

## **MINUTES OF THE REGULAR MEETING HELD JUNE 15, 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 PM.

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

Mayor Van Deursen called for a moment of silence in memory of the passing of our former President, Ronald Reagan.

### **SWEARING IN AND ADMINISTERING THE OATH – CHRISTOPHER JONES, POLICE OFFICER**

Attorney Cushing, Esq., assisted by the Mayor administered the Oath to the Borough’s new Police Officer, Christopher Jones, assisted by his family.

Mayor Van Deursen, on behalf of the governing body, congratulated Christopher. Mayor Van Deursen stated she was privileged to have been a part of this ceremony. She has known Chris and his family for a number year and noted that Chris’s father would have been extremely proud of his son and his accomplishments.

### **COUNCIL APPEARANCE:**

#### **Donald Eller, Chairman- Board of Adjustment**

Mr. Eller outlined some of the cases that have appeared before the Board and stated that everything is going well. The recent amendment to the Zoning Ordinance dealing with the Washington Meadows setback, hopefully, will solve a lot of the residents rear yard setback problems.

Mayor Van Deursen, on behalf of the Council thanked Mr. Eller and the Board for the service they perform for the community.

### **MINUTES:**

#### **Special Meeting – May 25, 2004**

Mayor Van Deursen entertained additions or corrections to the minutes of the special meeting held May 25, 2004.

Hearing no corrections, it was moved by Giaimis, seconded by Housel that the special meeting minutes of May 25, 2004 be approved as presented.

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

Ayes: 7, Nays: 0. – Motion carried.

**Regular Meeting – June 1, 2004**

Mayor Van Deursen entertained additions or corrections to the minutes of the regular meeting held June 1, 2004.

Hearing no corrections, it was moved by McDonald, seconded by Giaimis that the minutes of the regular meeting held June 1, 2004 be approved as presented.

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

Ayes: 7, Nays: 0.  
Motion carried.

**COMMUNICATIONS:**

The following communications were entered into the Record:

1. NJ State League RE: A-2/S-2 Campaign Finance Reform;
2. NJ State League RE: NJ Domestic Security Preparedness Task Force Annual Report;
3. R. Cushing, Esq., RE: Unlawful Solid Waste Disposal;
4. NJ State League RE: Invitation to share a story in the League Magazine;
5. NJ State League RE: S-520 (Cancer-Presumption);
6. State of NJ Office of the Governor RE: Municipal Aid for Homeland Security;
7. Resolution RE: Financial Aid Program for Military Reservists & National Guard;
8. Comcast Updates (3);
9. NJ State League RE: Highlands Water Protection & Planning Act;
10. NJ State League RE: Highland Water Protection & Planning Act;
11. NJ State League RE: National Day of Mourning – “Pay to Play” Reforms- Cancer Presumption & Highland Bills;
12. NJ State League RE: New Property Tax Relief/Reform Plan;
13. NJ State League RE: S-1626 – Revising Outdoor Advertising Law & Local Tax Treatment of Certain Outdoor Advertising Signs; and
14. NJ State League RE: S-2 – Campaign Finance Reform

Manager Fisher noted that the communications are heavy due to the fact that this time of the year, the legislative sessions are very active.

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

It was moved by McDonald, seconded by Giaimis that the communications numbered #1 thru #14 be acknowledged, received and filed.

Discussion:

Councilwoman Bertoline wanted to discuss Items #3 and #7.

Councilwoman Bertoline suggested that Council consider redrafting or amending our present ordinance to consider the increased in our fines to unlawful solid waste disposal.

It was moved by Bertoline, seconded by McDonald that the Manager and Attorney re-draft our present ordinance to increase these fines.

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

Ayes: 7, Nays: 0.  
Motion carried.

Councilwoman Bertoline also wanted to consider the resolution on financial aid for the military. Communication #7 does have a model resolution attached.

Councilman McDonald questioned whether there were any VA loans available to them? Councilwoman Glaser noted that short term insurance is available to them while they are on active duty.

Councilman Giaimis suggested that the resolution be placed on the next Council agenda for consideration by the governing body.

Mayor Van Deursen noted that Comcast has added more channels but in the same vein somewhere down the line we'll probably get an increase of some kind.

Hearing no further discussion on the communications, the Mayor called for a vote.

Ayes: 7, Nays: 0.  
Motion carried.

### **AUDIENCE:**

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

**Jim Sheldon, Executive Director of B.I.D.** gave an update of the recent car show event they sponsored and thanked the Council for their cooperation. It was a huge success and there were eighty cars that showed up for the event.

Mayor Van Deursen congratulated Mr. Sheldon for an excellent job. She noted that her comment to the radio station was that Washington has now become a destination. The Kiwanis Club worked the event in the true community spirit of cooperation with the event. Local business owners response was very positive and additional business in the community was shared by all.

**Mr. Donald Eller** also stated that he had a wonderful time. He suggested that a crosswalk be considered in the middle of town where the activities were as a safety issue. Or, signs yielding to pedestrians.

Councilman McDonald noted that this idea is presently in the works.

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

Ayes: 7, Nays: 0.  
Motion carried.

### **ORDINANCES:**

**Ordinance #10-2004** - Bond Ordinance providing the funding the Improvement to the Sewer System (First Reading)

An ordinance providing the funding for the improvement to the sewer system was introduced by Councilman McDonald.

It was further moved by McDonald, seconded by Glaser that the Clerk read Ordinance #10-2004 by title only.

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

Ayes: 7, Nays: 0.  
Motion carried.

The Clerk read Ordinance #10-2004 entitled, “BOND ORDINANCE PROVIDING FOR IMPROVEMENT OF THE SANITARY SEWERAGE SYSTEM IN AND BY THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY, APPROPRIATING \$ 40,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$ 40,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION.

Council Discussion: Councilwoman Bertoline noted that this Ordinance was on her desk this evening. Councilwoman Bertoline noted that she did approve of this expenditure; however, before she could vote yes on the approval of this ordinance she wanted to read it for herself.

It was moved by McDonald, seconded by Giaimis that Ordinance #10-2004 be approved on first reading.

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

Motion carried.

It was further moved by McDonald, seconded by Glaser that Ordinance #10-2004 be published in the Star Gazette on June 24, 2004 and that the public hearing be scheduled on July 6, 2004.

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

Motion carried.

**Ordinance #11-2004** – Bond Ordinance providing the funding for Various Improvements (First Reading)

An ordinance providing the funding for various improvements was introduced by Councilman Housel.

It was therefore moved by Housel, seconded by McDonald that the Clerk read Ordinance #11-2004 by title only.

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

Ayes: 7, Nays: 0.

Motion carried.

The Clerk read Ordinance #11-2004 entitled, “BOND ORDINANCE APPROPRIATING \$ 151,245, AND AUTHORIZING THE ISSUANCE OF \$ 134,000 BONDS OR NOTES OF THE BOROUGH, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF WASHINGTON, COUNTY OF WARREN, NEW JERSEY.”

Council Discussion: Councilman Giaimis had a question with reference to Section (b) of the ordinance dealing with the telephone and computer updates?

Councilwoman Bertoline questioned how Council could vote on something that they haven't read? The monies being allocated for computers was also part of some of the departmental budgets. This is a duplication of appropriations and some things were paying for twice.

Councilman Doty had a question with reference to the funds being allocated for North Prospect Street? Manager Fisher noted that there is not enough funds from receipt of the monies for the performance bond to complete this project, therefore additional funds had to be bonded for.

Councilwoman Bertoline questioned how much it was going to cost to complete N. Prospect Street? It was estimated that an additional \$ 30,000.00 was going to be needed to complete the project.

Hearing no further discussion, it was moved by Giaimis, seconded by Housel that Ordinance #11-2004 be approved on first reading.

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

Motion carried.

It was further moved by McDonald, seconded by Giaimis that Ordinance #11-2004 be published in the Star Gazette on June 24, 2004 and that the public hearing be scheduled for July 6, 2004.

Councilwoman Bertoline noted that she intended on voting against this ordinance as it was on her desk this evening and she did not have an opportunity to read it.

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

Motion carried.

#### **REPORTS:**

It was moved by McDonald, seconded by Bertoline that the Borough Engineer's, Recreation Commission, Collector-Treasurer's, 2003 Health Evaluation Report and WWTP reports be accepted as presented and filed. The Borough Manager's report will be considered for approval at the next meeting.

Discussion: The engineer's report was discussed with respect to Washington Meadows. Attorney Cushing also has sent a strong letter to the developer urging them to complete the work that is unacceptable to the engineer.

Councilman Doty noted that there are several trees throughout the development that are dead and need replacement.

Mr. Miller noted that if the developer does not respond in a reasonable amount of time, we must take more drastic steps.

Councilman Giaimis asked when the bid specs would be ready for the Railroad Avenue Park Project? The engineer hoped to have them completed by the following week.

Ayes: 7, Nays: 0.

Motion carried.

#### **VOUCHERS:**

Mayor Van Deursen entertained additions or questions of the vouchers and claims list.

Councilwoman Bertoline questioned why the Road Department's cell phone bill was \$ 248.00 on Page 9 of the vouchers. The Manager noted he would look into why this bill was so high.

It was therefore moved by Housel, seconded by McDonald that the vouchers and claims be paid in the amount of \$ 492,087.77 as reflected in the debit/credit memorandum on file in the Collector-Treasurer's office.

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

Ayes: 7, Nays: 0.

Motion carried.

**OLD BUSINESS:**

**O.P.R.A. Form**

The redrafted form was given to Council for their approval. Councilwoman Bertoline had some comments that she would send to the Attorney for his review.

**Fence Installation & Drainage Easement – 28 Lambert St.**

A report was received from the engineer that clearly indicates that the fence is constructed within the drainage easement. The requirements indicate that no building structures or other improvements shall be erected or placed within the area of the drainage easement. It is his recommendation that the fence be removed outside the drainage easement. Mr. Miller also indicated that this stipulation is written right into their deeds.

Councilwoman Bertoline questioned whether a gate could be erected to allow access. Gates would definitely be an obstruction and a detriment to the public safety if access could not be readily accessible.

Councilman McDonald noted that both parties affected by the erection of fences should be notified to remove their fence from the drainage easement.

It was therefore moved by McDonald, seconded by Giaimis that both properties affected be given a reasonable amount of time to remove their fences in the drainage easement as per the engineer's recommendation.

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

Motion carried.

**NEW BUSINESS:**

**Discussion RE: Proposals for Executive Search for a Municipal Manager**

Councilman McDonald noted that six proposals were received. It was his recommendation that the two proposals entertained should be the two local firms within the State. The other firms would require additional expenditures with providing transportation expenses to bring them in.

Councilman Housel disagreed and stated that he liked the proposal received from Georgia. Council should entertain a nation wide search.

Councilman Giaimis noted that the two firms in New Jersey would advertise nation-wide for candidates. Expenses would escalate if one of the out of state firms were considered.

Councilwoman Glaser addressed funding of the monies; how much the total cost was going to be? The cost of the professional search firm, the cost to bring in candidates for interviews and the salary for a new Manager in 2004. The money is no where in the budget to do this.

The two firms in New Jersey that the majority of Council were interested in interviewing were Patriot Consulting at a fee of \$ 8,000 + expenses and New Jersey Professional Management at \$ 10,500.00 + expenses. This expenditure is being considered to be taken from the contingency fund of \$ 10,000.00.

Councilwoman Bertoline questioned whether Council could go back to the budget and pull funds? Councilwoman Glaser noted that the Council cannot reallocate or transfer funds until November.

Mayor Van Deursen noted that Council could be looking at almost a half a year's salary for a new Manager and there is no monies allocated for this.

Councilman McDonald noted that the Council can consider a Emergency Appropriation. Mayor Van Deursen commented that this Council is bankrupting next year's budget for 2005. She also noted that an Emergency Appropriation requires 2/3 vote of the Council which is five votes. Councilman McDonald questioned what the alternative was?

Mayor Van Deursen noted that at this point, the majority of Council should not be following through with the terms of the agreement. She noted it could be a mute point. Other avenues should be explored. You are making a decision that the future governing body may not feel it is in the best interest of the community. The Mayor stated that she would hate to waste taxpayers money.

Councilman Giaimis stated that it was his opinion that it is in the best interest of the community. He stated that his decision is not based on who is sitting here. He was in favor of inviting the two New Jersey firms in to be interviewed.

Councilman McDonald noted that the majority of Council would like to go forward with this. We have to expend the money. The Borough could be left without a Manager.

Mayor Van Deursen noted that there were other alternatives that the Manager recommended. She suggested that the Manager be allowed to take his time with his job search and give the next governing body the opportunity of to see if they feel the same way that the majority of this governing body does?

Councilman Giaimis noted that they are not here yet! He again stated that his decision is in the best interest of the community and he is not concerned with who is sitting here.

Councilman Housel noted that we have a Council that is politically changing. The people that are making the decisions here may not be here next year. What professional in his right mind would come here with the chance of losing their job?

Councilman Giaimis questioned Councilman Housel's statement and asked if he was pledging to fire an incoming Manager and re-hire our present Manager?

Councilman Giaimis noted that this Council could enter into a contract with a new Manager. Attorney Cushing was not sure that this could be done. He would have to research this question. Councilwoman Bertoline questioned how come Alan Fisher did not agree to a contract? Is it forbidden? She stated that this Council is not the first governing body to have a problem with the Manager.

Councilwoman Glaser came up with the compromise that she thought may be appealing. Hire the search firm to bring in someone that would work directly with the Manager who could get a feel for the job to see how this person would work? They could be hired on a temporary to permanent basis as a Deputy or Assistant Manager.

A motion was made by Giaimis, seconded by Bertoline that Council proceed with the Special Meeting, Tuesday, June 22, 2004 and interview the two New Jersey Search firms, Patriot and NJ Professional Management.

Discussion: Councilwoman Glaser noted that the monies would have to be moved out of the Contingency Fund by a simple majority of Council.

Councilman Housel noted that the contingency fund only addressed part of the issue; where is the rest of the money coming from?

Mayor Van Deursen felt very strongly that Council should wait until November to see what the make-up of the next governing body was going to be.

Councilwoman Bertoline brought up a suggestion to hold up the funding of the Bonding Ordinances?

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

**Discussion – Chapter 78 – Swimming Pools**

Manager Fisher requested that this item be tabled until the next meeting. Mr. Bescherer is on vacation and has asked that he be able to discuss this issue with the governing body.

It was moved by Glaser, seconded by Bertoline that this topic be tabled until the next meeting.

Ayes: 7, Nays: 0.  
Motion carried.

**Washington Quick Mart – Request for Outdoor Dining**

A request was received for outdoor tables in front of the Washington Quick Mart. It was moved by McDonald, seconded by Housel that this request be approved with the usual conditions imposed as in previous years.

Ayes: 7, Nays: 0.  
Motion carried.

**Resolutions #102-2004, #110-2004, #111-2004 and #112-2004 (Tax Resolutions)**

The following Tax Resolutions were moved on a motion made by Giaimis, seconded by Bertoline and adopted:

The Resolutions are as follows:

**RESOLUTION #102-2004**

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

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

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

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

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



**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the following changes in sewer service charge(s) are approved:

<b>BLOCK</b>	<b>LOT</b>	<b>NAME/ADDRESS</b>	<b>REASON/ADJUSTMENT</b>
48	1	Herman & Juliana Rambaransingh 1 Fillmore Street	Change in Use 2 E.D.U.'s to 3 E.D.U's

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

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

Ayes: 7, Nays: 0.  
Motion carried.

**RESOLUTION #110-2004**

**A RESOLUTION TO REFUND OVERPAYMENT ON  
2004 REAL ESTATE TAXES**

**WHEREAS**, according to the Tax Collector's records, there is an overpayment of \$ 978.22 on 2004 2<sup>nd</sup> Quarter Regular Taxes paid on property located at 145 Belvidere Avenue, also known as Block 021.02, Lot 006 and in the name of Pembroke Group, Inc.; and

**WHEREAS**, this overpayment was created by the tax servicer/mortgage company, LSI (formerly Fidelity National Tax Services) for Option One and the attorney both paying the 2004 2<sup>nd</sup> Quarter Regular Taxes for the new homeowner, Mark Andreas; and

**WHEREAS**, the Tax Collector's office has received a request from LSI (formerly Fidelity National Tax Service)/Option One requesting the refund of the overpayment be refunded to the tax servicer.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey, to hereby authorize the Tax Collector and Treasurer to refund the amount of \$ 978.22 and payable to:

LSI (Formerly FNIS)  
Attn.: Daniel Jimenez  
3100 New York Drive  
Suite 100  
Pasadena, CA 91107

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

Ayes: 7, Nays: 0.  
Motion carried.

**RESOLUTION #111-2004**

**A RESOLUTION TO REFUND OVERPAYMENT ON  
2004 REAL ESTATE TAXES**

**WHEREAS**, according to the Tax Collector's records, there is an overpayment of \$ 1,069.02 on 2004 2<sup>nd</sup> Quarter Regular Taxes paid on property located at 1 Grand Avenue, also known as Block 009.01, Lot 008 and in the name of Rice, Alan J & Cheryl L; and

**WHEREAS**, this overpayment was created by the mortgage company, Valley National Bank and the property owner both paying the 2004 2<sup>nd</sup> Quarter Regular Taxes.

**WHEREAS**, the Tax Collector's office has received a request from Valley National Bank requesting the refund of the overpayment be refunded to the property owner in care of the mortgage company.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey, to hereby authorize the Tax Collector and Treasurer to refund the amount of \$ 1,069.02 and payable to:

Alan J & Cheryl L. Rice  
C/o Valley National Bank  
Attn.: Madeline Figueroa  
Loan #12118028  
1460 Valley Road  
Wayne, NJ 07470

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

Ayes: 7, Nays: 0.  
Motion carried.

**RESOLUTION #112-2004**

**A RESOLUTION TO VOID AND REPLACE A CHECK**

**WHEREAS**, Check #044683 was written 4/07/04 on Washington Borough's Operating Fund #8102360230 in the amount of \$ 50.00 and made payable to Natural Art at 719 Colford Avenue, Collingswood, NJ 08108; and

**WHEREAS**, the Treasurer's Office was made aware that this check should have been issued to David L. Johnson, 719 Colford Ave., Collingswood, NJ 08108.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Washington that the Treasurer be authorized to void and replace Check #044683.

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

Ayes: 7, Nays: 0.  
Motion carried.

**Renewal of Retail Consumption and Distribution Licenses**

The following Resolutions were moved on a motion by Councilwoman Glaser and seconded by Bertoline and adopted: Resolution #103-2004, Resolution #105-2004, Resolution #108-2004 and Resolution #109-2004. They are as follows:

**RESOLUTION #103-2004**

**RETAIL CONSUMPTION LICENSE**

**WHEREAS**, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Consumption License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

**WHEREAS**, the following applicant has paid a fee of \$ 720.00.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Consumption License** be issued by the borough Clerk and granted to:

GRAMA, INC.  
t/a Medieterranean Bistro  
301 W. Washington Ave.  
Washington, NJ 07882

From July 1, 2004 – June 30, 200, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

**BE IT FURTHER RESOLVED**, that the following conditions be imposed on the licensee:

- A. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Borough of Washington Police Department for assistance.
- B. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have had an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times.

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

Ayes: 7, Nays: 0.  
Motion carried.

**RESOLUTION #105-2004**

**RETAIL CONSUMPTION LICENSE**

**WHEREAS**, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Consumption License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

**WHEREAS**, the following applicant has paid a fee of \$ 720.00.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Consumption License** be issued by the Borough Clerk and granted to:

Washington Inn, Inc.  
t/a Felix's Tavern  
106 E. Washington Ave.  
Washington, NJ 07882

From July 1, 2004 – June 30, 2005, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

**BE IT FURTHER RESOLVED**, that the following conditions be imposed on the licensee:

- A. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Borough of Washington Police Department for assistance.
- B. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have had an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times.

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

Ayes: 7, Nays: 0.

Motion carried.

**RESOLUTION #108-2004**

**RETAIL DISTRIBUTION LICENSE**

**WHEREAS**, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Distribution License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

**WHEREAS**, the following applicant has paid a fee of \$ **720.00**.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Distribution License** be issued by the Borough Clerk and granted to:

RELDEIF, INC.  
t/a Fox's Liquor Store  
34 Broad St.  
Washington, NJ07882

From July 1, 2004 – June 30, 2005, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

**BE IT FURTHER RESOLVED**, that the following conditions be imposed on the licensee:

- A. Licensee will report all incidences of fighting and brawling in the licenses premises immediately to the Borough of Washington Police Department for assistance.
- B. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have had an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times.

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

Ayes: 7, Nays: 0.  
Motion carried.

**RESOLUTION #109-2004**

**RETAIL DISTRIBUTION LICENSE**

**WHEREAS**, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Distribution License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendment and Supplements thereto; and

**WHEREAS**, the following applicant has paid a fee of \$ **720.00**.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Distribution License** be issued by the Borough Clerk and granted to:

Warren County Discount Liquor & Grocery Store, Inc.  
260 W. Washington Ave.  
Washington, NJ 07882

From July 1, 2004 – June 30, 2005, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

**BE IT FURTHER RESOLVED**, that the following conditions be imposed on the licensee:

- A. Licensee will report all incidences of fighting and brawling in the licenses premises immediately to the Borough of Washington Police Department for assistance.
- B. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have had an automatic door closing device installed on the main entrance door to the establishments and the same shall be kept operational at all times.

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

Ayes: 7, Nays: 0.  
Motion carried.

It was moved by Glaser, seconded by Bertoline that Resolution #107-2004 be adopted as follows:

**RESOLUTION #107-2004**

**RETAIL CONSUMPTION LICENSE**

**WHEREAS**, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Consumption License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

**WHEREAS**, the following applicant has paid a fee of \$**720.00**.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of Washington, County of Warren, State of New Jersey that a **Plenary Retail Consumption License** be issued by the Borough Clerk and granted to:

VMI of Washington, Inc.  
t/a Enzo's Restaurant & Pizzeria  
328 W. Washington Ave.  
Washington, NJ 07882

From July 1, 2004 – June 30, 2005, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

**BE IT FURTHER RESOLVED**, that the following conditions be imposed on the licensee:

- A. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Borough of Washington Police Department for assistance.
- B. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have had an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times.

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

Ayes: 7, Nays: 0.  
Motion carried.

It was moved by McDonald, seconded by Giaimis that the following Resolutions #104-2004 and Resolution #106-2004 be adopted:

Prior to their adoption discussion took place regarding these two establishments, R Bar and Scotty's Stadium Club.

Councilwoman Glaser noted that very often, through people she knows, there is misconduct in both of the establishments and shady dealings going on.

Councilman Giaimis stated that here-say is not a legal reason to deny the renewal of their ABC Liquor Licenses. The Council is also in receipt of a report from the Police Chief advising the governing body that there have not been any problems with any of our liquor license holders and he had no objection to their renewal.

Attorney Cushing stated that without any factual basis and with the police report that the governing body received, the license holders would have excellent grounds to challenge the Council. He suggested that perhaps a memo could be sent to the Police Chief to evaluate them during the course of this coming year.

#### **RESOLUTION #104-2004**

#### **RETAIL CONSUMPTION LICENSE**

**WHEREAS**, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Consumption License** and in accord with an act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

**WHEREAS**, the following applicant has paid a fee of \$ **720.00**.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Consumption License** be issued by the Borough Clerk and granted to:

Jo Bo Corporation  
t/a R Place  
33 W. Washington Ave.  
Washington, NJ 07882

From July 1, 2004 – June 30, 2005, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

**BE IT FURTHER RESOLVED**, that the following conditions be imposed on the licensee:

- A. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Borough of Washington Police Department for assistance.
- B. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to discourage patrons from disturbing or accosting persons on the adjoining street and sidewalks. The licensee shall have had an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times.

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

Motion carried.

**RESOLUTION #106-2004**

**RETAIL CONSUMPTION LICENSE**

**WHEREAS**, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Consumption License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

**WHEREAS**, the following applicant has paid a fee of \$ **720.00**.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Consumption License** be issued by the Borough Clerk and granted to:

LINSCO, INC.  
t/a Scotty's Stadium Club  
15 Belvidere Ave.  
Washington, NJ 07882

From July 1, 2004 – June 30, 2005, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

**BE IT FURTHER RESOLVED**, that the following conditions be imposed on the licensee:

- A. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Borough of Washington Police Department for assistance.

- B. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have had an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times.

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

Motion carried.

Mayor Van Deursen suggested that the Police Department could be asked to do an analysis of these two establishments. The Council can discuss some of the concerns that are brought to our attention and then the license owners can respond to the concerns the governing body has. The Council has a right to express their concerns with the operation of their establishments and the owner may take our comments and recommendations and utilize them to improve the management of their establishments.

Councilman Housel did not feel it appropriate to single out just two of the licensees. He recommended that all of the liquor license establishments be checked out and evaluated by the Police Department.

It was moved by Housel, seconded by Giaimis that the Manager forward a memorandum to the Police Chief requesting their department, as well as any other agencies that could assist them, to do an evaluation of all the ABC Liquor License establishments.

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

**Resolution #113-2004 – Granting Fireworks Display**

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

**RESOLUTION #113-2004**

**RESOLUTION GRANTING PERMISSION FOR A  
FIREWORKS DISPLAY IN THE  
BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY.**

**BE IT RESOLVED**, by the Mayor and Common Council of the Borough of Washington, Warren County, New Jersey that permission is hereby granted to Interstate Fireworks, Inc., Dingmans Ferry, Pa. to have a **Fireworks Display** in the Borough of Washington at 9:00 P.M., **Sunday, July 4, 2004** with a **Rain Date of Monday, July 5, 2004**.

**BE IT RESOLVED**, that a true copy of this Resolution be forwarded to the New Jersey Department of Labor and Industry, Trenton, NJ, together with a copy of the required Certificate of Liability Insurance.

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

Ayes: 6, Nays: 0.  
Motion carried.



**Resolution #114-2004 – Requesting Approval of an Item of Revenue**

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

**RESOLUTION #114-2004**

**A RESOLUTION OF THE BOROUGH OF WASHINGTON  
REQUESTING APPROVAL OF AN ITEM OF REVENUE  
AND APPROPRIATION UNDER N.J.S.A. 40:4-87**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the Adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of any item of appropriation for equal amount.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey, hereby request the Director of Local Government Services with the Department of Community Affairs to approve the insertion of an item of revenue in the budget of the year 2004 in the sum of \$ 2,405.72, which item is now available as revenue from the State of New Jersey, Department of Law and Public Safety, Division of State Police for the Federal Emergency Management Agency FY2002 supplemental funds grant program known as the State and Local All Hazards Emergency Operation Planning Program (SLAHEOP).

**BE IT FURTHER RESOLVED**, that the like sum of \$ 2,405.72 is hereby appropriated under the caption “F.E.M.A. – SLAHEOP Program” Other Expenses outside the CAP.

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

Ayes: 6, Nays: 0.  
Motion carried.

**State of New Jersey – Brownsfield Check**

The Borough received a grant in the amount of \$ 122,920.00 for the clean-up site of the former Vikon Tile property.

**COUNCIL REMARKS:**

Councilman McDonald commended the Business Improvement District’s first big event, the car show. He was very impressed with the showing of cars that were displayed.

Councilwoman Bertoline also commended Mr. Sheldon for a great job. She received a lot of positive feedback from the event. Mr. Sheldon indicated that in the future they may be looking at a cruise night in the Borough.

Councilwoman Bertoline inquired as to the status of her question in reference to the cell phone for the Recreation Commission Director.

Councilwoman Bertoline also inquired as to the status of the pager used by Animal Control? The cost of the pager is \$ 300.00 and is periodically with the other communities they are also retained as their Animal Control Officers. If the Borough was to entertain sharing the use of the pagers Inter Local Agreements would have to be entered into with each municipality involved for a matter of approximately \$25.00 each. They work for approximately eight communities. The money involved with preparing these agreements would cost more than the \$ 300.00 cost involved. In any event, the Borough would be paying for the pagers if they were only employed by us.

Councilman Giaimis noted that this issue in principal is wrong but he wanted the record to show he does agree with the Manager that it would not be worth pursuing this matter.

Councilwoman Bertoline stated that it is still not fair that our taxpayers pay for the use of the pagers for other communities as well as the Borough.

Councilman Doty also commended the Business Improvement District for the wonderful car show the Borough had.

Councilman Giaimis praised the job that the Business Improvement District did for the community. He congratulated all the candidates that were successful in last Tuesday's primary election. Councilman Giaimis stated that he has enjoyed his time on Council and congratulated the Mayor on her victory and wished her the best of luck.

Councilman Housel also congratulated Jim Sheldon for a job well done in the community with the car show. Councilman Housel urged residents to build up the town instead of putting Washington down. Washington is a great town and we need to believe in our town and support it. Chester and Clinton have turned themselves around and we have to bring the businesses together in our downtown and think positive. The bashing of Washington needs to stop.

Councilwoman Glaser stated that Washington's first event was a resounding success. She had a prior engagement and was not able to be there but people were in town shopping and the business merchants were pleased with the business it brought their establishments. Mr. Sheldon is to be commended for that.

Mayor Van Deursen stated that she wholeheartedly agreed with everything that was said. She was quoted as saying to WRNJ Radio Station that, "Washington is Now Becoming a Destination." We can bring Washington to where we want it to be. She urged Council to think what is best for the community and to begin "healing" in working together as to what is in the best interest of the Borough of Washington. All of the projects the Borough has been working on will move forward.

Mayor Van Deursen thanked Councilman Giaimis for his remarks concerning the Primary but stated that the "Primary was not fun!" As to his offer to take her family out to dinner if she won, she stated that maybe he could take her out to dinner.

Mayor Van Deursen thanked Andrew Turner for volunteering his time to work during the Borough's first big community event and congratulated him on winning the Republican Primary Election seat.

Mayor Van Deursen noted that she would not be in attendance at the Special Meeting as she would be out of town in conjunction with furthering her education for her position with the Community College. She still strongly felt the position should require an individual with a Master's Degree in Public Management.

Manager Fisher questioned whether he would have to be in attendance at this Special Meeting? The Clerk noted that she would be unavailable. The Zoning Board was meeting the same evening in the Council Chambers. Manager Fisher, as Deputy Clerk, would be present to record the minutes.

Manager Fisher pointed out to the Council that now that they have started down the road to recruit a professional firm in their job search for a new Manager; the next step would be the actual hiring of a Manager. The Council really needs to get a handle on the expenses and how they are going to fund it. Where is the money going to come from? This is a major stumbling block in the process that they have initiated.

It was moved by Glaser, seconded by McDonald that the Council go into Executive Session to discuss land acquisition after taking a short recess.

Ayes: 7, Nays: 0.  
Motion carried.

Council reconvened and went into Executive Session at 9:50 PM with everyone present.

It was moved by Doty, seconded by Bertoline that the Council go out of Executive Session and back into open session at 10 PM.

Ayes: 7, Nays: 0.  
Motion carried.

Hearing no further business to come before Council, it was moved by Giaimis, seconded by Glaser that the meeting be adjourned at 10 PM.

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Marianne Van Deursen, Mayor

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Linda L. Hendershot, RMC/CMC  
Borough Clerk