

## **MINUTES OF THE REGULAR MEETING HELD JULY 6, 2004**

The Regular Meeting of the Borough of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 8:00 P.M.

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

Also Present: Alan M. Fisher, Borough Manager  
Richard P. Cushing, Esq., Municipal Attorney  
Linda L. Hendershot, C.M.E., Borough Engineer

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:**

#### **Roger J. Skoog, Esq. – Municipal Prosecutor**

Mayor Van Deursen noted that Roger Skoog had called to say he was in court and would either be detained or may not be able to be in attendance this evening at all.

### **COUNCIL MINUTES:**

#### **Regular Meeting – June 15, 2004**

Mayor Van Deursen entertained additions or corrections to the minutes of the regular meeting held June 15, 2004.

Councilwoman Bertoline noted that on Page 5 she wanted the record to reflect that she voted against Ordinance #11-2004 because it was on her desk that evening and she did not have the opportunity to read it. She also pointed out that the Roll Call Vote on Pages 1-2-9-11-13-14 & 16 reflected six (6) votes instead of seven (7). The Clerk so noted these corrections.

It was therefore moved by McDonald, seconded by Bertoline that the minutes of the regular meeting held June 15, 2004 be approved with corrections.

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

Ayes: 7, Nays: 0.

Motion carried.

#### **Special Meeting – June 22, 2004**

Mayor Van Deursen entertained additions or corrections to the minutes of the special meeting held June 22, 2004.

Hearing none, it was moved by McDonald, seconded by Bertoline that the minutes of the special meeting held June 22, 2004 be approved as submitted.

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

Motion carried.

**COMMUNICATIONS:**

The following communications were entered into the record:

1. NJ State League RE: Overcrowding of Animals;
2. NJ Transit RE: Lackawanna Cut-Off Project;
3. NJ State League RE: State Permit Streamlining;
4. NJ State League RE: New Caps, Billboards & Animal Accommodations;
5. NJ State League RE: Streamlining Follow-up;
6. NJ State League RE: Civil Rights Issues;
7. NJ State League RE: Fair Plan Advises (2);
8. Township of Knowlton RE: Community Based Outpatient Clinic for Veterans;
9. LaVerne Loux RE: Ingress & Egress problems – 198 W. Washington Ave.
10. NJ State League RE: New CAP Appropriations Act, Billboards & Civil Rights;
11. Robert Mayer Re: North Prospect Street Sidewalk project; and
12. Senator Lautenberg Re: American Trucking Case

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

It was moved by McDonald, seconded by Housel that the communications numbered #1 thru #12 be acknowledged, received and filed.

Discussion:

Councilwoman Bertoline wanted to discuss Items #9, #11 and a letter that Council received from Mr. Bill Godfrey that was sent to them on an individual basis.

Item # 9 it was the consensus of Council that this be referred to the Police Department and engineer for their recommendations.

Item #11 from Mr. Mayer dealing with the speeding on North Prospect Street will be referred to the Police Department for follow-up.

Mr. Godfrey's letter will be placed on the next meeting agenda so that the engineer will be present to discuss this project.

Mr. Miller had a conflict this evening and had another meeting in Flemington that he was obligated to attend.

Ayes: 7, Nays: 0.  
Motion carried.

**AUDIENCE:**

Mayor Van Deursen entertained remarks, petitions, statements and testimony from guests on items that did not appear on the agenda.

**Barry Cooper, 11 Sunrise Terrace** addressed the Sunrise Terrace project. He objected to sidewalks being constructed in this area 4' wide. There is only the need to install curbing and drainage in this area.

Manager Fisher suggested that any discussion regarding this project be tabled until the engineer is available. They did have a meeting with the residents regarding this project. He also suggested that a representative from the Planning Board be in attendance to discuss this project.

**Ann Hardiman, N. Prospect Street, 200 W. Stewart St.** wanted to know the status of the N. Prospect Street project concerning the backfill and sidewalks?

Manager Fisher summarized the events that have transpired and that the Borough has recently received \$ 20,000.00 as a result of filing the necessary legal documents to collect on the Maintenance Bond.

There is also a bond ordinance before the governing body this evening that will provide the additional \$ 10,000.00 to complete the defects done by the contractor. There was also trees damaged as a result of this project.

The project will be placed out to bid for correction of the defects on this project.

**Sharon Wescoe, 22 Sunrise Terrace** questioned why there were no curbs placed on Valley View Terrace when the development was approved.

Manager Fisher stated that the Planning Board made this decision as a result of the off-site improvements. Mrs. Wescoe disagreed with the Manager's statement.

Attorney Cushing noted that the only way this question could be resolved would be to obtain a copy of the minutes from the Planning Board.

Mrs. Wescoe also addressed the "No Parking" restrictions on one side of her street. She questioned how the streets are picked, the placement of the signs and also requested a copy of the streets where "No Parking" is restricted.

Manager Fisher noted that under the "Vehicles & Traffic Ordinance" there is a list of streets that are restricted for "No Parking". The streets are chosen sometimes as a result of requests from residents. The Road Department gets involved with the placement of signs as well as the Police Department.

Mrs. Wescoe questioned the placement of signs, how their placement is determined and how far apart they are.

Attorney Cushing addressed this question and noted that the most practical is the common sense approach to each situation.

Mr. Cooper noted that on Sunrise Terrace there are only two "No Parking" signs evident.

**Tony Perricone, Sunrise Terrace** wanted to point out a safety issue on Sunrise Terrace. The street overlay that was done on the street is in very poor condition and the appearance and safety issues, in particular, need to be looked into and addressed.

Mayor Van Deursen noted that the Borough has undertaken a comprehensive street study of the condition of all of our streets and steps will be instituted to begin repair of the streets that in poor condition through our budget process and the Capital projects.

**David Higgins, 113 Harding Drive** reported an incident where Patrolman Beers was working alone on what was potentially a dangerous situation. Our Officer did not have a remote door opener for the police car where perhaps the K-9 dog could have been of some assistance. Mr. Higgins noted that Patrolman Beers should be commended.

Manager Fisher noted that this matter would be looked into and a report would be given to Council.

**Russell Zadlock, Sunrise Terrace** also addressed the severe drainage problems that exist on his property as a result of no curbing. In a heavy rain he experiences 8" to 10" inches of water in his front yard. This creates a real liability issue for him. The residents on this street need curbing and a decent road on which to travel on. He did not want sidewalks as part of this project.

Mayor Van Deursen appreciated Mr. Zadlock's comments and suggested that these comments be tabled for discussion at the next meeting when the Borough's engineer was present.

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

Ayes: 7, Nays: 0.  
Motion carried.

**ORDINANCES:**

**Ordinance #10-2004** – Bond Ordinance to establish funding for a Sewer Project  
(Final Passage)

An ordinance providing the funding for a sewer project was introduced by Councilman McDonald.

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

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

Ayes: 7, Nays: 0. – Motion carried.

The Clerk read Ordinance #10-2004 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 also available in 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.

Hearing none, 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 moved by McDonald, seconded by Bertoline that Ordinance #10-2004 be adopted on final passage and that final publication be made as prescribed by law.

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

Motion carried.

**ORDINANCE #10-2004**

**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.**

**BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF  
THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW  
JERSEY (not less than two-thirds of all the members thereof affirmatively concurring),  
AS FOLLOWS:**

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized as a general improvement to be made or acquired by the Borough of Washington, New Jersey, For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of \$ 40,000 said sum being inclusive of all appropriations heretofore made threfor.

Section 2. For the financing of said improvement or purpose and to meet the said \$ 40,000 appropriation, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$ 40,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Borough in a principal amount not exceeding \$ 40,000 are hereby authorized to be issued pursuant to and within the limitations prescribed in said Local Bond. Law.

Section 3. (a) The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is the improvement of the sanitary sewerage system in and by the Borough, including the construction and installation of a force main and pumping station in and along Pershing Avenue, together with all piping, structures, site work, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved.

(b) The estimated maximum amount of bonds or notes to be issued for said purpose is \$ 40,000.00.

(c) The estimated cost of said purpose is \$ 40000.00

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The said purpose described in Section 3 of this bond ordinance is not a current expense and is a property or improvement which the Borough may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of said purpose within the limitations of Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is forty (40) years.

(c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that, while the net debt of the Borough is determined as provided in said Local Bond Law is not increased by this bond ordinance, the gross debt of the Borough as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$ 40,000, and the said obligations authorized by this bond ordinance will be within all debt imitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$ 10,000 for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of said Local Bond Law may be included as part of the costs of said improvement and is included in the foregoing estimate thereof.

(e) This bond ordinance authorizes obligations of the Borough solely for purposes described in paragraph (h) of section 40A:2-7 of said Local Bond Law, and the said obligations authorized by this bond ordinance are to be issued for a purpose which is self-liquidating within the meaning and limitations of section 40A:2-45 of aid Local Bond Law and are deductible, pursuant to paragraph of (c) of section 40A:2-44 of said Local Bond Law, from the gross debt of the Borough.

Section 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Borough at the meeting next succeeding the date when any sale or delivery of notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 6. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and, unless paid from revenues of the sanitary sewerage system of the Borough, the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 7. The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

Section 8. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

**Ordinance #11-2004** – Bond Ordinance to establish funding for Various Improvements (Final Passage)

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

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

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

Ayes: 7, Nays: 0.  
Motion carried.

The Clerk read Ordinance #11-2004 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 portion of the ordinance to the audience for their questions or comments.

Victor Cioni, 29 Alvin Sloan asked what improvements were provided for in the content of the ordinance.

The Manager outlined the improvements that were included in the ordinance for Mr. Cioni's benefit. The Clerk explained that ordinance are always posted on the bulletin board prior to the public hearing for the public's benefit or copies could be requested from the Clerk's office.

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

Ayes: 7, Nays: 0.  
Motion carried.

Council Discussion: None.

It was moved by McDonald, seconded by Housel that Ordinance #11-2004 be adopted on final passage and that final publication be prescribed by law.

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

Ayes: 7, Nays: 0.  
Motion carried.

**ORDINANCE #11-2004**

**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,  
IN THE COUNTY OF WARREN, NEW JERSEY.**

**BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF  
THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW  
JERSEY** (not less than two-thirds of all the members thereof affirmatively concurring),  
**AS FOLLOWS:**

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by the Borough of Washington, New Jersey. For the said several improvements or purposes stated in said Section 3, there are hereby appropriated the respective sums of money therein stated therein stated as the appropriations made for said improvements or purposes, aid sum of money therein stated as the appropriations made for said improvements or purposes, said sum, except as described in paragraph (d) of said Section 3, being inclusive of all appropriations heretofore made therefor and amounting in the aggregate to \$ 151,245 including the aggregate sum of \$ 7,000 as the several down payments for said improvements or purposes required by law and more particularly described in Section 3 and now available therefor by virtue of provision in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes and including also, in the case of the improvement or purpose described in paragraph (d) of said Section 3, the sum of \$ 10,245 from the Current Fund of the Borough.

Section 2. For the financing of said improvements or purposes and to meet the part of said \$ 151,245 appropriations not provided for by application hereunder of said downpayments and Current Fund appropriation, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$ 134,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of aid bonds and to temporary finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$ 134,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. The improvements hereby authorized and the several purposes for the financing of which said obligations are to be issued, the appropriation made for and estimated cost of each such purpose, and the estimated maximum amount of bonds or notes to be issued for each such purpose, are respectively as follows:

**IMPROVEMENT OF PURPOSE**

- (a) Acquisition by purchase of new and additional vehicular equipment, including (1) pick-up truck with plow and sander for use by the Department of Public Works of the Borough, together with all equipment, attachments and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved.

**APPROPRIATION AND ESTIMATED COST**

\$ 55,000

**ESTIMATED MAXIMUM AMOUNT OF BONDS OR NOTES**

\$ 52,250

**IMPROVEMENT OR PURPOSE**

- (b) Acquisition by purchase and installation, as necessary, of new and additional equipment, including computer equipment and a telephone system for use by various municipal offices, together with all appurtenances, apparatus and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved.

**APPROPRIATION AND ESTIMATED COST**

\$ 32,000

**ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES**

\$ 30,400

**IMPROVEMENT OR PURPOSE**

- (c) Improvement of the intersection of Church Street and Belvidere Avenue, including the upgrade of the traffic light, together with all structures, equipment and work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved.

**APPROPRIATION AND ESTIMATED COST**

\$ 15,000

**ESTIMATED MAXIMUM AMOUNT OF BONDS OR NOTES**

\$ 14,250

**IMPROVEMENT OR PURPOSE**

- (d) Construction or reconstruction of curbs and sidewalks in and along portions of various streets in and by the Borough, including North Prospect Street, (curbs and sidewalks), Lower Park Drive (curbs), Oakwood Terrace

(sidewalks) and Sunrise Terrace (sidewalks), including all structures, site work, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the Office of the Borough Clerk and hereby approved, the \$ 34,245 hereby appropriated therefor being inclusive of the amount of \$10,245 hereby appropriated from the Current Fund of the Borough for said improvement of Oakwood Terrace and Sunrise Terrace and being exclusive of the amount of \$305,000 heretofore appropriated by prior bond ordinances of the Borough for said improvement of North Prospect Street and the said \$ 22,850 estimated maximum amount of bonds to be issued therefore being exclusive of the amount of \$ 138,000 heretofore authorized to be issued for said improvement of North Prospect Street.

**APPROPRIATION AND ESTIMATED COST**

\$ 34,245

**ESTIMATED MAXIMUM AMOUNT OF BONDS OR NOTES**

\$ 22,850

**IMPROVEMENT OR PURPOSE**

(e) Improvement of Borough Park in and by the Borough, including the construction and reconstruction of sidewalks and the landscaping thereof, together with all structures, site work, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved.

**APPROPRIATION AND ESTIMATED COST**

\$ 15,000

**ESTIMATED MAXIMUM AMOUNT OF BONDS OR NOTES**

\$ 14,250

**Total – Appropriation & Estimated Costs \$ 151,245.00**

**Total – Estimated Maximum Amount of Bonds or Notes \$ 134,000.00**

Except as otherwise stated in paragraph (d) above with respect to the said \$ 10,245 Current Fund appropriation for the purpose described in said paragraph, the excess of the appropriation made for each of the improvement or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the said down payment for said purpose.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

- (a) The said purposes described in Section 3 of this bond ordinance are not current expenses and each is a property or improvement which the Borough may lawfully acquire or make as a general improvement, and a part of the cost therefor has been or shall be specially assessed on property specially benefited thereby.
- (b) The average period of usefulness of said purposes within the limitations of said Local Bond Law and taking into consideration the respective amounts of the said obligations authorized for the several purposes, according to the

reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 9.7 years.

- (c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the Office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$134,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.
- (d) Amounts not exceeding \$ 20,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of said Local Bond Law may be included as part of the costs of said improvements and are included in the foregoing estimate thereof.

Section 5. All bond anticipation notes issued hereunder shall mature at such time as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Borough at the meeting next succeeding the date when any sale or delivery of notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 6. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation or rate or amount.

Section 7. The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

Section 8. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

**REPORTS:**

It was moved by Giaimis, seconded by McDonald that the Zoning/Code Enforcement, A & E O.T., Building Permits, Municipal Court O.T., Trial Balance, WWTP, Police, Borough Clerk's and Borough Manager's reports be accepted as presented and filed. Ayes: 7, Nays: 0. Motion carried.

**VOUCHERS:**

Mayor Van Deursen entertained any additions or corrections to the vouchers and claims.

Councilwoman Bertoline had some questions on the regular vouchers and claims list dealing with the elevator, the recreation commission cell phone and the Road Department's cell phone bills.

Hearing no further discussion it was moved by Giaimis, seconded by Housel that the vouchers be approved in the amount of \$ 843,264.06 and the handwritten bill list for May in the amount of \$ 203,256.88 as reflected in the debit/credit memorandum on file in the Collector-Treasurer's office.

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

Ayes: 7, Nays: 0.

Motion carried.

**OLD BUSINESS:**

**Discussion – Chapter 78 – Swimming Pools**

Manager Fisher provided the Council with the Borough's Swimming Pool Ordinance and the State Code. The Borough and the State Code do not coincide. The Borough Code requirements a permit and fencing if the is at least 18" The Boca Code is 24" in depth.

Mr. Higgins, who was in the audience, noted that he was the only resident who got a ticket with a portable pool 10' x 10', blown up it is 21" in depth.

Andrew Turner, 300 Belvidere Avenue suggested that the State be invited to attend a Council meeting. The issue seems to be with the portable pools!

Attorney Cushing noted that the Borough's ordinance should conform with the State regulations.

Councilwoman Glaser suggested that we take the Attorney's advise.

Councilman McDonald questioned whether the State was proposing any new regulations?

Borough Manager Fisher questioned what portions of the BOCA Code would be made reference to?

Councilman McDonald noted that perhaps our Ordinance could simply state that the regulations would have to be in compliance with the State BOCA Code.

Mayor Van Deursen entertained comments from our Code Enforcement Officer, Mr. Bescherer. Mr. Bescherer was concerned with the safety and welfare of young children who have a habit of wandering. Mayor Van Deursen agreed. She noted that anywhere there is water it is a hazard. Children can drown in any amount of water.

Manager Fisher also noted that fish ponds are also a concern. Do they warrant regulations?

Councilman Giaimis did not feel that fish ponds were the issue.

Attorney Cushing noted that fencing is a common regulation when dealing with swimming pools.

Councilwoman Bertoline questioned whether our ordinance has been illegal if it contradicts the State Code?

Attorney Cushing noted that code issues are electrical, fencing is zoning and police issues with respect to swimming pools.

Councilman Housel suggested that the attorney look into the legal issues keeping in mind the safety hazard also. Perhaps contacting some other municipalities for their regulations.

Councilman Giaimis stated that we should have an ordinance in place and the general consensus was to adopt an ordinance which would conform with the State Code.

A motion was moved by Giaimis, seconded by McDonald that we have an ordinance prepared adopted that would bring us into compliance with the State Code.

Discussion: Councilman Housel questioned whether we should get all the information required to make an informed decision before we adopt an ordinance?

A resident who resided at 75 Grand Avenue noted that pools would fall under everyone's homeowner's policy for liability issues as well.

A comprehensive definition of what constitutes a pool should also be incorporated into the ordinance.

Charles Post, 2 James Street questioned why this was brought up before the governing body? A resident at a prior meeting questioned the ordinance with respect to portable pools.

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

Ayes: 7, Nays: 0.  
Motion carried.

**NEW BUSINESS:**

**Resolution #115-2004 – Financial Aid Programs for Reservists & National Guard**

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

**RESOLUTION #115-2004**

**REQUESTING GOVERNOR MCGREEVY AND THE STATE LEGISLATURE  
TO IMPLEMENT A STATE SPONSORED FINANCIAL AID PROGRAM  
FOR MILITARY RESERVISTS AND NATIONAL GUARD MEMBERS  
DEPLOYED IN THE GLOBAL WAR ON TERROR (GWOT)**

**WHEREAS**, in the largest deployment since World War II, a large share of New Jersey's 17,000 Military Reserves and National Guard members are being called up to active military service for extended periods to help the United States in its Global War on Terrorism; and

**WHEREAS**, Mayor and Council members are greatly concerned for the welfare of these brave men and women, and add their prayers to those of other Americans for their safe return; and

**WHEREAS**, In addition to their concern for the safety of these troops, the Mayor and Council are very concerned about the financial impact on these individuals and their families by having their jobs, careers, or, in this difficult economy, their job-hunting efforts, interrupted for long periods while serving our country; and

**WHEREAS**, the Mayor and Council were pleased to receive notification that the State of New Jersey's Department of Banking and Insurance, Department of Military and Veterans Affairs, and the Department of Treasury are offering a financial aid program known as Freedom Loans "that will provide financial assistance to New Jersey's Military Reserve and National Guard personnel who have been called for long-term military service", and

**WHEREAS**, upon reading the details of the Freedom Loan Program, the Mayor and Council were disappointed to learn that after an individual is deployed for at least one year of service, the loans offered are only up to a maximum of \$ 10,000 at an annual percentage rate of 6% with a 5 year pay-back term "principal and interest deferred for a year during Deployment". Officials think that, while such a program might provide immediate relief to some individuals, the Freedom Loan Program falls short of providing long-term meaningful financial help to the Reservists and Guard members being deployed; and

**WHEREAS**, the Higher Education Student Assistance Authority (HESAA) is an instrumentality of the State which guarantees \$ 900,000,000 of State Revenue Bonds to provide further access to post-secondary education; and

**WHEREAS**, A variety of Federal and State Student Loan Programs are guaranteed by HESAA with many of these programs offering students tens of thousands of dollars, currently at interest rates from 2.8% to 5.5%, with no payments required until after graduation, and with pay-back periods of 10 years to 25 years; and

**WHEREAS**, The Mayor and Council strongly believe no lesser financial aid should be offered to our Reservists and Guard members being deployed than to our students; and

**WHEREAS**, The Mayor and Council strongly believe no lesser financial aid should be offered to our Reservists and Guard members being deployed than to our students; and

**WHEREAS**, The Mayor and Council of the Borough of Washington strongly believe that, in addition to the short-term help provided by the Freedom Loan Program, a State financial aid program for Reservists and Guard members deployed for extended periods needs to be established similar to the student loan programs that have been so successful over the years in helping thousands of our young people advance their education.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey; that:

1. The Mayor and Council respectfully request Governor McGreevey and members of the New Jersey Senate and Assembly to work with the Department of Banking and Insurance, Department of Military and Veterans Affairs, Department of the Treasury, and any other departments or agencies, to implement a financial aid program for our Reservists and Guard members that offers loans similar to those offered to our students.
2. Specifically, our Reservists and Guard members should be offered financial aid (a) of sufficient size, b) at low interest rates, c) with payments deferred until one year after completion of service and d)

with at least ten year pay-back period with the same type of terms as given to students to help them get their lives back in order when they return home. New Jersey is one of the wealthiest States in the Union. Certainly, we can do more to support the individuals who are being deployed, many to dangerous places, to protect us from terrorism.

3. A copy of this resolution be sent to the Governor and our local representatives in the State Legislature.
4. A copy of this resolution shall be sent to the American Legion Post and Veterans of Foreign Wars Post in Washington with the request that they add their voice to this endeavor by writing to the Governor and our local representatives in the State Legislature.

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

**Resolution #116-2004 – Emergency Appropriation providing the funding to replace the Borough Manager**

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

**RESOLUTION #116-2004**

**A RESOLUTION CREATING AN EMERGENCY  
APPROPRIATION AND PROVIDING FOR THE FUNDING  
OF SAME FOR THE PURPOSES OF REPLACING THE  
MUNICIPAL MANAGER.**

**WHEREAS**, an emergency has arisen with respect to the replacement of the municipal manager and adequate provision was not made for the aforesaid purpose in the adopted 2004 Municipal Budget, and N.J.S.A. 40A:4-46 provides for the creation of an emergency appropriation for the purpose above mentioned; and

**WHEREAS**, the total amount of emergency appropriations created including this appropriation to be created by this resolution \$ 41,050.00 and three per cent of total operations in the budget for the year 2003 is \$ 120,321.00; and

**WHEREAS**, the foregoing appropriation together with prior appropriations does exceed three per cent of the total current appropriations, including utility operating appropriations, in the budget for 2003.

**NOW, THEREFORE, BE IT RESOLVED**, by not less than two-thirds of all the members of the Borough of Washington Council that in accordance with N.J.S.A. 40A:4-48:

1. An emergency appropriation be authorized and the same is hereby made for \$25,600.00 for Administrative/Executive Salary & Wage Account; \$ 1,913.00 for Statutory Expenditures – Social Security \$ 3,563.00 for Insurance – Group Medical; \$124.00 Insurance – Unemployment; \$ 5,050.00 Administrative/Executive Other Expenses.
2. That said emergency appropriation shall be provided in full in the 2005 Budget.
3. That said emergency appropriation shall be financed from surplus funds and be fully funded as a Deferred Charge in next year's budget.

4. That two certified copies of this resolution be filed with the Director of Local Government Services.

Discussion:

Councilman McDonald referred to the replacement of the Manager as being a finger-pointing and blaming issue. All of Council must deal with the issue. It is this Council's problem and not an issue the next Council should be responsible for. This Council has to take responsibility for the issue. He stated that there is a possibility that this resolution for an emergency appropriation will not be approved? Councilman McDonald questioned what the legal ramifications would be if this resolution is not adopted? Council has an agreement with the Manager that we have not funded.

Manager Fisher noted that the CFO has certified that there is funds available in this budget for the agreement they entered into with him. This resolution is to fund the salary for a new Manager.

The question was posed that if this resolution is not passed the agreement with the Manager would have to be terminated? This Council would not have the funding to bring in a new Manager for the balance of the year.

Mayor Van Deursen cautioned Council and stated that they would be making a big mistake should they consider firing the Manager!

Attorney Cushing cited the statute that would apply with respect to firing of the Manager. It would provide for payment of ninety (90) days salary. If you go this route you must provide reasons and the Manager has the right to a hearing. The Attorney also pointed out the possibility of litigation. You presently have a termination agreement that was executed by the governing body and the Manager.

Tony Perricone questioned the Council why they were dismissing the Manager? No answer was given.

Joyce Pyle, 80 W. Stewart Street directed her question to Councilman McDonald. She asked him what his reasons were? Councilman McDonald refused to answer the questions on the ground that he did not want to jeopardize Mr. Fisher's chances of finding other gainful employment.

Ann Hardiman, Prospect Street also questioned why they were letting the Manager go? She stated who is going to want the job, given the circumstances with all the publicity in the news media.

Charles Hubbard, W. Washington Avenue opposed spending the \$ 8,000 + for a headhunter to find a suitable Manager. He felt that the Council was spending taxpayers money very unwisely? They could do the job and interviewing themselves by using the resources of the International Manager's Association.

Kathy Halpin, 86 Carlton Avenue could not believe that the majority of this Council was going to dismiss the Manager without telling the taxpayers why? You can't tell us how much you are going to spend? Taxes will be raised and we the citizens have no say and have no explanation from our elected officials. This is not good government; this is bad government. This is what you tell us we have to swallow. This action is not good for the Borough and you do not have the votes to do it!

Rich Feldman, Prosper Way stated that a "Lame Duck Council" is doing this. There are three Council members who are sitting here that will not even be here next year.

Pat Post, 2 James Street questioned the status of the Manager's evaluations. If he has had good evaluations why is Council asking for his termination?

Mayor Van Deursen noted that the Manager had agreed he would look for a job when the majority of this Council decided to terminate his services. However, there has always been this sense of urgency to have him removed this year by the end of September.

Chris Woykowski, 24 S. Prospect Street noted that the Manager has agreed to stay beyond September, 2004.

Mayor Van Deursen stated that the decision regarding the Manager should be made when the new incoming Council is seated in 2005.

Dave Higgins, Harding Drive questioned whether the new incoming Council would consider hiring Mr. Fisher back in January?

Manager Fisher stated that he would be willing to continue to serve as the Manager until the reorganization meeting and would consider releasing the Borough from the terms of the agreement at the beginning of the year. He would take his chances with the new Council. Councilwoman Bertoline recalled the Manager stated that he was going to look for another position, given his integrity was being challenged.

Charles Hubbard stated that all three Council members were lame ducks and had been appointed by the Republican Party. Mayor Van Deursen answered yes and no. Yes they were initially appointed but then later did run on the ballot.

Ann Hardiman, N. Prospect Street stated that the path the majority seem to be following is like a revolution, Without long range planning this path will end in ultimate disaster and failure. And the h.... with everyone else!

Heather Oakley, 19 Jackson Avenue asked the Manager if he would take the job back next year, given the opportunity? Mr. Fisher indicated that he would consider it but will also actively consider looking for employment elsewhere. He would prefer to take his time. His position as Manager over the past few years has become a political issue and he did not appreciate the manner in which some of the Council want him removed. He indicated he would be willing to take his chances with a new incoming Council. He noted that he would be willing to give up the golden parachute (the agreement) come the first or the year. When his position became the issue he was given two options and he took the lesser of the two evils.

Heather Oakley stated that Council has been given the window of opportunity. The avenue this Council is taking is not the competent way to go about replacing the Manager. They are pushing and acting far too quickly. She has had experience in the job market and it is going to take a lot of time and effort to find a competent replacement for Mr. Fisher.

Mayor Van Deursen noted that the Manager is willing to save the taxpayers a lot of unnecessary money that the majority of this Council is willing to spend. The money for the search firm and the salary and benefits required for his replacement this year. She believes that he would dissolve the agreement next year. He is a man of integrity and doesn't lie.

Fred Kleen, N. Prospect Street reminded everyone that the election year is not over.

Ann Hardiman, N. Prospect Street noted that another factor not being considered here is continuity. Mr. Fisher has been employed by the Borough for twenty-two years.

Dave Higgins, Harding Drive brought up an issue back in the year 2000 when he was Mayor and the fact that a grant in the amount of \$ 107,000.00 was missed out on and never applied for by the Manager. An emergency appropriation had to be adopted as a result of his failure to apply for the grant. Mr. Higgins questioned whose responsibility it was for failure to obtain the grant.

Manager Fisher explained the facts concerning this issue. The former Emergency Management Coordinator, appointed by the then Mayor Higgins, did not prepare the necessary paper working certifying the figures in a timely manner to apply for this grant.

Joyce Pyle, W. Stewart Street asked if the contract had been signed with the company who is going to assist in the search for a new Manager yet?

Attorney Cushing explained that the contract has been authorized for execution but he had forwarded it back to Patriot Consulting for some contract wording that required some modifications.

Mayor Van Deursen directed the Clerk to call the Roll Call.

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

Motion Defeated for lack of 2/3 Vote  
It requires Five (5) Voting Members

**Resolution #117-2004 – Emergency Appropriation providing the funding for replacement of the Air Conditioning Compressor**

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

**RESOLUTION #117-2004**

**A RESOLUTION CREATING AN EMERGENCY  
APPROPRIATION AND PROVIDING FOR THE FUNDING  
OF SAME FOR THE PURPOSES OF REPLACING A  
COMPRESSOR WITHIN THE MUNICIPAL BUILDING  
AIR CONDITIONING UNIT.**

**WHEREAS**, an emergency has arisen with respect to the need to replace a compressor within the Municipal Building air conditioning unit and adequate provision was not made for the aforesaid purpose in the adopted 2004 Municipal Budget, and N.J.S.A. provides for the creation of an emergency appropriation for the purpose above mentioned; and

**WHEREAS**, the total amount of emergency appropriations created including this appropriation to be created by this resolution is \$ 4,800.00 and three per cent of total operations in the budget for the year 2003 is \$ 120,321.00; and

**WHEREAS**, the foregoing appropriation together with prior appropriations does exceed three per cent of the total current appropriations, including utility operating appropriations, in the budget for 2003.

**NOW, THEREFORE, BE IT RESOLVED**, by not less than two-thirds of all the members of the Borough of Washington Council that in accordance with N.J.S.A. 40A:4-48:

1. An emergency appropriation be authorized and the same is hereby made for \$ 4,800.00 for equipment maintenance in the Municipal Building Other Expense Account.

2. That said emergency appropriation shall be provided in full in the 2005 Budget.
3. That said emergency appropriation shall be financed from surplus funds and be fully funded as a Deferred Charge in next year's budget.
4. That two (2) certified copies of this resolution be filed with the Director of Local Government Services.

Discussion: Councilman Housel declared his intention to vote against this resolution because he felt this expenditure should have been taken out of the Contingency Account, rather than an emergency expenditure.

Roll call: Glaser, Giaimis, Van Deursen, McDonald, Bertoline and Doty –  
Ayes: 6, Housel – 1 Nay.

Motion carried.

**Resolution #118-2004 – Alternate Municipal Prosecutors**

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

**RESOLUTION #118-2004**

**A RESOLUTION TO DESIGNATE ALTERNATE MUNICIPAL PROSECUTORS FOR THE BOROUGH OF WASHINGTON.**

**WHEREAS**, the Warren County Office of the Prosecutor has requested notification of the names of municipal prosecutor and alternates; and

**WHEREAS**, the Mayor and Council are authorized to appoint the Municipal Prosecutor and any alternates; and

**WHEREAS** Municipal Prosecutor, Roger Skoog, Esq., has recommended the names of Richard Burke, Esq., of Hackettstown as Alternate Number One and Ronald Peles, Esq. of Stewartsville; and

**WHEREAS**, the governing body desires to endorse the Municipal Prosecutor's recommendations and direct its Municipal Clerk to notify the County of Warren.

**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 Richard Burke, Esq. of Hackettstown be designated as Alternate Municipal Prosecutor Number One and Ronald Peles, Esq., of Stewartsville be designated as Alternate Municipal Prosecutor Number Two.

**BE IT FURTHER RESOLVED**, that the Municipal Clerk be directed to complete the County of Warren response form and return it to the attention of the Warren County Prosecutor.

Discussion: Councilwoman Bertoline questioned why the Council did not send out proposals and interview prospective candidates? Manager Fisher noted that Council has always honored our prosecutor's recommendations. They are only utilized in cases of emergency which is not that often.

Roll Call: Glaser, Housel, Giaimis, Van Derusen and McDonald – Ayes: 5,  
Bertoline – 1 Nay – Doty – Abstained:

Motion carried.

It was moved by McDonald, seconded by Housel that **Resolutions #119-2004 through Resolution #126-2004** be adopted as follows:

**RESOLUTION #119-2004**

**A RESOLUTION AUTHORIZING THE REFUNDING OF  
AN OVERPAYMENT OF THE BOROUGH'S  
SEWER SERVICE CHARGE**

**WHEREAS**, according to the Treasurer's records, there is an overpayment showing on the following property; and

<b><u>BLOCK/LOT</u></b>	<b><u>PROPERTY OWNER/ PROPERTY LOCATION</u></b>	<b><u>AMOUNT TO BE REFUNDED</u></b>
95/19	Mileto, Frank & Kathleen 49 Broad St.	\$ 802.16

The former owner made an overpayment during the closing procedures on the above property location. A refund of \$ 802.16 should be mailed to:

Frank & Kathleen Mileto  
14 Beaver Brook Drive  
Long Valley, NJ 07853

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

Ayes: 7, Nays: 0.  
Motion carried.

**RESOLUTION #120-2004**

**A RESOLUTION AUTHORIZING THE REFUNDING OF  
AN OVERPAYMENT OF THE BOROUGH'S  
SEWER SERVICE CHARGE**

**WHEREAS**, according to the Treasurer's records, there is an overpayment showing on the following property; and

<b><u>BLOCK/LOT</u></b>	<b><u>PROPERTY OWNER/ PROPERTY LOCATION</u></b>	<b><u>AMOUNT TO BE REFUNDED</u></b>
95/15	Duryea, Matthew & Aimee 33 Broad 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:

Matthew & Aimee Duryea  
6 Percy Drive  
Glen Gardner, NJ 08826

**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, Bertoine, Doty, Giaimis, Housel, Glaser and  
Van Deursen.

Ayes: 7, Nays: 0.  
Motion carried.

**RESOLUTION #121-2004**

**A RESOLUTION AUTHORIZING A REFUND  
OF 2003 TAX OVERPAYMENT.**

**WHEREAS**, the Tax Collector's records show a duplicate payment by CTX Mortgage of \$ 315.31 for payment of 4<sup>th</sup> quarter 2003 taxes on Block 002.11, Lot 021, also known as 41 Alvin Sloan Avenue. This payment was made on behalf of Calton Homes; and

**WHEREAS**, the Tax Collector's office has received a written request that the above amount should be refunded to:

CTX Mortgage  
300 Craig Road, 2<sup>nd</sup> Floor  
Manalapan, NJ 07726

**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 Treasurer is authorized to refund the above duplicate payment amount.

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

Ayes: 7, Nays: 0.  
Motion carried.

**RESOLUTION #122-2004**

**A RESOLUTION AUTHORIZING A REFUND  
OF 2003 TAX OVERPAYMENT.**

**WHEREAS**, the Tax Collector's records show a duplicate payment by Washington Mutual in the amount of \$ 560.84 for payment of 4<sup>th</sup> quarter 2003 taxes on Block 002.09, Lot 027, also known as 11 Alvin Sloan Avenue. This payment was made on behalf of Neil and Helen Castillo; and

**WHEREAS**, the Tax Collector's office has received a written request that the above amount should be refunded to:

First American Re: Tax Service  
Renaissance Tower  
1201 Elm Street  
Suite 400  
Dallas, Texas 75270

**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 Treasurer is authorized to refund the above duplicate payment amount.

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

Ayes: 7, Nays: 0.  
Motion carried.

**RESOLUTION #123-2004**

**RESOLUTION AUTHORIZING THE SALE OF TAX SALE CERTIFICATE  
BY ASSIGNMENT**

**WHEREAS**, the Borough of Washington is the holder of Tax Sale Certificate #383-03 acquired under and by virtue of N.J.S.A. 54:5-34 on Block 065, Lot 006.01, 176 E. Washington Avenue and assessed to Stamm, Debra R. and Robert W.; and

**WHEREAS**, it is deemed financially beneficial to and in the best interest of the municipality to sell such tax sale certificate.

**WHEREAS**, on July 6, 2004, the Mayor and Council will adopt a resolution authorizing the sale by public sale to the highest bidder, said sale to be held at the Borough of Washington Municipal Building, Council Chambers, 2<sup>nd</sup> Floor, pursuant to N.J.S.A. 54:5-114.1 et. seq. of the Tax Sale Certificate as listed below:

<b>Block/Lot:</b>	065/006.01
<b>Date and Time of Tax Sale:</b>	July 29, 2004 10:00 AM
<b>Certificate No.:</b>	#383-03
<b>Total Amount Required for Redemption Including All Subsequent Municipal Liens With Interest and Costs:</b>	\$ 41,563.02
<b>Owner of Property:</b>	Stamm, Debra R. & Robert W.
<b>Property Location:</b>	176 E. Washington Avenue
<b>Advertise:</b>	July 15 and 22, 2004

**NOW, THEREFORE, BE TI 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 to hold such sale.

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

Ayes: 7, Nays: 0.  
Motion carried.

**RESOLUTION #124-2004**

**A RESOLUTION AUTHORIZING APPLYING SEWER  
OVERPAYMENT T 2004 DELINQUENT TAXES**

**WHEREAS**, according to the Tax Collector's records, there exists an overpayment of \$ 522.01 on the sewer account and a delinquency on the 2004 taxes for the following property;

<u>BLOCK/LOT</u>	<u>NAME OF OWNER/ PROPERTY LOCATION</u>	<u>QUARTER/AMOUNT</u>	
097.03/007	Shive, Irma, c/o Penny F. Mast 25 Nunn Ave.	2004 2R	\$ 518.55
		Interest	3.46
		Total	\$ 522.01

**WHEREAS**, MS. Penny F. Mast sent in a payment for the taxes but sent the payment to the sewer company's lockbox and the check was deposited into the BOWMSU checking account. Ms. Mast was contacted by the Tax Collector concerning this matter and is requesting that the payment be applied to the 4<sup>th</sup> quarter 2004 delinquent taxes which were where the payment was to have been made.

**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 to transfer the sewer overpayment to the 4<sup>th</sup> Quarter 2004 taxes plus interest.

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

Ayes: 7, Nays: 0.  
Motion carried.

**RESOLUTION #125-2004**

**A RESOLUTION TO APPROVE AN INTERLOCAL MUNICIPAL AGREEMENT WITH THE BOROUGH OF GLEN GARDNER FOR THE USE OF ITS EVACUATION SHELTER IN THE EVENT OF AN EMERGENCY.**

**WHEREAS**, the Borough of Washington Emergency Management Coordinator has foreseen a need to provide additional emergency shelter sites outside the limits of the Borough of Washington; and

**WHEREAS**, the Borough of Glen Gardner has received State of New Jersey financial assistance with the construction of a new Fire Station/Evacuation Shelter; and

**WHEREAS**, Borough of Glen Gardner has expressed a willingness to assist the Borough of Washington in time of emergency by making its Evacuation Shelter available for use by the Borough of Washington under certain terms and conditions; and

**WHEREAS**, N.J.S.A.8A-1 et. seq. provides for the municipalities to enter into Interlocal Agreements for functions exercised or performed by local units of government under the law by adoption of a resolution by each municipality; and

**WHEREAS**, the governing body of the Borough of Washington has determined that the Interlocal Agreement is in the best interest of the public.

**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 Mayor and Manager of the Borough of Washington are hereby authorized to enter into the Interlocal Agreement attached to this resolution.

**BE IT FURTHER RESOLVED**, that a copy of this resolution shall be certified by the Borough Clerk and sent to the Clerk of the Borough of Glen Gardner along with a letter requesting a certified copy of a similar resolution from the governing body of the Borough of Glen Gardner authorizing the execution of the attached Interlocal Agreement.

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

Ayes: 7, Nays: 0.  
Motion carried.

**RESOLUTION #126-2004**

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

**WHEREAS**, Check #044834 was written 5/05/04 on Washington Borough's Operating Fund #8102360230 in the amount of \$ 25.00 and made payable to Dorothy Bowlby, 43 State Street, Washington, NJ 07882; and

**WHEREAS**, the Treasurer's office was made aware that this check was never received by Dorothy Bowlby. The original check was lost, and a stop payment was placed on it

**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 #044834.

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

Ayes: 7, Nays: 0.  
Motion carried.

**Expense Detail – Requested by Councilwoman G. Bertoline**

A copy of the A & E Expense was placed on the Council desks. Councilwoman Bertoline stated that there is some money in the A & E "Other Expenses" that could be re-directed to cover some of the additional expenses that will be required for replacement of the Manager this year.

Manager Fisher noted that if someone else is designated as an Interim Manager they will want some type of compensation.

Councilwoman Bertoline also noted that the ICMA Convention expenditure is another area in which money could be re-directed.

No formal action was taken.

**COUNCIL REMARKS**

Mayor Van Deursen polled Council for their remarks.

Councilman Giaimis reminded Council of the next League Meeting scheduled for Thursday, July 29, 2004.

Councilman Housel extended his thanks and appreciation to the Washington Celebrates America Committee. Each year the event and fireworks are more stupendous.

Councilman Housel also wanted to commend Officer Beers in the recent incident he encountered while on patrol.

Councilwoman Glaser had no comments.

Councilman McDonald commended Washington Celebrates America Committee for another great Fourth of July celebration.

Councilman Bertoline requested that the remote door opener problem brought before Council tonight should be investigated by the Manager. He will discuss this with the Chief of Police and have information for the Council at the next meeting.

Councilman Doty also commended the Washington Celebrates America Committee for the fine job they did on the Fourth of July.

Mayor Van Deursen commended Kathy Halpin and her entire committee for the excellent parade and events that led up to the fireworks on the Fourth. The carnival was combined with St. Joseph's Church which also was an added attraction.

Manager Fisher advised Council that the D.O.T. is considering a \$ 600,000.00 grant to be given to the Borough to assist in the downtown redevelopment.

Council agreed to go into **Executive Session** to discuss personnel and litigation after a short recess. It was moved by Giaimis, seconded by McDonald that Council go into executive session to discuss litigation and personnel after a short recess at 9:50 PM.

Ayes: 7, Nays: 0.  
Motion carried.

Council reconvened and went into Executive Session at 10:00 PM.

It was moved by Housel, seconded by Giaimis that Council go out of Executive Session back into open session.

Ayes: 7, Nays: 0.  
Motion carried.

The Washington Meadows fields were discussed. There will be a meeting set with all parties involved to get this issue resolved and corrected so that the soccer and baseball fields can be utilized.

Councilman Housel stated that a time table should be established to get the work done.

Mayor Van Deursen questioned how Council will continue its search for a Manager when there is no funds available? The presentation from Patriot did not impress her and if it were a decision that the Mayor would entertain she would not even enter into the agreement with this firm.

Hearing no further remarks from Council, it was moved by McDonald, seconded by Giaimis that the meeting be adjourned at 11:00 PM.

Ayes: 7, Nays: 0.  
Motion carried.

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Marianne Van Deursen, Mayor

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Linda L. Hendershot, RMC/CMC  
Borough Clerk