman Glaser suggested that Council handle this appointment of a firm like many of our other professional appointments with soliciting proposals. A minimum of three different firms could be chosen to be interviewed. She felt that Council should engage firms to assist us in preparing the qualifications for the position of Manager.

Councilman Giaimis noted that the proposal from Jersey Professional was supposed to be in the packet.

Councilwoman Bertoline noted that we have one firm that we could consider.

Councilman Doty noted that this firm could be considered as an award of a professional contract?

Manager Fisher suggested placing a notice in the newspaper soliciting firms to submit proposals.

Ms. Heather Oakley, who was present in the audience, noted that Council should solicit other firms. One company is not in the community's best interest.

Manager Fisher noted that he could solicit proposals from a regional and national perspective. Council could also solicit firms to give a proposal.

Attorney Cushing also recommended that resumes and/or profiles should be solicited from other firms.

Councilman Housel questioned why Council was rushing it. Requests for proposals should come from all available resources, not from an individual Councilman. What's the hurry?

Councilwoman Bertoline noted that originally Council was hoping to advertise on June 1<sup>st</sup>.

Councilman Housel suggested that we advertise for proposals for the next Council meeting and then schedule a special meeting to pick a firm from a minimum of at least three proposals.

A motion was made by Giaimis, seconded by McDonald that through the Council and the Manager solicit proposals for the June 15<sup>th</sup> meeting, deadline for receipt of the proposals, Friday, June 11<sup>th</sup> and that further a special meeting be advertised for Tuesday, June 22<sup>nd</sup>, 2004 at 8 PM for the consideration of at least a minimum of three firms for the final selection.

Discussion: Mayor Van Deursen noted that she would be out of town for this meeting. She wanted to go on record as being 100% against the removal of the Manager, but in the interest of protecting the community she would vote in favor of soliciting proposals from professional firms.

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

Ayes: 7, Nays: 0.  
Motion carried.

**Resolution #100-2004 – Installation of a Traffic Control Signal at the Intersection of Rt. 57 and Prospect Street**

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

**RESOLUTION #100-2004**

**A RESOLUTION TO CONCURRING TO THE INSTALLATION OF A TRAFFIC CONTROL SIGNAL AT THE INTERSECTION OF STATE ROUTE #57 AND PROSPECT STREET.**

**WHEREAS**, the Mayor and Council were petitioned by residents to address certain safety related concerns with the school crossing at the intersection of State Route #57 and its intersection with North and South Prospect Street; and

**WHEREAS**, the Mayor and Council directed the Borough Engineer and Chief of Police to review this situation and provide recommendations to address the concerns raised in the petitions; and

**WHEREAS**, the Mayor and Council directed the Borough Manager to forward the recommendations of the Municipal Engineer to the Commissioner of Transportation of the State of New Jersey; and

**WHEREAS**, the N.J. Department of Transportation, Bureau of Traffic Engineering and Investigations has recommended the placement of a traffic control signal at this location; and

**WHEREAS**, the governing body of the Borough of Washington desires to support this plan and is willing to pay the monthly electrical operating costs.

**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 of Washington governing body concurs with the recommendation of the New Jersey Department of Transportation, Bureau of Traffic Engineering and Investigations that a traffic control signal is necessary and desirable at the location of State Route #57 with both North and South Prospect Street, in the Borough of Washington.

**BE IT FURTHER RESOLVED**, that the Borough Clerk is hereby directed to provide a duly certified copy of this resolution to Mr. David Martin, Supervising Engineer, Bureau of Traffic Engineering and Investigation, N.J.D.O.T., PO Box 600, Trenton, New Jersey 08625-0600.

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

Ayes: 7, Nays: 0.  
Motion carried.

**Resolution #101-2004 – Redemption of a Tax Certificate, Blk. 25, Lot 6**

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

**RESOLUTION #101-2004**

**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 First Union National Bank CT (now Wachovia-Coll Agt)/MD SASS-II, 123 S. Broad St.-PA 1328, Philadelphia, PA 19109 in the amount of \$566.08 for taxes or other municipal liens assessed for the year of 2000 and in the name of Zipprich, Keith J. as supposed owners, and in said assessment and sale were described as 15 Hill Street, Bock 025, Lot 006, which sale was evidenced by Certificate #350-01, 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 5/28/2004 and before the right to redeem was cut off, as provided by law, Ocwen Federal Bank, claiming to have an interest in said lands, did redeem said lands claimed by First Union National Bank CT (Wachovia-Coll Agt)/MD SASS-II, and last above mentioned, by paying to the Collector of Taxes of said taxing district of Washington Borough the amount of \$ 2,187.02, which is the amount necessary to redeem Tax Sale Certificate #350-01.

**NOW, THEREFORE,** on this 1<sup>st</sup> day of June, 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-Coll Agt/MD SASS-II, 123 S. Broad Str.-PA 1328, Philadelphia, PA 19109 in the amount of \$ 2,187.02.

**BE IT FURTHER RESOLVED,** that the Tax Collector is authorized to cancel this lien on Block 26, Lot 6 from the tax office records.

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

Ayes: 7, Nays: 0.  
Motion carried.

**COUNCIL REMARKS:**

Mayor Van Deursen entertained remarks from the Council prior to going into Executive Session this evening.

Councilman Doty suggested that a public notice be advertised in the Star Ledger for a Request For Proposals for firms to assist in the hiring of a Manager.

Discussion: The Clerk requested that the Attorney prepare the legal notice for publication.

It was therefore moved by Doty, seconded by Bertoline that a legal notice be prepared by the attorney for the Clerk to advertise in the Star Ledger requesting proposals for the soliciting of firms to assist in the hiring of a Manager.

Ayes: 7, Nays: 0.  
Motion carried.

Mayor Van Deursen wished all the candidates the best of luck in the upcoming election.

Councilwoman Bertoline questioned why Hatch-Mott Mac Donald was still being utilized as our sanitary sewer engineer in the Port Colden matter? It was noted that this was the engineer that has been working on this project to bring it together.

Councilwoman Bertoline wished everyone good luck in the upcoming election.

Councilman McDonald also wished everyone the best of luck.

Councilman Giaimis also wished everyone the best of luck in the election.

Councilman Housel had no remarks.

Councilwoman Glaser wished all the candidates good luck.

It was moved by Glaser, seconded by Bertoline that the Council take a short recess at 10 PM and upon reconvening to go into **Executive Session** to discuss the Baker Litigation.

Ayes: 7, Nays: 0.  
Motion carried.

Council reconvened at 10:10 PM and went into Executive Session with everyone present.

A motion was made by Housel, seconded by Bertoline to go into Executive Session to discuss the Baker Litigation.

Ayes: 7, Nays: 0.  
Motion carried.

It was moved by Bertoline, seconded by Glaser that the Council go back out into open session.

Ayes: 7, Nays: 0.  
Motion carried.

Hearing no further business to come before Council, it was moved by McDonald, seconded by Bertoline that the meeting be adjourned at 11:25 PM.

Ayes: 7, Nays: 0.  
Motion carried.

---

Marianne Van Deursen, Mayor

---

Linda L. Hendershot, RMC/CMC  
Borough Clerk

