

MINUTES OF THE REGULAR MEETING HELD JULY 20, 2004

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

Roll Call: Housel, Doty Van Deursen, McDonald, Giaimis, and Bertoline.
Present: 6.

Absent: Glaser - ** Mayor Van Deursen noted that Councilwoman Glaser had a family emergency.

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 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:

Thomas D. Doty, Chairman – Shade Tree Commission

Thomas Doty, Chairman of the Shade Tree Commission highlighted the activities and accomplishments of the Shade Tree Commission.

Council recently approved the adoption of the Community Forestry Management Plan. Mr. Doty turned over the Certificate of Approval from the State to the Mayor for the Borough’s file. The Shade Tree Commission had a very successful Arbor Day Celebration this year at the Taylor Street School and once again has been recognized as a “Tree City USA” community. The Commission continues to work in cooperation with the Planning Board, Borough Engineer and Business Improvement District.

The Commission will continue to provide maintenance of our trees and provide for the safety and removal of trees. Maintenance issues will be concentrated on for the balance of the year. The Community Forestry Plan will protect the Borough from issues of liability. A grant for this project will be received in the amount of \$ 2,000.00.

Mayor Van Deursen asked Mr. Doty if there were any concerns or projects that the Council should take into consideration for next year?

Mr. Doty stated that the Commission would be reviewing their existing ordinances for amendments or revisions and they would also like to update the Shade Tree Inventory which hasn’t been done since 1968.

Manager Fisher commended Mr. Doty for implementing the Community Forestry Management Plan. This is an excellent tool for the Shade Tree Commission to work with.

Mayor Van Deursen on behalf of the governing body thanked Mr. Doty and the Commission for their excellent work in serving the community.

MINUTES:

Regular Meeting – July 6, 2004

Mayor Van Deursen entertained additions or corrections to the minutes of the regular meeting held July 6, 2004.

Councilwoman Bertoline had several pages in the minutes where she noted corrections. Page 1, the vote should be 7 instead of 6. She noted that there were corrections on Page 5 & 17 on the vote also. The Clerk check and both pages are correct.

On Page 3 at the bottom of the page she noted that Mr. Zadlock did not want the sidewalks to be part of the project. On Page 12, seven paragraphs down the resident's name was not recorded. The Clerk noted that the name was not given for the record.

On Page 16, the sixth paragraph Councilwoman Bertoline recalled the Manager stated that he was going to look for another position given his integrity was being challenged.

On Page 17 Mr. Higgins questioned whose responsibility it was for failure to obtain the grant.

On Page 19 the vote should be 7 instead of 6.

Councilman McDonald noted that on page 4, Ordinance #10-2004, Councilman Housel voted against the adoption of this ordinance.

Hearing no further corrections, it was moved by Giaimis, seconded by Housel that the minutes of the regular meeting held July 6, 2004 be approved as corrected.

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

Motion carried.

COMMUNICATIONS:

The following communications were entered into the record:

- 1) NJ State League Re: 323 Million Police Assistance;
- 2) State of NJ – DEP – Community Forestry Program;
- 3) State of NJ – Dept. of Community Affairs - \$ 50,000 Awarded for Homeland Security Police Assistance Aid Program;
- 4) Comcast Updates (4);
- 5) NJ State League Re: New CAPS; and
- 6) Schoor DePalma Update

It was moved by McDonald, seconded by Bertoline that the communications numbered #1 thru #6 be accepted as presented and filed.

Discussion: Councilwoman Bertoline wanted to discuss Item #5 dealing with the New Cap contribution ordinance and COAH.

Manager Fisher noted that the Council does not have an obligation to provide more low and moderate income housing. They cannot raise the funds unless they have specific obligations. We do not have any additional obligations for low and moderate housing.

Councilwoman Bertoline noted that if a new development were to come into the Borough we would need to address the COAH regulations?

Attorney Cushing noted that the COAH regulations are still being worked on and will not be coming out until probably August. They have not been adopted to date. He suggested that this issue be discussed after the regulations are in place.

Councilwoman Bertoline noted that if the Borough were to lose West Gate Apartments we would not be meeting our obligations.

Manager Fisher noted that we will undertake the process of assessing our needs when it becomes necessary. Attorney Cushing also noted that this should be recommended through the Planning Board. The Planning Board would be looking at it from a broader perspective.

Vote on Communications: Ayes: 6, Nays: 0.
Motion carried.

AUDIENCE:

Mayor Van Deursen entertained comments from the audience on items that were not part of the meeting agenda.

Rudolph Bescherer, Washington Borough Code Enforcement Officer directed his comment to Councilman Giaimis alleging that he was not only being harassed by the public in performing his duties as Code Enforcement Officer but now he was being verbally attacked by a Council person through a recent editorial that appeared in the newspaper.

Mr. Bescherer questioned Councilman Giaimis on the selection process in the hiring of his position. It was a Civil Service appointment not a political appointment. He questioned Councilman Giaimis on what a minor violation was? He questioned him on who he has singled out for enforcement of codes that are created by the Council?

Councilman Giaimis refused to debate or talk to Mr. Bescherer. He offered to speak to him personally outside the Council Chambers about any issues.

Mr. Bescherer also alluded that Councilman Giaimis solicited funds from vendors for his campaign. Councilman Giaimis noted that his campaign contributions were public record and could be shared with Mr. Bescherer any time.

Attorney Cushing cautioned Mr. Bescherer regarding his allegations. Some of the remarks could be aired in Executive Session.

Mr. Bescherer alleged that he is being targeted and harassed by some members of Council in the performance of his duties and enforcement of the Codes implemented by the Council. These actions are politically motivated against him and his civil rights are being violated. Mr. Bescherer stated that if Councilman Giaimis hadn't lost the election he would have pursued steps for a recall. He advised Council that he would be filing a formal complaint the next day.

Justine McAndrew, 17 Sunrise Terrace asked what the status of the regulations on the blow-up pools were?

Mayor Van Deursen noted that this topic would be discussed later on during the business portion of the meeting.

Sharon Wescoe, 22 Sunrise Terrace stated that she had requested and received a copy of the Vehicles and Traffic section of the Code dealing with regulations of the streets with respect to "No Parking". She personally took time to take her own survey of these forty-one (41) streets and found that over half of them are not marked. Several signs are so rusted they are not able to be read. She noted that the signs are not consistent and the signs are few and far between.

Mrs. Wescoe stated that if her street is going to be enforced for no parking then all the other streets should be enforced as well.

Manager Fisher noted that he will review all of the streets in the ordinance to see that the Borough comes into compliance with their ordinances.

Vannatta Street was also noted by Mrs. Wescoe that it should be parking on one side of the street?

Manager Fisher will listen to the tape on the streets mentioned.

Mayor Van Deursen noted that it would be helpful if Mrs. Wescoe could turn her survey over to the Borough for follow-up.

Signs and their distances apart were discussed. The engineer noted that there is no specific standards for how far apart signs should be.

Attorney Cushing noted also that a lot of people do not like to see a lot of signs on their streets.

Dawn Higgins suggested that perhaps a press release on this issue would be in order to address what streets have traffic restrictions and what they are.

Keith Gonzales, Emergency Management Co-Ordinator thanked the governing body for authorizing the execution of an agreement for mutual aid with Glen Gardner. A report on a hazardous clean-up will be forthcoming and the means for obtaining reimbursement for costs involved. He was looking for cooperation from the Council on this matter as well in the not too distant future.

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: 6, Nays: 0.
Motion carried.

ORDINANCES:

Ordinance #12-2004 – Amending Chapter 39 of the Code – Government Records Fees (First Reading)

An ordinance amending Chapter 39 of the Code dealing with Government Records fees was introduced by Councilman Housel.

It was moved by Housel, seconded by McDonald that the Clerk read Ordinance #12-2004 by title only.

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

Ayes: 6, Nays: 0.
Motion carried.

The Clerk read Ordinance #12-2004 entitled, “AN ORDINANCE TO AMEND CHAPTER 39 OF THE CODE OF THE BOROUGH OF WASHINGTON KNOWN AS THE GOVERNMENT RECORD FEES ORDINANCE OF WASHINGTON BOROUGH.”

Council Discussion: Councilwoman Bertoline referred back to the original ordinance and questioned Section d) in the original ordinance wherein it refers to “substantial” in the computation of the special charges that can be charged. She felt that there should be some thought as to a definition of “substantial”. Should the taxpayer be charged the hourly rate, plus benefits? Attorney Cushing questioned whether Council wanted the costs to be shifted to the taxpayer or to the requester?

Manager Fisher noted that the ordinance was drafted with the statutory language required.

Councilman Giaimis noted that the amount to be charged will be given to the requestor and he or she would be given an opportunity to review the charge prior to the research being done.

Hearing no further discussion, it was moved by Giaimis, seconded by Housel that Ordinance #12-2004 be approved on first reading.

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

Motion carried.

It was further moved by Housel, seconded by McDonald that Ordinance #12-2004 be published in the Star Gazette on July 29, 2004 and that the public hearing be scheduled for August 17, 2004.

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

Motion carried.

ORDINANCE #13-2004 – Swimming Pools (First Reading)

Attorney Cushing noted that he did not prepare the ordinance to date. They have reached out to the Attorney General for an answer as to whether the State Code supercedes the Borough's local ordinances. He suggested holding off on enforcement.

Manager Fisher noted that we have ordinances on the books and the Code Enforcement Officer has been enforcing our regulations based on safety issues.

This was brought up as a result of a citizen questioning the status of the pool ordinances in light of all the portable pools that have been purchased. The Attorney General's opinion may require us to repeal our local ordinances.

Councilwoman Bertoline questioned whether people were being cited illegally? Attorney Cushing indicated, "No". There are local ordinances in effect and the regulations were adopted in good faith and made as a result of safety situations.

Dawn Higgins, 113 Harding Drive noted that her pool is 10' x 22" deep. The Borough's enforcement was to check the location and the fencing regulations. Your ordinance on the size pools to be regulated is inconsistent with State regulations. There is no enforcement in town to enforce portable pools.

Sharon Wescoe, Sunrise Terrace noted that the Borough's ordinance is not in line with State regulations.

Attorney Cushing noted that this is an interpretative issue and one that will have to be addressed by the Attorney General. The Borough adopted its ordinance regulating pools as a safety issue in 1979 in cooperation with the Department of Community Affairs at the time. The height of pools was not addressed at that time.

Attorney Cushing noted that people's insurance policies would also come into play when it comes to installing a pool on your property.

Candy DeFilippis, Broad Street addressed fencing and locks for pools. She stated that it doesn't take a lot of water to a child to wander over into your yard and drown.

Mayor Van Deursen thanked everyone for their comments. We will await a decision from the Attorney General's office and a response from our Borough Attorney.

REPORTS:

It was moved by McDonald, seconded by Giannis that the Collector-Treasurer's, A & E O.T., Borough Manager's, Building Permits and Police Reports be accepted as presented and filed.

Discussion:

Some discussion was held with respect to the Borough Manager's report. Councilman McDonald asked what alternatives the Borough has with respect to our fuel oil requirements for Borough vehicles. The Manager is going to place it out for bid once again. In the mean time we are utilizing the Mobil Station. Councilman McDonald suggested looking into a vehicle credit card for fuel oil. Manager Fisher noted that he would have to research this alternative with the State if we don't get any bids the second time around.

Councilwoman Bertoline wanted to be apprised of the depositions taken at the Borough Park as a result of an injury. This would have to be an executive session matter to hear the status of it.

VOUCHERS:

Mayor Van Deursen entertained additions or questions in regard to payment of the vouchers and claims.

Councilwoman Bertoline had some questions, one on Page 2 dealing with the preparation and payment of a Supplemental Debt Statement and also on Page 10 with the InterNet Services from three different suppliers. She would like to see some consolidation in this area. Councilman McDonald indicated that it could be a case of the wiring for these services that is necessary. Also, on Page 15 the bales of hay expenditure. The bales of hay are being utilized at the park for surface water. The engineer is addressing this problem.

Hearing no further discussion, it was moved by Housel, seconded by Giaimis that the vouchers and claims be paid in the amount of \$ 894,366.17 as reflected in the debit/credit memorandum on file in the Collector-Treasurer's office.

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

Ayes: 6, Nays: 0.
Motion carried.

OLD BUSINESS:

On-Street Parking Complaint – La Verne Loux – 198 W. Washington Ave.

This complaint regarding on-street parking in the vicinity of her home and the difficulty it imposes on getting in and out of her driveway safely was referred to the Police Chief and Engineer for their recommendations.

The Chief of Police is recommending that signs be posted for "No Parking" 25' from the driveway. The engineer pointed out that whatever decision is reached the State D.O.T. ultimately has the final say. Mr. Miller pointed out that if any decision is made for this resident it could possibly snowball with other residents on the State Highway that have driveways requesting similar action. No formal action was taken at this meeting.

Sunrise Terrace – Sidewalks, Curbing, Drainage, Etc. – Discussion w/Engineer

Several residents on Sunrise Terrace voiced their opinions and objections to sidewalks on Sunrise Terrace. Their concerns dealt mainly with the severe drainage problems that exist in this area, the condition of the road in general and the installation of curbs. Sidewalks are not warranted. Many of the properties will lose at least six (6') feet of their property which will affect to a major portion of the off-street parking leaving them nowhere to park their cars.

Russell Zadlock, 18 Sunrise Terrace explained that during heavy rains he has at least 2' of water in his yard. He questioned how soon this project could be done. The engineer noted that the plans are almost ready to be placed out for bid but he was open to any proposed changes. Mr. Zadlock questioned where his high taxes were going? This street has been in need of reconstruction for years.

Mitch Markle, 20 Sunrise Terrace also stressed how severe the water problem was. He suggested doing something with the roadway itself; perhaps milling it. He also questioned where the storm drains were going to be located. The engineer noted that the storm drains were designed to be constructed at Elizabeth, 16 Sunrise Terrace and S. Pickel Avenue piping the water down to the State Highway. The roadway itself will be reshaped to deal with the drainage issues. Mr. Markle asked if the design doesn't work and alleviate the water would they be coming back to fix it? Mr. Miller assured Mr. Markle that the design would work.

Sharon Wescoe, 22 Sunrise Terraced noted that all homes on the street flood. The elevations of the road and the contour have caused the problem. The catch basins will not solve the problem as they are too far apart. She stated that if it doesn't work a lot of people will be screaming. She was opposed to the sidewalks in the area. They will not be utilized by the residents and the children because they do not walk to school. The money should be spent to fix the road or be put towards areas where children are walking in the road to school and sidewalks would be better served in those areas. She also cited the fact that they would lose a lot of their property for the sidewalks which would also mean losing their parking.

Mayor Van Deursen suggested that perhaps this matter should be taken back to the Planning Board. Manager Fisher agreed and stated that the Planning Board will have some concerns regarding this meeting. Given the fact that there have been sidewalks constructed in this area, removing the construction of sidewalks in this area will create gap in the continuation of sidewalks. Other people do take advantage of sidewalks to walk when they are there.

Councilman McDonald did not have a problem with this issue being forward back to the Planning Board for further discussion. He did live in this area at one time and did not approve of sidewalks being constructed. A lot of people do not use sidewalks.

Councilwoman Bertoline questioned how the residents could be compensated for the loss of their parking? Manager Fisher noted that on-street parking permits would be able to be applied for and acquired.

The general consensus of the members of Council was to refer this matter to the Planning Board for further consideration.

Washington Meadows Discussion RE: Letter from W. Godfrey – Discussion w/Engineer

This matter was tabled from the last meeting as a result of getting input from our Borough Engineer. Each Council person received a letter from Mr. Godfrey of Tilcon New York, Inc. who is a sub-contractor hired by Centex Homes.

Borough Engineer Miller noted his letter of June 24th to Centex Homes. He informed the governing body that it is not good professional practice to deal with the sub-contractors of any development project. He is following up on road paving issues with the developer, Centex Homes and the road will be constructed in accordance with the Borough's engineering standards.

It was moved by McDonald, seconded by Housel that Council take a short five (5) minute recess at 9:45 PM.

Ayes: 6, Nays: 0.
Motion carried.

Council reconvened with the Clerk calling the Roll. Everyone was present at 10 PM and the meeting was called back to order.

NEW BUSINESS:

Discussion – Termination of \$ 9,000.00 contract w/Patriot Consulting, LLC – Executive Search Firm for replacement of the Manager

Mayor VanDeursen noted that she requested this item be placed on the agenda. The Mayor noted that she has an issue with retaining this firm. It is not ethical or in the best interest of the taxpayers to try to fill this position when there is no funds allocated to pay this any one.

Councilman McDonald suggested that perhaps the Council could look into changing the time lines.

Mayor Van Deursen stated that Council is paying the Manager until the end of the year. She would prefer that Council consider a change to terminate the agreement or the Manager be allowed to stay until the end of the year.

Councilman Housel asked if we had a signed agreement back from Patriot Consulting yet? Attorney Cushing noted that he had sent some revisions to the agreement but that the document was ninety-nine (99%) percent completed. Manager Fisher noted that he has not heard back from the consultant to date. However, he noted the Council did authorize the execution of an agreement with Patriot Consulting and the changes are simply procedural.

Councilman Housel felt that it was mute point to have a contract at this point in time. He was in favor of extending the time line for the search for a Manager. The Manager would have to serve until the end of the year.

Councilman Giaimis stated that he was still sticking to his terms. He has no problem with moving forward but he may consider extending the search date.

Councilman Doty stated that we set the course and should stay with it.

Councilwoman Bertoline also stated that the majority of Council set the course and we must stick with it. She alleged that the Manager knowingly tied up funds.

Mayor Van Deursen reiterated what the Manager stated in regard to his position with the Borough at past meetings.

Councilwoman Bertoline stated that the majority of Council made a decision and the minority is going to dig in their heels in the sand to block the majority from moving forward.

Mayor Van Deursen noted that she could not speak for Councilwoman Glaser but she was given to understand that her views and concerns were very much in line with what she and Councilman Housel felt. She suggested that this discussion be tabled until Councilwoman Glaser could also express her views.

Barbara Theis, Welfare Director was in the audience and stated that she would like to know what Mr. Fisher has done that is so horrible that Council is asking him to leave. She made reference to Oxford's tactics with the removal of a former employee that she felt was very unprofessional but what Washington is doing was far worse. Mrs. Theis felt that Council should keep the Manager employed with the Borough.

Councilwoman Bertoline stated that she has lost all confidence in working with the Borough Manager.

Heather Oakley, Jackson Avenue asked how many candidates for the position of Manager have they brought in? None to date. Resumes are being sought through August 31st! Ms. Oakley strongly suggested that the time-table be extended for the search for a new Manager. She stated that a position of this magnitude that Mr. Fisher has will not be filled in a heart beat. This Council is very unrealistic in their views. If Mr. Fisher is getting paid until the end of the year he should be allowed to stay.

Councilman Giaimis stated that they would be examining resumes after the deadline in August. We don't know who is out there. We can assess the situation then when we know what resumes we have.

Dave Higgins, 113 Harding Drive asked what happens when we have no Manager at the end of September? Who is going to run the day to day operations of this Borough?

Attorney Cushing noted that a “Temporary Manager” would have to be appointed. It was again pointed out that there is no money to pay them. Who’s going to manager the town?

Joyce Pyle, 80 W. Stewart St. posed the very same question. A possibility would be to appoint the Police Chief which has been done in the past when the Manager has gone on vacation.

Mayor Van Deursen again stressed that she was looking for a new date of hire and would like to see the Manager stay until the end of the year.

Councilman McDonald noted that he was always looking to listen to any new ideas or compromises to work on a solution that would be in the best interest of the community. He noted that this Council can’t appoint anyone after their terms end.

A motion was moved by McDonald, seconded by Housel that this discussion be tabled until the next meeting agenda.

Ayes: 6, Nays: 0.
Motion carried.

Resolutions #127-2004 thru #142-2004 (Excluding Resolution #140-2004)

A motion was moved by Giaimis, seconded by Housel that Resolutions #127-2004 thru #139-2004 and Resolutions #141-2004 & #142-2004 be adopted as follows:

RESOLUTION #127-2004

**A RESOLUTION AUTHORIZING THE RELEASE OF FUNDS
FROM AN ESCROW ACCOUNT ESTABLISHED IN THE NAME
OF KAREN KORNER AND HELD IN TRUST BY THE
BOROUGH OF WASHINGTON.**

WHEREAS, Karen Koerner applied for subdivision approval to subdivide a lot off of Sunrise Terrace into two lots; and

WHEREAS, funds were posted in escrow to cover the cost of professional review of this subdivision application; and

WHEREAS, Karen Koerner has withdrawn her application for a subdivision and has requested release of funds held in escrow; and

WHEREAS, Municipal Engineer Robert Miller, C.M.E., P.E. has determined that there are not outstanding invoices for professional services.

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 Municipal Treasurer is hereby authorized to issue a check to Karen Koerner for the balance in the subdivision review escrow account in her name.

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

Ayes: 6, Nays: 0.
Motion carried.

RESOLUTION #128-2004

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

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

<u>BLOCK/LOT</u>	<u>PROPOERTY OWNER/ PROPERTY LOCATION</u>	<u>AMOUNT TO</u>
98/30	Beatty, Martin J. 10 Willow Street	\$ 43.00

The former owner made an overpayment during the closing procedures on the above property location. A refund of \$ 43.00 should be mailed to:

Martin J. Beatty
33 S. Mine Rd.
Quakertown, PA 18951

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

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

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

Ayes: 6, Nays: 0.
Motion carried.

RESOLUTION #129-2004

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

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

<u>BLOCK/LOT</u>	<u>PROPERTY OWNER/ PROPERTY LOCATION</u>	<u>AMOUNT TO BE REFUNDED</u>
35/35	Estate of William Packard 200-202 Belvidere Avenue	\$ 172.00

The former owner made an overpayment during the closing procedures on the above property location. A refund of \$ 172.00 should be mailed to the Executor of the Estate of William Packard:

Estate of William Packard
C/o Alyce White, Eexecutrix
80 Brass Castle-Harmony Rd.
Washington, NJ 07882

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

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

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

Ayes: 6 Nays: 0.
Motion carried.

RESOLUTION #130-2004

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

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

<u>BLOCK/LOT</u>	<u>PROPERTY OWNER/ PROPERTY LOCATION</u>	<u>AMOUNT TO BE REFUNDED</u>
43/14	Keelen, Joseph & Tammy Sue 20 Valley View Terrace	\$ 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:

Joseph & Tammy Sue Keelen
2 Briarwood Court North
Bath, PA 18014

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

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

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

Ayes: 6, Nays: 0.
Motion carried.

RESOLUTION #131-2004

A RESOLUTION TO REFUND PRIOR YEAR TAX OVERPAYMENT

WHEREAS, the Tax Collector's records indicate a duplicate payment for 4th quarter 2003 taxes due to Washington Mutual having sent payment of \$ 1,094.76 on behalf of S. Ridgeway and Jane Kennedy, which duplicated a payment made by Robert Kopnicki, Attorney for the new homeowners, Mark and Virginia Peduto, in the same amount, for the same quarter; and

<u>BLOCK/LOT</u>	<u>NAME OF OWNER/ PROPERTY LOCATION</u>	<u>AMOUNT/ QTR. & YEAR</u>
008/001	Kennedy, S. Ridgeway & Jan 111 W. Warren St.	\$ 1,094.76 4 th Qtr. 2003

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council for the Borough of Washington, in the County of Warren, State of New Jersey, that the Borough Tax Collector, having received a written instruction from Washington Mutual, is authorized to refund the amount of \$ 1,094.76 to:

Kennedy, S. Ridgeway and Jane
28 Yale Terrace
W. Orange, NJ 07052

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

Ayes: 6, Nays: 0.
Motion carried.

RESOLUTION #132-2004

**A RESOLUTION AUTHORIZING A REFUND
OF 2004 DUPLICATE TAX PAYMENT**

WHEREAS, according to the Tax Collector's records, there has been a duplicate payment of \$ 1,121.64 for 1st quarter 2004 taxes for Block 002, Lot 004; and this was the result of First American, through Weichert Financial, on behalf of Claire and Thomas Radtke, duplicating a payment made earlier on their own behalf, by Mr. & Mrs. Radtke; and

WHEREAS, the Tax Collector has received written authorization from First American Real Estate Tax Service requesting that the duplicate payment be returned to:

First American
95 Methodist Hill Drive, Suite 100
Rochester, NY 14623

Attn.: Claims-Refunds (Cust. #66259, Loan #0010957017)

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council for the Borough of Washington, in the County of Warren, State of New Jersey, that the Borough Treasurer is authorized to refund the duplicate payment in the amount of \$ 1,121.64 to the taxpayer service as directed.

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

Ayes: 6, Nays: 0.
Motion carried.

RESOLUTION #133-2004

A RESOLUTION TO REFUND CURRENT YEAR TAX OVERPAYMENT

WHEREAS, according to the Tax Collector's records there has been a duplicate payment of \$ 408.70 for 1st quarter 2004 taxes for Block 2.09, Lot 017; and this was the result of First American through 1st 2nd Mortgage of NJ, on behalf of Hermes and Maria Nucum, duplicating a payment made earlier on their behalf, by their attorney, Victor Sison.

WHEREAS, the Tax Collector has received written authorization from First American Real Estate Tax Service requesting that the duplicate payment be returned to:

First American
95 Methodist Hill Drive, Suite 100
Rochester, NY 14623

Attn.: Claims-Refunds (Cust. #00103, Loan #456000032)

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council for the Borough of Washington, in the County of Warren, State of New Jersey, that the Borough Treasurer is authorized to refund the duplicate payment of \$ 408.70 to the taxpayer service as directed.

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

Ayes: 6, Nays: 0.
Motion carried.

RESOLUTION #134-2004

A RESOLUTION TO REFUND CURRENT YEAR TAX OVERPAYMENT

WHEREAS, according to the Tax Collector's records there has been a duplicate payment of \$ 465.89 for 2nd quarter 2004 taxes for Block 2.09, Lot 009; and this was the result of First American on behalf of George Greden and Marian Kennedy, duplicating a payment made earlier on their behalf by Weichert Title.

WHEREAS, the Tax Collector has received written authorization from First American Real Estate Tax Service requesting that the duplicate payment be returned to:

First American
95 Methodist Hill Drive, Suite 100
Rochester, NY 14623

Attn.: Claims-Refunds (Cust #10498, Loan #0012275387)

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council for the Borough of Washington, in the County of Warren, State of New Jersey, that the Borough Treasurer is authorized to refund the duplicate payment of \$ 465.89 to the taxpayer service as directed.

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

Ayes: 6, Nays: 0.
Motion carried.

RESOLUTION #135-2004

A RESOLUTION TO REFUND CURRENT YEAR TAX OVERPAYMENT

WHEREAS, according to the Tax Collector's records there has been a duplicate payment of \$ 1,502.89 for 2nd quarter 2004 taxes for Block 044, Lot 012; and this was the result of Chase, through First American, on behalf of Howard & Tupaj Farthing, duplicating a payment made earlier on their behalf, also by First American.

WHEREAS, the Tax Collector has received written authorization from First American Real Estate Tax Service requesting that the duplicate payment be returned to:

First American
95 Methodist Hill Drive, Suite 100
Rochester, NY 14623

Attn.: Claims-Rerfunds (Cust. #88880, Loan #1835001889)

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council for the Borough of Washington, in the County of Warren, State of New Jersey, that the Borough Treasurer is authorized to refund the duplicate payment of \$ 1,502.89 to the taxpayer service as directed.

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

Ayes: 6, Nays: 0.
Motion carried.

RESOLUTION #136-2004

A RESOLUTION TO REFUND CURRENT YEAR TAX OVERPAYMENT

WHEREAS, according to the Tax Collector's records there has been a duplicate payment of \$ 788.43 for 2nd quarter 2004 taxes for Block 097.03 Lot 002; and this was the result of Midland Mortgage, through First American, on behalf of Edwin Garcia, duplicating a payment made earlier on his behalf by Attorney Anthony De Masi.

WHEREAS, the Tax Collector has received written authorization from First American Real Estate Tax Service requesting that the duplicate payment be returned to:

First American
95 Methodist Hill Drive, Suite 100
Rochester, NY 14623

Attn.: Claims-Refund (Cust. #64311, Loan #3630048026617)

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council for the Borough of Washington, in the County of Warren, State of New Jersey, that the Borough Treasurer is authorized to refund the duplicate payment of \$ 788.43 to the taxpayer service as directed.

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

Ayes: 6, Nays: 0.
Motion carried.

RESOLUTION #137-2004

A RESOLUTION TO REFUND CURRENT YEAR TAX OVERPAYMENT

WHEREAS, according to the Tax Collector's records there has been an overpayment of \$ 21.79 for 2nd quarter 2004 taxes for Block 035, Lot 025; from First American, through Chase Manhatten, on behalf of Joan M. Strohl and Paul T. Moyer.

WHEREAS, the Tax Collector has received written authorization from First American Real Estate Tax Service requesting that the overpayment be returned to:

First American
95 Methodist Hill Drive, Suite 100
Rochester, NY 14623

Attn.: Claims-Refunds (Cust. #88885, Loan #0011538261)

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council for the Borough of Washington, in the County of Warren, State of New Jersey, that the Borough Treasurer is authorized to refund the duplicate payment of \$ 21.79 to the taxpayer service as directed.

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

Ayes: 6, Nays: 0.
Motion carried.

RESOLUTION #138-2004

**A RESOLUTION AUTHORIZING A REFUND
OF 2004 DUPLICATE TAX PAYMENT**

WHEREAS, according to the Tax Collector's records, there has been a duplicate payment of \$ 886.79 for 1st quarter 2004 taxes for Block 101, Lot 013.23; and this was the result of Washington Mutual Home Loans, on behalf of Lisa Toro (Mulholland), duplicating a payment made earlier by the new homeowner's (Hammonds) attorneys on their behalf; and

WHEREAS, the Tax Collector has received a letter from Washington Mutual Home Loans, Inc. requesting that the duplicate payment be refunded to:

Lisa (Toro) Mulholland
96 Port Colden Rd.
Washington, NJ 07882

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council for the Borough of Washington, in the County of Warren, State of New Jersey, that the Borough Treasurer is authorized to refund the duplicate payment in the amount of \$ 886.79 to the taxpayer as directed.

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

Ayes: 6, Nays: 0.
Motion carried.

RESOLUTION #139-2004

**A RESOLUTION TO REFUND TAX MONIES
PER TAX COURT APPEAL.**

WHEREAS, the Tax Collector has received a Tax Court Judgment for the year 2003 for the property listed below:

<u>BLOCK/LOT</u>	<u>NAME OF OWNER/ PROPERTY LOCATION</u>	<u>YEAR/AMOUNT</u>
100 023	Richard Strunk 185 W. Washington Ave.	2003 3R \$152.50 2003 4R 152.50 TOTAL \$ 305.00

Refund payable to: Richard Strunk, 116 Brass Castle Rd., Washington, NJ 07882

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 refund the above tax overpayment.

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

Ayes: 6, Nays: 0.
Motion carried.

RESOLUTION #141-2004

**A RESOLUTION AUTHORIZING A REFUND
OF 2004 DUPLICATE TAX PAYMENT**

WHEREAS, according to the Tax Collector's records, there has been a duplicate payment of \$ 2,582.96 for 2nd quarter 2004 taxes for Block 002.03, Lot 015; and this was the result of First American, through SIB Mortgage, on behalf of Richard and Denise Maguire, duplicating a payment made earlier, also for the Maguires, also from SIB Mortgage.

WHEREAS, the Tax Collector has received written authorization from First American Real Estate Tax Service requesting that the duplicate payment be returned to:

First American
95 Methodist Hill Drive, Suite 100
Rochester, NY 14623

Attn.: Claims-Refunds (Cust #42965, Loan #1000258625)

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council for the Borough of Washington, in the County of Warren, State of New Jersey, that the Borough Treasurer is authorized to refund the duplicate payment in the amount of \$ 2,582.96 to the taxpayer service as directed.

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

Ayes: 6, Nays: 0.
Motion carried.

RESOLUTION #142-2004

**A RESOLUTION AUTHORIZING THE
SUBMISSION OF A MUNICIPAL ALLIANCE
GRANT APPLICATION TO THE COUNTY OF
WARREN.**

WHEREAS, the Warren County Department of Human Services provides Municipal Alliance grants for drug prevention and education purposes; and

WHEREAS, the Borough of Washington desires to further the public interest by obtaining funding from the County of Warren for the Borough's Municipal Alliance for calendar year 2005;

NOW, THEREFORE, the Mayor and Council of the Borough of Washington, in the County of Warren, and State of New Jersey resolves that Dorothy E. Repsher or the successor to the office of Municipal Alliance Chairperson is hereby authorized to:

- (a) make application for such a loan and/or such a grant,
- (b) provide additional application information and furnish such documents as may be required, and
- (c) act as the authorized correspondent of the above named applicant; and

WHEREAS, the County shall determine if the application is complete and in conformance with the scope and intent of the Governor's Council on Alcoholism and Drug Abuse Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the County's funds in accordance with such rules, regulations and applicable statutes, and is willing to comply with the Statement of Assurances and adhere to all fiscal requirements:

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

1. That the Municipal Alliance Chairperson, Mayor, Deputy Mayor and one other council member of the above body or board is hereby authorized to make application for and, in the event of grant award, to execute an agreement and any amendment thereto with the County of Warren for 2005 Municipal Grant funding;
2. That the applicant will provide a cash matching share in the amount of \$2,107.00 in its 2005 Municipal Budget;
3. That the applicant agrees to comply with all applicable federal, state and local laws, rules and regulations in its execution of the grant; and
4. That this resolution shall take effect immediately.

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

Ayes: 6, Nays: 0.
Motion carried.

Resolution #140-2004 – Accepting 2003 Municipal Audit

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

The Treasurer and Chief Financial Officer, Kay Stasyshan, was present and reviewed the recommendations in the audit item by item and explained how they would be taken care of. A shortage of staff in the office also attributed to some of the items not being taken care of in a timely manner.

RESOLUTION #140-2004

RESOLUTION ACCEPTING 2003 AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an Annual Audit of its books, accounts and financial transactions; and

WHEREAS, The Annual Report of Audit for the Year 2003 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, The Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 42:27BB-34; and

WHEREAS, The Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the Annual Audit entitled:

General Comments
Recommendations

And

WHEREAS, The members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments
Recommendations

As evidenced by the group affidavit form of the governing body; and

WHEREAS, Such resolution of certification shall be adopted by the Governing Body no later than forty-five (45) days after the receipt of the Annual Audit, as per the regulations of the Local Finance Board; and

WHEREAS, Failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local government body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52:27BB-52 – “A local officer or members of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Washington, Warren County, NJ hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

Ayes: 6, Nays: 0.
Motion carried.

State Aid Applications (Resolutions #143-2004, #144-2004 & #145-2004

The engineer submitted three applications for State Aid for Belvidere Avenue, Carlton Avenue and Youmans Avenue. The following three resolutions were moved on a motion made by Bertoline, seconded by Giaimis and adopted:

The applications will be filed by the engineer to the NJ State Department of Transportation.

RESOLUTION #143-2004

BELVIDERE AVENUE

BE IT RESOLVED, that application is hereby made to the Commissioner of Transportation for an allotment of aid for the improvement of **Belvidere Avenue** from **Johnston Street to 400' North of New Street** in the municipality of Washington Borough, County of Warren, State of New Jersey for a distance of **0.32** or such portion thereof as may be approved by the Commissioner of Transportation. The total cost estimate for this improvement is **\$ 189,400.00.** The Sponsor requests **\$ 150,000.00** in State funds and anticipates contributing **\$ 39,400.00.**

Type of Improvement

Resurfacing & Drainage, Curb and Sidewal

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

Ayes: 6, Nays: 0.
Motion carried.

RESOLUTION #144-2004

CARLTON AVENUE SIDEWALK REPLACEMENT

BE IT RESOLVED, that application is hereby made to the Commission of Transportation for an allotment of aid for the improvement of:

Belvidere Avenue to North Prospect Street in the Municipality of Washington Borough, County of Warren, State of New Jersey for a distance of **0.34** miles or such portion thereof as may be approved by the Commissioner of Transportation. The total cost estimate for this improvement is **\$ 119,040.00.** The Sponsor requests **\$ 110,000.00** in State funds and anticipates contributing **\$ 9,040.00.**

Type of Improvement

Replacement of sidewalk and curb on the north side of Carlton Avenue. This sidewalk fronts on the Warren Hills Middle School and will connect with the NJDOT – funded sidewalk project on North Prospect Street.

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

Ayes: 6, Nays: 0.
Motion carried.

RESOLUTION #145-2004

YOUMANS AVENUE WEST OVERLAY

BE IT RESOLVED, that application is hereby made to the Commissioner of Transportation for an allotment of aid for the improvement of:

Youmans Avenue West Overlay from NJSH Route 31 to Broad Street in the municipality of Washington Borough, County of Warren, State of New Jersey for a distance of **0.17** miles or such portion thereof as may be approved by the Commissioner of Transportation. The total cost estimate for this improvement is **\$ 152,100.00.** the Sponsor requests **\$ 140,000.00** in State funds and anticipates contributing **\$ 12,100.00.**

Type of Improvement

Resurfacing and replacement of deteriorated curb and sidewalks.

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

Ayes: 6, Nays: 0.
Motion carried.

Andrew Turner posed a question to the engineer with respect to the State Aid application on Belvidere Avenue. He asked if the realignment of the sidewalks and curbing would be included in this project in the vicinity of Warren Lumber? The engineer stated that this would be part of this project if it was awarded.

Up-date RE: Soccer and Baseball Fields donated by Centex Homes

Attorney Cushing noted that he, the engineer, the Manager and Recreation Chair met with Centex Homes and they have worked out an acceptable compromise to the completion of these field. Centex has begun work immediately to prepare the field for use by August 15th. Time frames were agreed to. The field will be able to be used this year; however, at the end of the season they will be re-inspected and that time if additional work is required to bring them up to standards and completion it will be done.

Attorney Cushing requested that Council have a short **Executive Session to discuss Contracts and Litigation.**

COUNCIL REMARKS:

Mayor Van Deursen entertained remarks from Council.

Councilman Giaimis inquired as to the status of the “Domestic Partnership Law”? The Clerk noted that the applications and certificates have been received from the State and that she had attended a seminar on same. The office is prepared to act on any applications it might receive.

Councilman Giaimis read an interesting article in the Star Ledger regarding Executive Sessions and the fact that the motion should be more specific in referring to what was to be discussed. Attorney Cushing asked Councilman Giaimis to share this article with him; he would like to see it.

Councilman Housel had no remarks.

Councilman Doty had no remarks.

Councilwoman Bertoline asked what the follow-up was on the Recreation Commission Cell Phone? The Manager noted that the service has been terminated and they are paying him for his own phone for business related calls.

Councilwoman Bertoline asked what the status of the Dumping violation fees that the attorney was going to address was? Attorney Cushing noted that he would have it done for the next meeting.

Councilman McDonald had no remarks.

Mayor Van Deursen had no remarks.

Executive Session – Baker Litigation & Washington Hardware Parking Lot

It was moved by Giaimis, seconded by Housel that the Council go into Executive Session to discuss Baker litigation and the Washington Hardware Parking Lot at 10:45 PM.

Ayes: 6, Nays: 0.
Motion carried.

It was moved by Bertoline, seconded by Housel that Council go out of Executive Session back into open session at 10:50 PM.

Ayes: 6, Nays: 0.
Motion carried.

Hearing no further business to come before Council, it was moved by Giaimis, seconded by Bertoline that the meeting be adjourned at 10:50 PM.

Ayes: 6, Nays: 0.
Motion carried.

Marianne Van Deursen, Mayor

Linda L. Hendershot, RMC/CMC
Borough Clerk