

MINUTES OF REGULAR METING HELD AUGUST 3, 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: McDonald, Doty, Giaimis, Housel, Van Deursen and Glaser.
(Arrived at 8:10 PM) -Present: 6.

Absent: Bertoline – Absent – 1.

Also Present: Alan M. Fisher, Borough Manager
Judith Kopen, Esq., filling in for R. 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:

John Burd, Rd. Supt. – Road Department

John Burd, Rd. Superintendent gave an overview of the Road Department’s activities and the condition of their equipment. The leaf sucker is a 1974 and will need replacement. Another fellow community donated a lot of parts for this equipment but it is old and the replacement parts are no longer available. The Leaf Loader is in good working order. The Department is busy with road repairs and repairing and replacing signs. They are also working on plans for their new garage with the engineer. The trucks made it through the winter with minimal repairs.

Councilman McDonald asked some questions regarding the leaf sucker and the cost to replace it. Mr. Burd indicated it would be an expenditure of approximately \$17,000.00 to \$ 18,000.00. A lot of the problems stem from people placing things out in the roadway such as rocks, mufflers from cars, etc. They damage the leaf sucker and it is very costly to repair. Councilman McDonald indicated that perhaps a news release to the public urging them to exercise care in what they place out curbside.

Councilman Housel suggested split shifts during the evenings when we have the heavy snowstorms. Mr. Burd indicated that they would need more empolyes. With the crew they presently have it would be impossible to do split shifts.

Councilman Doty addressed the salt shed on the Road Department property. The engineer noted that he would be addressing the Salt shed at the new site. They have to hold the old site together until they relocate at the new site.

Mayor Van Deursen thanked John Burd and his men on the Road Department on behalf of Council for the fine job they do. They are truly appreciated.

MINUTES:

Regular Meeting – July 20, 2004

The Mayor entertained additions or corrections to the minutes of the regular meeting held July 20, 2004.

Councilman McDonald reported that he had received an e-mail from Councilwoman Bertoline of her intended absence this evening and she requested that the minutes be tabled until the next meeting. She particularly had some questions on Resolutions #143-2004 and #145-2004.

Council consensus was to approve them this evening. They could always be amended at a future meeting if it was necessary. Councilman McDonald pointed one typo on Page 19. The word “basement” should be “baseball”. The Clerk so noted this correction.

It was moved by McDonald, seconded by Giannis that the minutes of the regular meeting held July 20, 2004 be approved as corrected and filed.

Ayes: 6, Nays: 0.
Motion carried.

Roll Call: McDonald, Doty, Van Deursen, Housel and Giannis – Ayes: 5,
Nays: 0. Abstained: Glaser.

Motion carried.

COMMUNICATIONS:

The following communications were entered into the Record:

- 1) Comcast Updates (5)
- 2) J State League Re: Federal Transportation Funding;
- 3) NJ State League RE: Cross Acceptance & the State Plan;
- 4) Wilentz, Goldenman & Spitzer, P.A. RE: Notice of Special School District Election – Warren Hills Regional School District – 9-28-04
- 5) Elizabethtown Gas Company – Notice of Rate Increase; and
- 6) State of NJ – DOT RE: Transportation Enhancement Program;

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

It was moved by McDonald, seconded by Glaser that the communications numbered #1 though #6 be acknowledged, received and filed.

Discussion: Councilman McDonald commented on Communication #4 which was a Special School Election for a school referendum bond issue. He questioned whether this was for the athletic fields that were before the Planning Board. It was his recollection that there was a wetlands issue on that property. Manager Fisher noted that the Township will be dealing with this issue with the DEP.

Ayes: 6, Nays: 0.
Motion carried.

PRESENTATION:

New Jersey American Water Company – James P. McManimon

Mr. McManimon, Director of Government Affairs for the New Jersey American Water Company gave an overview of what the Water Company is doing. His position with the company is to pay a once a year visit to their communities to brief the governing body on what the Water Company is doing and what services it provides. They do have a program that could be taken advantage of for public events, they do test your water quality and maintain the fire hydrants. They are assisting the Borough with a project they have going on S. Prospect Street.

They also have implemented a program to assist families if they have a problem paying their water bill that is available to those in need.

Mr. McManimon entertained questions from the governing body.

Mr. Miller, the Borough's engineer, did note that he has had problems with getting cooperation from the Water Company in repairing any street openings they open for repair work in the Borough. Mr. McManimon asked the engineer to provide him with a list of streets and he would see that the proper department was apprised of the problem to get it rectified.

Mayor Van Deursen thanked Mr. McManimon for his very informative presentation.

AUDIENCE:

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

Mr. Chris Benedict, Prosper Way lodged his dissatisfaction over the road situation in his neighborhood which is in a terrible state of disrepair. He was not in favor of the oil and chipping program the Borough utilized from time to time either. He also took exception to the service the Borough provides for garbage removal. Mr. Benedict was concerned when his street would be scheduled for his road repair.

The Manager advised that Railroad Avenue, W. Johnston Street and Flower Avenue were scheduled for road work this year. The street repair is ongoing and the study undertaken of the condition of the roads encompasses all of the roads in the Borough.

Mayor Van Deursen thanked Mr. Benedict for his comments. Council will take his concerns and comments into consideration.

Mr. Benedict was also concerned with the infrastructure of the business community and the loss of a lot of businesses leaving town. Mayor Van Deursen suggested that when Mr. Sheldon, Executive Director of the Downtown Business District arrives at the meeting Mr. Benedict take some time to talk to him. The Borough is getting some new businesses to open in town.

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 #13-2004 – Amending Chapter 78 Relating to Swimming Pools
(First Reading)

An ordinance amending Chapter 78 of the Code relating to Swimming Pools was introduced by Councilman McDonald.

It was further moved by McDonald, seconded by Glaser that the Clerk read Ordinance #13-2004 by title only.

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

Ayes: 6, Nays: 0.
Motion carried.

The Clerk read Ordinance #13-2004 entitled, “AN ORDINANCE AMENDING CHAPTER 78 OF THE CODE OF THE BOROUGH OF WASHINGTON RELATING TO SWIMMING POOLS.

Council Discussion: None.

It was moved by McDonald, seconded by Giaimis that Ordinance #13-2004 be approved on first reading.

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

Ayes: 6, Nays: 0.
Motion carried.

It was moved by Housel, seconded by Glaser that Ordinance #13-2004 be published in the Star Gazette on August 12, 2004 and that the public hearing be scheduled for September 7, 2004.

Discussion: Councilman McDonald questioned if the Star Gazette was utilized would the ordinance become invalid. Councilman Giaimis noted that he had raised the question and there was some legal research being done by the Attorney’s office. Manager Fisher noted that the paper must be published and printed in the State of NJ.

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

Ayes: 6, Nays: 0.
Motion carried.

Ordinance #14-2004 – Amending Chapter 47 Establishing New Fines and Penalties (First Reading)

An ordinance amending Chapter 47 establishing new fines and penalties was introduced by Councilman Housel.

It was moved by Housel, seconded by McDonald that the Clerk read Ordinance #14-2004 by title only.

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

Ayes: 6, Nays: 0.
Motion carried.

The Clerk read Ordinance #14-2004 entitled, “AN ORDINANCE AMENDING CHAPTER 47 OF THE CODE OF THE BOROUGH OF WASHINGTON TO ESTABLISH FINES AND PENALTIES FOR VIOLATIONS THEREOF”.

Council Discussion:

The ordinance did not specify the fines. Council discussion followed regarding the minimum fine and the maximum fine.

Councilman Giaimis asked whether the fines would be per violation? The Manager indicated that the fine would be per violation.

After minimal discussion the minimum fine was set at \$ 100.00. The maximum fine was discussed at length and Councilman Giaimis felt that if it were per violation that a maximum fine of \$ 1,250.00 was sufficient. Further discussion ensued and the majority of Council decided to increase it to \$ 5,000.00.

Councilwoman Glaser noted that people are coming in from other municipalities and dumping their garbage in our community.

Hearing no further discussion it was moved by Glaser, seconded by Housel that Ordinance #14-2004 be approved on first reading with a minimum fine of \$ 100.00 and a maximum fine set of \$ 5,000.00.

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

Motion carried.

It was further moved by McDonald, seconded by Glaser that Ordinance #14-2004 be published in the Star Gazette on August 12, 2004 and that the public hearing be scheduled for September 7, 2004.

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

Ayes: 6, Nays: 0.

Motion carried.

REPORTS:

It was moved by McDonald, seconded by Housel that the Recreation Commission, Trial Balance, WWTP, Road Department, Borough Clerk's, A & E O.T., and Zoning Enforcement reports be approved as submitted and filed.

Ayes: 6, Nays: 0.

Motion carried.

VOUCHERS:

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

Councilman McDonald has a question on the costs of shipping for the traffic tickets. Another cost that was questioned was a cost for a windshield that was damaged in our parking lot. This cost was the deductible.

Councilman Giaimis had a question on the voucher for the League Dinner. It was noted that the other dinner was charged from a different account but both were being paid for.

Hearing no further questions, it was moved by Housel, seconded by Giaimis that the vouchers and claims be paid in the amount of \$ 90,566.20 and the handwritten bills for the month of June in the amount of \$ 291,380.77 as reflected in the debit/credit memorandum on file in the Collector/Treasurer's office.

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

Ayes: 6, Nays: 0.

Motion carried.

OLD BUSINESS:

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

This topic was tabled from last meeting for further discussion. Councilwoman Glaser was absent and did not have an opportunity to voice her comments and concerns.

Mayor Van Deursen noted that there is concerns on both sides; however, there is no availability of funds before the end of the year. Council is not going to have a new Manager until the first of the year. It is not in the best interest of the Borough to have our present Manager sitting at home getting paid. A new governing body will not have had an opportunity of knowing whether they want to serve with this Manager. The Mayor urged Council to reconsider and postpone the search. We should do what is in the best interest of the community. There is a lot of important projects that are urgent that the Manager has been involved in and should see to their closure.

Councilman McDonald stated we are still going to need a new Manager. The question being when he is going to start his employment with the Borough. Patriot Consulting will still be required to assist the governing body in its search. The time line as to when a new Manager will begin can be looked at.

Councilwoman Glaser stated that she did not feel that Council was getting the best firm to do the search for us. We need to take the politics out of this decision. We are not going to get the caliber of person that we need using the current search firm. This Council has to come up with a compromise that all of us can live with. She suggested inviting Jersey Professional to come in and be interviewed but we need to take the politics out of this.

Councilman Giaimis questioned what's changed. He still would like to continue the search.

Councilman McDonald noted that he had received an e-mail message from Councilwoman Bertoline requesting that this subject be tabled until the next meeting.

Mayor Van Deursen noted that several Council people here cannot even make an appointment of a new Manager until the first of the year and they cannot vote on a salary. She urged this Council to let the new Council make the decision.

Once the political atmosphere has changed Jersey Professional would be willing to come in; they will not be a part of this political nightmare the Borough is in at the present time.

Councilman Giaimis checked with Patriot and they have not changed their position. They are advertising for resumes for the position.

Manager Fisher explained that there is no doubt that a lot of applicants will apply. If they are chosen for an interview they will do their own research beforehand.

Councilman Housel asked what the status of the professional contract was with Patriot and whether the details have been worked out. An update on the contract will be given in Executive Session.

Councilman McDonald noted that he hasn't found a reason to make any concession.

Mayor Van Deursen noted that you may get a pool of applicants that you can't pay!

Councilwoman Glaser asked Councilman McDonald if he would be willing to extend the time line. Councilman McDonald indicated that he would be receptive to extending it. Councilwoman Glaser noted that personally, she would like to see it extended until the end of the year.

Councilman McDonald stated that he would like to see a new Manager come in during the month of November.

Councilwoman Glaser threw out a suggestion that if someone was brought on board in mid November they could work with our present Manager to assure that a smooth transition could be made. Councilman McDonald stated that he would be willing to talk about it.

Councilman Housel asked what kind of notice would a Manager give when terminating his employment with a community? Manager Fisher stated that normally a thirty (30) day notice would be reasonable.

No formal action was taken at this meeting.

Councilman Housel stated that he expected no formal action to be taken at the next meeting either, because he would be out of town on business and not able to be present.

NEW BUSINESS:

Discussion of response to Draft N.J.P.D.E.S. Permit for the Borough's Wastewater Treatment Plant

Susan Brasefield, Senior Project Manager with Maser Consulting addressed the proposed action they would like to pursue with respect to the Draft N.J.P.D.E.S. Permit for the Borough's Wastewater Treatment Plant. The letter discussed with Council was under date of July 30, 2004 to the State and covered such areas of phosphorus effluent limitation, Ammonia, Effluent Flow Restriction, Metals Limitations and Whole Effluent Toxicity. She suggested that they challenge the conditions of this permit. There is a lot of money involved with the studies they are expecting and we don't have the funding available.

Dick Hoyt, Veolia Water addressed Council and introduced Kevin Shoudt, the Plant Manager.

Mr. Hoyt addressed the phosphorous levels and indicated that no plant in the State of New Jersey can meet this requirement. They are allotting a four (4) year time frame for this requirement. The technology also is not available at this time. He will be back before the Council with an estimate on the cost for this requirement. The ammonia problem will surface if they meet the phosphorous levels. Heavy metals was addressed. Additional studies will be undertaken and Council will be apprised of their findings.

After some discussion it was moved by Housel, seconded by Giaimis that Council authorize Maser Consulting to file their comments with the DEP.

Discussion: Councilman Doty asked if other communities were experiencing the same problems as we were? Oxford Municipal Utilities Authority is also experiencing problems meeting the DEP standards.

Manager Fisher noted that there may be some minor changes to the comments based on the federal regulations that the state is enforcing; however there will be no major change in the message the engineer on behalf of the Borough is going to convey to the DEP.

Ayes: 6, Nays: 0.
Motion carried.

A motion was made by Glaser, seconded by Housel that a short recess be taken at approximately 9:25 PM.

Ayes: 6, Nays: 0.
Motion carried.

Council reconvened with Roll Call taken and everyone was present at 9:45 PM.

Discussion RE: Award of a Telecommunication System Contract

The Manager submitted a telecommunication system proposal through the State Contract. The cost of the system would be within the Borough's budget of \$ 20,000.00 for a cost of \$ 18,275.00.

It was his recommendation to take the State Contract over preparing bid specifications. It could take several months to get a set of bid specifications to meet the Borough's needs prepared. If we put off making a change the costs of the maintenance on our existing telephones could be very costly.

Councilwoman Glaser noted that State Contracts are usually higher than obtaining bids through other firms in most instances.

Councilman Giaimis stated that he expected to see more options available to the Council.

Councilman McDonald asked whether there were other companies that have the option to award through the State Contract?

Manager Fisher noted that letters have been sent out to other vendors and they have not responded. The Mansfield School District uses the system the Manager is recommending. If this system is awarded through the State Contract it could be put into place within the next three months.

Councilman McDonald brought up the legalities was choosing the State Contract? Manager Fisher noted that the Borough is well within the law to accept a State contract versus going out to bid.

Councilman Housel noted that this was a high priority issue with Councilwoman Bertoline. Councilwoman Bertoline noted that her priority was to consolidate the telephone costs; nothing to do with the new telephone system. Councilman Housel noted that the Borough would be saving a lot of time and money by going through the State Contract versus preparing specifications.

Councilman Doty noted that he would have liked to have seen other numbers to compare this figure to.

Councilman Giaimis noted also he would have like to see some comparison with another firm under state contract. He really was not comfortable with one company.

Manager Fisher noted that he could reach out to other vendors but he didn't get a response the last time.

Councilwoman Glaser asked what the bid threshold was? It is \$ 17,500.00. Councilwoman Glaser noted that other companies are out there that could be considerably less than the State Contract.

Councilman Giaimis stated that he would have liked to have seen additional comparisons but because of the time constraints involved we need to update the telephone system now.

Councilman McDonald noted that training classes for the employees to familiarize themselves with the system should be considered also.

It was therefore moved by McDonald, seconded by Housel that the Borough award the replacement of the Borough's telephone system to RFP Solutions, Inc. through the State Contract for a price of \$ 18,275.00, Option A.

Roll Call: Giaimis, Housel, Van Deursen and McDonald – Ayes: 4,

Nays: Glaser and Doty – 2.

Motion carried.

Council Minutes – 8-3-04
(Cont'd.) Page 9

Washington B.I.D. – Sidewalk Sale Days

A letter was received from the Business Improvement District requesting permission to hold their Sidewalk Sale Days, August 12, 13 and 14, 2004.

It was moved by House, seconded by McDonald that permission be approved for the Sidewalk Sale Days, August 12, 13 and 14, 2004.

Ayes: 6, Nays: 0.
Motion carried.

The Community Yard Sale was brought up and Jim Sheldon, Executive Director of the Business Improvement District stated that they were working with two dates, either September 25th or October 9th. Once he has had a meeting with the Board he will contact the Borough for their approval.

He noted that in conjunction with the Sidewalk Sale Days, a grand opening/ribbon cutting ceremony will take place with the opening of four (4) new businesses.

Councilman Giaimis commended Mr. Sheldon for the fine job he is doing. He had occasion to visit several of the downtown businesses who were very pleased with the Executive Director's work to promote business in the downtown. Mr. Sheldon is to be commended for an excellent job he is doing for the community.

Special ABC Permit for Social Affair – Washington Fire Department

An application was submitted from the Washington Fire Department for a Special One Day Social Affairs Permit in conjunction with an affair to be held on September 25, 2004.

It was moved by Housel, seconded by McDonald that this Special One Day Social Affairs Permit be approved for the Fire Department for their affair to be held on September 24, 2004.

Ayes: 6, Nays: 0.
Motion carried.

Resolutions #146-2004, #153-2004, #154-2004, #155-2004, #156-2004 & #157-2004

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

RESOLUTION #146-2004

**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 \$ 937.11 for 2nd quarter 2004 taxes for Block 043, Lot 014; and this was the result of Transamerica, through Valley National Bank, paying on behalf of the former owner Keelan, duplicating a payment made earlier by the new homeowner, Amy Clymer, on her own behalf; and

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

VNB Mortgage Services
1460 Valley Road
Wayne, NJ 07470

Attn.: Donna Fink (Loan #0030003385)

Council Minutes – 8-3-04
(Cont'd.) Page 10

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 \$ 937.11 to Valley National Bank Mortgage Services as directed.

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

Ayes: 6, Nays: 0.
Motion carried.

RESOLUTION #153-2004

**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>
44/35	Galka, Marcin 6 Myrtle Avenue	\$ 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:

Marcin Galka
54 Fisher Avenue
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: Giaimis, Housel, Glaser, Van Deursen, Doty and McDonald.

Ayes: 6, Nays: 0.
Motion carried.

RESOLUTION #154-2004

**A RESOLUTION AUTHORIZING THE REFUNDING OF
AN OVERPYAMENT 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>
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82/9

Burkhardt, William
84 Youmans Avenue

\$ 43.00

Council Minutes – 8-3-04
(Cont'd.) Page 11

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

William Burkhardt
3 Richards Road
Hopatcong, NJ 07843-1567

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, Van Deursen, Glaser, Giaimis, Housel and McDonald.

Ayes: 6, Nays: 0.
Motion carried.

RESOLUTION #155-2004

**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>
37/15	Van Ishem, Rolf 65 North Jackson Avenue	\$ 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:

Rolf Van Ishem
56 John Ringo Road
Ringo, NJ 08551

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

Ayes: 6, Nays: 0.
Motion carried.

RESOLUTION #156-2004

A RESOLUTION TO VOID AND REPLACE A CHECK

WHEREAS, Check #044429 was written 2/18/04 in the amount of \$ 43.00 on Washington Borough's Operating Funds #8102360230. This check was made payable Lincoln Trust Company, PO Box 699, Summit, NJ 07902; and

WHEREAS, the Treasurer's office was made aware that this check has been judged to be stale-dated, and a replacement check has been requested by the payee, made payable as follows:

Lincoln Trust Co.,
C/o Steel Property
PO Box 699
Summit, NJ 07902-0699

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 #044429.

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

Ayes: 6, Nays: 0.
Motion carried.

RESOLUTION #157-2004

A RESOLUTION TO VOID AND REPLACE A CHECK

WHEREAS, Check #045380 was written 7/21/04 on Washington Borough's Operating Fund #8102360230 in the amount of \$ 278,337.66 and made payable to Washington Borough Board of Education; and

WHEREAS, the Treasurer's office was made aware that this check should have been issued for a lesser amount. The amount of the check should be \$ 267,220.36.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington that the Treasurer be authorized to void and replace a check #045380.

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

Ayes: 6, Nays: 0.
Motion carried.

Resolution #147-2004 – Dedicate Revenues for K-9 Maintenance

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

RESOLUTION #147-2004

**A RESOLUTION TO DEDICATE REVENUES RECEIVED BY
THE BOROUGH OF WASHINGTON POLICE DEPARTMENT
FOR K-9 MAINTENANCE**

WHEREAS, N.J.S.A. 40A:4-39 allows the Director of the Division of Local Government Services of the Department of Community Affairs to approve the dedication by rider to the municipal budget those items of revenue not subject to reasonable accurate estimation in advance; and

WHEREAS, N.J.S.A. 40A:5-29 authorizes any municipality to accept gifts made to it and is empowered to utilize such gifts in the manner set forth in the conditions of the gift provided that the gift shall not be put to any use which is inconsistent with the laws of the State of New Jersey or the United States; and

WHEREAS, a donor, who wishes to remain anonymous, has gifted \$ 2,500.00 for maintenance of the Police K-9 and has indicated that this will be a recurring donation; and

WHEREAS, the Borough of Washington Police Department maintains a K-9 Unit and funding for K-9 maintenance has been reduced from the County of Warren Prosecutor's Drug Forfeiture Funds.

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 such monies received by the Borough of Washington be placed in a specific trust fund and such trust fund shall be considered a "Dedication by Rider" to the budget of the local unit per N.J.S.A. 40A:4-39 for the purpose stated above.

BE IT FURTHER RESOLVED, that two certified copies of this Resolution be forwarded to the Director of the Division of Local Governmental Services of the Department of Community Affairs for his or her consideration.

Discussion: Councilman McDonald noted that Councilwoman Bertoline had forwarded him an e-mail to ask the question as to whether a governmental entity can accept this donation from an anonymous source. The Manager stated it was legal and the attorney concurred.

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

Ayes: 6, Nays: 0.
Motion carried.

Resolution #148-2004 – Dedicate Revenues Received by Fire Department & its Bureau of Fire Prevention

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

RESOLUTION #148-2004

A RESOLUTION TO DEDICATE REVENUES RECEIVED BY THE BOROUGH OF WASHINGTON FIRE DEPARTMENT AND ITS BUREAU OF FIRE PREVENTION.

WHEREAS, N.J.S.A. 40A:4-39 allows the Director of the Division of Local Governmental Services of the Department of Community Affairs to approve the dedication by rider to the municipal budget those items of revenue not subject to reasonable accurate estimation in advance; and

WHEREAS, P.L. 1983, Chapter 383 of the Public Laws of New Jersey known as the Uniform Fire Safety Act requires every municipality to enforce the New Jersey Uniform Fire Code; and

WHEREAS, the Borough of Washington created the Bureau of Fire Prevention within its Department of Public Safety, Fire Division by Ordinance #20-85; and

WHEREAS, the Borough of Washington desires to expend funds received from penalties issued to help defray the cost of the Fire Department and its Bureau of Fire Prevention; and

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 such fines received by the Borough of Washington be placed in a specific trust fund and such trust fund shall be considered a “Dedication by Rider” to the budget of the local unit per N.J.S.A. 40A:4-39 for the purpose stated above.

BE IT FURTHER RESOLVED, that two certified copies of this Resolution be forwarded to the Director of the Division of Local Governmental Services of the Department of Community Affairs for his or her consideration.

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

Ayes: 6, Nays: 0.
Motion carried.

Resolution #149-2004 – Authorizing the Application for an Extension of Sewer Lines to serve Two-Family Home – Cleveland Street

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

RESOLUTION #149-2004

A RESOLUTION AUTHORIZING THE APPLICATION FOR TREATMENT WORKS APPROVAL FOR THE EXTENSION OF SEWER LINES TO SERVE A TWO FAMILY HOME ON CLEVELAND STREET.

WHEREAS, Vipe Engineering, P.A. of Hackettstown, New Jersey has prepared a Treatment Works Approval Application on behalf of the Borough of Washington for the construction and operations of sanitary sewers to service a two-family home at 6 Cleveland Street, designated as Block 30.01, Lot 11 on the Borough of Washington Tax Maps; and

WHEREAS, the Borough of Washington’s sanitary sewer consulting engineers, MASER CONSULTING, P.A., have reviewed the plans and specifications for the project and have determined they are in proper form for approval.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey that the Borough of Washington does hereby approve the proposed extension of sanitary sewer to 6 Cleveland Street, designated as Block 30/01, Lot 11 on the Borough of Washington Tax Maps.

BE IT FURTHER RESOLVED, that the Mayor or Manager are hereby directed to sign any and all necessary forms required by the State of New Jersey Department of Environmental Protection.

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

Ayes: 6, Nays: 0.
Motion carried.

Resolution #150-2004 – Creating an Emergency Appropriation for Remedial Activities – Alleger Street Public Works Garage Facility

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

RESOLUTION #150-2004

A RESOLUTION CREATING AN EMERGENCY APPROPRIATION AND PROVIDING FOR THE FUNDING OF SAME FOR THE PURPOSES OF UNDERTAKING REMEDIAL ACTIVITIES TO ADDRESS CHORINATED CONTAMINATION AT THE ALLEGER STREET PUBLIC WORKS GARAGE.

WHEREAS, an emergency has arisen with respect to the need to provide a proactive remedial strategy at the Alleger Street Public works Garage to address chlorinated solvent contamination detected within the ground water and adequate provision was not made for the aforesaid purpose in the adopted 2004 Municipal Budget, and N.J.S.A. 40:4-46 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 is \$ 34,800.00 and three percent of total operations in the budget for the year 2003 is \$ 120,321.00; and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three percent 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 is authorized and the same is hereby made for \$30,000.00 for equipment maintenance in the Road Department 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 certified copies of this resolution be filed with the Director of Local Government Services.

Discussion: Manager Fisher explained that this topic was brought up during the budget process.

He researched areas in which grants could be applied for and there was no source of funding available. Contact was made with consultants in this field as well as the DEP. Because we own the facility this contamination problem is our responsibility. The letter from DEP indicates it is an imminent concern and must be addressed immediately.

Roll Call: Giaimis, Housel, Glaser, Van Deursen and McDonald – Ayes: 5,
Doty – 1 Naye.

Motion carried.

Resolution #151-2004 – To consider entering into a Cooperative Pricing Agreement with Morris County Cooperative Pricing Council

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

RESOLUTION #151-2004

A RESOLUTION AUTHORIZING THE BOROUGH OF WASHINGTON TO ENTER INTO A COOPERATIVE PRICING AGREEMENT WITH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL HEREINAFTER REFERRED TO AS THE “LEAD AGENCY” FOR THE CONDUCT OF CERTAIN FUNCTIONS RELATING TO THE PURCHASE OF GOODS AND SERVICES FOR THEIR RESPECTIVE JURISDICTIONS.

WHEREAS, the Borough is authorized under the Local Public Contracts Law to join with other municipalities in a cooperative pricing system; and

WHEREAS, the Borough Engineer has recommended the joining of the Morris County Cooperative Pricing Council in order to take advantage of some favorable pricing opportunities for road resurfacing projects; and

WHEREAS, the Borough Manager as the Borough’s Purchasing Agent has reviewed this request and agrees that joining the Morris County Cooperative Pricing Council may also afford other benefits to the Borough of Washington in the area of purchasing; and

WHEREAS, the Mayor and Council have determined that the joining of the Morris County Cooperative Pricing Council 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 this Resolution shall be known and may be cited as the Cooperative Pricing Resolution of the Borough.

BE IT FURTHER RESOLVED, that pursuant to the provisions of N.J.S.A. 40A:11-11 (5), the Mayor is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency (Township of Randolph) for the purchase of goods and services.

BE IT FURTHER RESOLVED, that the Lead Agency (Township of Randolph) entering into contracts on behalf of the Borough of Washington shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et. seq.) and all other provisions of the revised statutes of the State of New Jersey.

BE IT FURTHER RESOLVED, that all Resolutions or parts thereof inconsistent with this Resolution shall be and the same are hereby repealed.

Discussion: It was noted for the record that the Road Department could obtain better pricing for materials.

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

Ayes: 6, Nays: 0.
Motion carried.

Resolution #152-2004 – Authorizing the Application for Treatment Works Approval for the Extension of Sewer Lines to serve Port Colden Mall

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

RESOLUTION #152-2004

A RESOLUTION AUTHORIZING THE APPLICATION FOR TREATMENT WORKS APPROVAL FOR THE EXTENSION OF SEWER LINES TO SERVE THE PORT COLDEN MALL IN WASHINGTON TOWNSHIP, WARREN COUNTY, N.J.

WHEREAS, Applied Wastewater Management, Inc. has prepared an amended Treatment Works Approval Application on behalf of the Borough of Washington for the construction and operations of sanitary sewers and a pumping station to serve the Port Colden Mall in Washington Township; and

WHEREAS, the Borough of Washington's sanitary sewer consulting engineers, Hatch Mott MacDonald, have reviewed the plans and specifications for this project and have determined they are in proper form for approval.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey that the Borough of Washington does hereby approve the proposed extension of the sanitary sewer and the construction of a pumping station to serve the proposed Port Colden Mall.

BE IT FURTHER RESOLVED, that the Mayor is hereby directed to sign any and all necessary documents required to carry out the intent of this resolution including the signing of any and all forms required by the State of New Jersey Department of Environmental Protection.

Discussion: Manager Fisher noted that the Council is in receipt of an e-mail from the Richard Cushing's office advising the governing body that they may proceed and authorize this application.

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

Ayes: 6, Nays: 0.

Motion carried.

Resolution #158-2004 – Authorizing the filing of the 2003 Tonnage Grant Application

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

RESOLUTION #158-2004

A RESOLUTION AUTHORIZING THE FILING OF THE 2003 TONNAGE GRANT APPLICATION ON BEHALF OF THE BOROUGH OF WASHINGTON, COUNTY OF WARREN, STATE OF NEW JERSEY.

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 187, Chapter 102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

Council Minutes – 8-3-04
(Cont'd.) Page 18

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection and Energy has promulgated regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to making and keeping accurate, verifiable records of materials collected and claims by the municipality; and

WHEREAS, a resolution authorizing the Borough of Washington to apply for such tonnage grant will memorialize the commitment of the Borough to recycling and indicate the assent of the Council of the Borough of Washington to the efforts undertaken by the Borough and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey, that the Borough of Washington does hereby endorse the submission of the 2003 Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection, Office of Recycling and designates Borough Manager Alan Fisher to ensure that the said application is properly filed.

Discussion: Manager Fisher noted that the County Recycling Coordinator requested the filing of this tonnage grant application.

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

Ayes: 6, Nays: 0.
Motion carried.

Resolution #159-2004 – Increasing a Change Fund for the Recreation Commission Concession Stand

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

RESOLUTION #159-2004

A RESOLUTION INCREASING A CHANGE FUND FOR THE RECREATION COMMISSION CONCESSION STAND

WHEREAS, the Recreation Commission needs to increase the change fund for the Concession Stand at the pool from \$ 50.00 to \$ 75.00 in order to make the proper change to the pool patrons; and

WHEREAS, it is the desire of the Treasurer, of the Borough of Washington, County of Warren to increase the amount of the change fund for the Concession Stand from \$ 50.00 to \$ 75.00; and

Council Minutes – 8-3-04
(Cont'd.) Page 19

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 Treasurer to issue the amount of \$ 25.00 to Terry Finnegan, the Recreation Commission Director for this increase in the Concession Stand change fund.

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

Ayes: 6, Nays: 0.

Motion carried.

Resolution #160-2004 – Transferring Retail Distribution License to a “Pocket License”

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

RESOLUTION #160-2004

**RESOLUTION TRANSFERRING RETAIL DISTRIBUTION LICENSE
NUMBER #2121-44-008-005 RELDEIF, INC., T/A FOX’S LIQUOR STORE
TO WASHINGTON DISCOUNT LIQUORS, L.L.C.**

WHEREAS, application has been made to the Borough Clerk, Linda L. Hendershot, for the transfer of Liquor License #2121-44-008-005, presently held by Reldeif, Inc., t/a Fox’s Liquor Store; and

WHEREAS, Reldeif, Inc., has submitted their consent to the transfer of Retail Distribution License #2121-44-008-005 to Washington Discount Liquors, L.L.C.; and

WHEREAS, in the case of a person-to-person transfer, the transferor and transferee, do hereby affirm that the transferee is aware of all obligations outstanding to the New Jersey Alcoholic Beverage Manufacturers, wholesalers and distributors, and that either the transferee has assumed any such obligations or the obligations will have been or will be satisfied by the transferor out of the proceeds of the sale of the license business; and

WHEREAS, the necessary background investigations have been done by the Washington Borough Police Department, both state and federal, have been received and are in order to proceed with the transfer of this Retail Distribution License; and

WHEREAS, the application for transfer is in order and the required newspaper publications have been submitted as further proof of compliance with Local Alcoholic Beverages Laws; and

WHEREAS, no objections have been registered with the Borough Clerk.

THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Washington, Warren County, New Jersey do hereby consent and approve of this transfer of liquor license for a **Retail Distribution License #2121-44-008-005** presently held by Reldeif, Inc./t/a Fox’s Liquor Store to **Washington Discount Liquors, L.L.C.**; and

BE IT FURTHER RESOLVED, that this Person to Person transfer will not remain on the premises formerly held by Reldeif, Inc. at 32 Broad Street, Washington, NJ but will now become a “Pocket License”.

Council Minutes – 8-3-04
(Cont’d.) Page 20

BE IT STILL FURTHER RESOLVED, that the license will be transferred into the name of **Washington Discount Liquors, L.L.C.** but will be held in the Borough Clerk’s office until such time as **Washington Discount Liquors, L.L.C.** files another license to transfer this license to a new place of business.

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

Ayes: 6, Nays: 0.

Motion carried.

Up-Date Swimming Pool Project

Manager Fisher reported that the Recreation Commission Chairman, Terry Finnegan has advised that their project may be approved by the State for Green Acres funding. Bond Counsel will be preparing the necessary bonding ordinance for the next meeting. The Green Acres funding is a loan for this project.

Engineer, Bob Miller will be proceeding with the proposal for the extension of the storm sewer. This estimate will be approximately \$ 90,000.00. These plans will address the drainage situation above the pool.

COUNCIL REMARKS:

Mayor Van Deursen polled members of the Council for their remarks.

Councilman Giaimis was interested in discussing Senate Bill #1809 which deals with tax deferment. A copy of the bill will be obtained for further discussion by Council.

Councilman Housel had no remarks.

Councilwoman Glaser had no remarks.

Mayor Van Deursen congratulated the Police Department for the great job they did for National Night out. It was very well attended and was a very nice community night in the community and she was proud to be a part of it.

Councilman McDonald noted that the dunking booth was well attended. In the past the Mayor’s have sat in the booth; he was one of the volunteers.

Councilman Doty had no remarks.

It was moved by Glaser, seconded by McDonald that the Council go into **Executive Session** to discuss litigation and personnel matters, time 10:25 PM.

Ayes: 6, Nays: 0. – Motion carried.

It was moved by McDonald, seconded by Glaser that Council go out of Executive Session back into open session at 11:10 PM. Ayes: 6, Nays: 0. – Motion carried.

Hearing no further business to come before Council, it was moved by Glaser, seconded by McDonald that the meeting be adjourned at 11:10 PM.

Ayes: 6, Nays: 0. – Motion carried.

Marianne Van Deursen Mayor

Linda L. Hendershot, RMC/CMC
Borough Clerk