

MINUTES OF REGULAR MEETING HELD SEPTEMBER 7, 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: Giaimis, Housel, Bertoline, McDonald, Glaser, Doty and Van Deursen – 7 Present.

Absent: Robert Miller, C.M.E., Borough Engineer

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

The Flag Salute was led by the Mayor.

The following Statement was entered into the Record:

“The requirements of the ‘Open Public Meetings Law’ P.L. 1975, Chapter 231 have been satisfied in that adequate notice of this meeting has been published in the Star Gazette and posted on the Bulletin Board of Borough Hall stating the time, place and purpose of the meeting as required by law.’

COUNCIL APPEARANCE:

Terry Finnegan, Chairman – Recreation Commission

Mr. Finnegan, Chairman of the Recreation Commission gave a lengthy presentation of the Recreation Commission’s activities and updates on various projects that the Commission is involved in.

The Washington Meadows recreational fields issue has been resolved and the fields will be utilized this fall for soccer. There is additional work that will be required at the end of the season but the Commission has resolved all issues with Washington Meadows. These additional fields will require additional work for the staff with regard to maintenance. Their mower will require replacing and they will need a trailer to move the mower to and from the park to these new fields. The Borough Park, under the direction of the new Director this year was in much better condition being neater and cleaner and well maintained. They had much better supervision this year.

Rich Feldman, Treasurer did an excellent job this year administering the park budget and had a good working relationship with the staff at the Borough offices.

The road in the park was removed for green space as a safety measure. There is still work needed to be done by the pump house. The drainage problem was addressed but is not fully resolved.

The pavilion being constructed at the park is still ongoing, a project sponsored by the Kiwanis Club. Tables will be required to be purchased next year for the pavilion.

Handicapped accessibility and the restrooms will be done this year. The baseball field needs additional work to re-grade. The light stanchions at the Borough Park are out of plumb and also require painting. They are 35 to 40’ high. A drinking fountain is also needed at the facility.

The Green Acres Loan has been approved for the pool renovations. They had a good plan and a lot of community support. Once the design is finalized they plan to bid it out in the Spring with renovations beginning next September.

The financial picture is status quo. Revenues were down somewhat due to the weather.

Day Camps were solicited this year and were very successful. The Swim Team program was great and the swim lessons well attended.

Mr. Finnegan addressed the filtration system at the pool. The system is very antiquated and will require upgrading to a pressurized sand system that would be at ground level in the pump house.

Some new programs introduced this year that were very successful were a Karate Program, movies in the Park and a Youth Concert.

Next year they are planning more cultural and educational program and a physical fitness program will offered including a walking program. They will also be providing blood pressure screening. A Winter Ice Skating Rink, is also being discussed for the upcoming winter season. They will be working on the design this fall of the Railroad Avenue Park facility and will solicit community input. They would also like to work with the Central Warren Youth Association and utilize their building on Belvidere Avenue for programs.

Mr. Finnegan noted that the web-site will be very beneficial to the Commission in that forms will be available on the site for people to have access to.

He wanted to acknowledge the volunteers who worked on the programs sponsored by the Recreation Commission and thank the staff for their cooperation. They have a new secretary, Judith Noonan who did an outstanding job.

On the negative side, they are losing their Park Director. He will be resigning after one season due to other commitments.

Mayor Van Deursen entertained questions or comments from the Council.

Councilman McDonald congratulated the Recreation Commission on the wonderful job they did this year.

Councilwoman Bertoline was sorry to see the Recreation Commission Director leave but wanted to acknowledge that he did an excellent job this year. She asked Mr. Finnegan if the Recreation Commission was satisfied with the new fields? Mr. Finnegan indicated that everything had been worked out and additional work will be done after the season. The important thing is that the field will be able to be utilized this fall.

Dedication in memory of Thomas Vara will take place this coming Saturday, the 11th at 10 AM at the new soccer field.

Councilwoman Bertoline had a question regarding the day camps? Chairman Finnegan indicated that they had been very successful this year and bring in additional revenue.

Councilwoman Bertoline thanked Mr. Finnegan for his great presentation and liked the fact that they were reaching out to all generations of people.

Mayor Van Deursen suggested that the Recreation Commission reach out to the Rotary Club for the tables for the pavilion. She also questioned the need for a water fountain and did not know whether this was needed. Mr. Finnegan noted that the recreational facility out in the Township does have a couple of water fountains for use by the public.

Mayor Van Deursen commented on the idea of an ice-skating rink. This was tried approximately ten (10) years ago at the park and was subjected to vandals and then there was the problem of the water melting and running across the road-way and re-freezing. She did, however, think it was an excellent idea if the right location was found.

Mayor Van Deursen, on behalf of the governing body, thanked everyone at the Park and the Commission for a great job. She commended Mr. Finnegan for his fine leadership which contributed to the successful year they had.

MINUTES:

Regular Meeting – August 17, 2004

Mayor Van Deursen entertained additions or corrections to the minutes of the regular meeting held August 17, 2004.

Councilman Bertoline pointed out a correction on Page 3, fourth paragraph, the word “one” should be changed to “neither” side of the street. Page 4, second paragraph, Enforcement wasn't by the Police Department, it was the Manager.

Hearing no further corrections, it was moved by McDonald, seconded by Giaimis that the minutes of the regular meeting held September 7, 2004 be accepted as corrected.

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

Motion carried.

COMMUNICATIONS:

The following communications were entered into the Record:

1. NJ State League Regional Tax Reform Assemblies Scheduled;
2. NJ State League – Resolution for consideration by league for Annual Conference;
3. Jersey Central Power & Light Re: Rate Increase;
4. Letter from N.J.D.O.T. – Washington Avenue Streetscape Grant;
5. Warren County Planning Department – Sponsored C.O.A.H. Meeting;
6. Tinton Falls Resolution – Financial Aid for Military Reservists & N.G.;
7. Assembly Republican Leader Letter – Governor McGreevey;
8. NJ State League – Tax Reform & Task Force Appointments;
9. NJ State League – Mandates Council Nullifies State Law;
10. Comcast – Sports Package;
11. Warren County Health Department – APEX/PH;
12. NJ State League – Court Decision on COAH Extension;
13. NJ State League – Headquarters Expansion & Relocation;
14. NJ State League – COAH Hearings & League Workshops;
15. NJ State League – Luncheon at Conference; and
16. Notice of Public Meeting – Lackawanna Cut-off Rail Project

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

It was moved by McDonald, seconded by Bertoline that the communications numbered #1 thru #16 be acknowledged, received and filed.

Discussion: Mayor Van Deursen noted that she would be attending the Luncheon conference at the League Convention. She also noted that she would be attending the meeting of the Warren County Health Department.

Ayes: 7, Nays: 0.

Motion carried.

AUDIENCE:

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

Hearing none, it was moved by McDonald, seconded by Giaimis that the audience portion of the meeting be closed.

Ayes: 7, Nays: 0.

Motion carried.

ORDINANCES:

Ordinance #13-2004 – Amending Chapter 78 of the Code dealing with Swimming Pools (Final Passage)

An ordinance amending Chapter 78 of the Code dealing with swimming pools was introduced by Councilman McDonald.

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

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

Ayes: 7, Nays: 0.
Motion carried.

The Clerk read Ordinance #13-2004 by title only and stated that this ordinance was published in the Star Gazette as required by law, a copy was posted on the bulletin board and copies available from the Clerk's office upon request.

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

Hearing none, it was moved by McDonald, seconded by Housel that the audience portion of the ordinance be closed.

Ayes: 7, Nays: 0.
Motion carried.

Council Discussion:

Manager Fisher included in everyone's packet two articles that appeared in the newspaper, an editorial from the press and a letter from William M. Connolly, Director of the Division of Code and Standards. Mr. Connolly's letter is contrary to the information we were informed from the State Building Code Official's office. If Council repeals this Code by way of this ordinance you will not have a fencing ordinance. He has asked Richard Cushing to write to the attorney general's to get clarification on this issue.

Mayor Van Deursen noted that she would like to clear up this issue before a decision is made. This issue needs further clarification.

Attorney Cushing noted that obviously there is a problem since Council has received conflicting opinions.

Councilwoman Bertoline questioned why they did not write to us instead of an editorial?

Councilwoman Glaser definitely felt that this issue should be tabled until we have a written opinion from the State Attorney General's office. Time is definitely on our side since the swimming pool season is about to close. It would be prudent to have it in writing before any action is taken.

Attorney Cushing noted that this ordinance can only be tabled until the last meeting in December, otherwise it would have to be re-introduced in the next calendar year.

It was therefore moved by McDonald, seconded by Housel that Ordinance #13-2004 be tabled until we received an opinion from the Attorney General's office.

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

Ayes: 7, Nays: 0.

Motion carried.

Council Minutes – 9-7-04
(Cont'd.) Page 5

Ordinance #14-2004 – Amending Chapter 47 of the Code Re: Fines and Penalties (Final Passage)

An ordinance amending Chapter 47 of the Code increasing the fines and penalties was introduced by Councilman Housel.

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

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

Ayes: 7, Nays: 0.
Motion carried.

The Clerk read Ordinance #14-2004 by title only and stated that this ordinance was published in the Star Gazette as required by law, a copy was posted on the bulletin board and copies available from the Clerk's office upon request.

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

Hearing none, it was moved by McDonald, seconded by Bertoline that the audience portion of the ordinance be closed.

Ayes: 7, Nays: 0.
Motion carried.

Council Discussion: None.

It was therefore moved by Glaser, seconded by Housel that Ordinance #14-2004 be adopted on final passage and that final publication be made as required by law.

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

Ayes: 7, Nays: 0.
Motion carried.

ORDINANCE #14-2004

**AN ORDINANCE AMENDING CHAPTER 47 OF
THE CODE OF THE BOROUGH OF WASHINGTON
TO ESTABLISH NEW FINES AND PENALTIES
FOR VIOLATIONS THEREOF.**

WHEREAS, the Borough of Washington provides solid waste collection to its residents; and

WHEREAS, not all surrounding communities provide that service to their residents; and

WHEREAS, the Borough of Washington has experienced problems with individuals bringing garbage outside the municipality to the Borough for collection and disposal by the Borough of Washington; and

WHEREAS, the taxpayers of the Borough of Washington are saddled with additional costs in the event that solid waste generated from outside the Borough is brought to the Borough for collection by the Borough's solid waste contractor's and

WHEREAS, N.J.S.A. 40:49-5 permits certain enhanced penalties for unlawful waste disposal.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Washington that Section 47-16 of the Code of the Borough of Washington is hereby amended to read as follows:

Section 47-16. Violations and Penalties.

- A. Any person who shall violate any of the provisions of this Chapter, shall, upon conviction, be punished for each offense by a fine not to exceed \$ 1,250, by imprisonment for a term not to exceed 90 days in the County Jail, or by a period of community service not exceeding 90 days.
- B. Notwithstanding the provisions of Subsection A, any person who violates Section 47-9.D. of the Code of the Borough of Washington, shall, upon conviction, be punished for each such offense by a minimum fine of \$ 100.00 [minimum fine may be up to \$2,500] and a maximum fine of \$ 5,000.00. [maximum fine may be up to \$ 10,000].

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

Ordinance #16-2004 – Amending Chapter 85 providing for a handicapped parking space on E. Church Street (First Reading)

An ordinance amending Chapter 85 providing for a handicapped parking space on E. Church Street was introduced by Councilwoman Glaser.

It was moved by Glaser, seconded by Giaimis that the Clerk read Ordinance #16-2004 by title only.

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

Ayes: 7, Nays: 0.
Motion carried.

The Clerk read Ordinance #16-2004 entitled, “AN ORDINANCE TO AMEND CHAPTER 85 OF THE CODE OF THE BOROUGH OF WASHINGTON TO PROVIDE FOR AN ADDITIONAL ON-STREET HANDICAPPED PARKING SPACE.”

Council Discussion: None.

It was moved by Glaser, seconded by Housel that Ordinance #16-2004 be approved on first reading.

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

Ayes: 7, Nays: 0.
Motion carried.

It was further moved by McDonald, seconded by Glaser that Ordinance #16-2004 be published in the Star Gazette on September 11th and that the public hearing be scheduled for October 5, 2004.

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

Ayes: 7, Nays: 0.
Motion carried.

REPORTS:

It was moved by McDonald, seconded by Bertoline that the Borough Clerk's, Veolia Water – WWTP, Building Permits, A & E O.T., Police, O.T. (2), Trial Balance and Zoning & Code Enforcement reports be accepted as presented and filed.

Ayes: 7, Nays: 0.
Motion carried.

VOUCHERS:

Mayor Van Deursen entertained additions or questions of the vouchers and claims prior to their approval.

Councilwoman Bertoline had a question on Page 23 for payment of sewer system contractual services. The Manager noted that this was review of the sewer hook-up for Warren Hills School system in conjunction with their proposal for expansion.

Councilman McDonald had a question on Page 22 for the canine account for lights purchased at Cabella's? The Manager noted he would have to check into this question and let Councilman McDonald know the answer.

It was therefore moved by McDonald, seconded by Bertoline that the vouchers and claims be paid in the amount of \$ 618,242.44 and the handwritten vouchers for July in the amount of \$ 222,192.07 as reflected in the debit/credit memorandum on file in the Collector/Treasurer's office.

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

Ayes: 7, Nays: 0.
Motion carried.

OLD BUSINESS

Discussion – Costs for Audio Tapes of Council Meeting(s) – Requested by Councilwoman Bertoline

Councilwoman Bertoline explained that she had discussed this issue with the attorney. The ordinance calls for a \$ 15.00 charge for an audio tape.

The Clerk explained that the tape is a four line recording system and in order to reproduce the tape it must be re-formatted. The cost to send the tape out to the Company to be re-formatted is \$ 65.00, plus \$ 3.50 per tape. If they re-format the tape on-site the cost is \$ 135.00, plus \$ 3.50 per tape.

Councilman Giaimis noted that the County Freeholder's office may be able to reproduce these tapes. He thought they had the equipment to do this.

Councilwoman Bertoline suggested that the County Freeholders office be contacted to see what the cost would be if they could re-produce tapes for us or if our present ordinance has to be amended Council should do so.

It was moved by Bertoline, seconded by McDonald that the County Freeholders office be contacted to see if they provide the service for re-formatting four line recording tapes and the costs involved or amend the ordinance to provide for the costs outlined by the Clerk for re-formatting Council meeting tapes.

Ayes: 7, Nays: 0.
Motion carried.

Discussion of Parking

Manager Fisher noted that the engineer was ill this evening and unable to attend to give his report on Harding Drive, Valley View Terrace, Presidential Drive and portions of Sunrise Terrace. The Police Department should also have a report as well as the Emergency Squad and Fire Department on these streets. This item will be tabled until the next meeting.

Councilwoman Bertoline brought up S. Lincoln Avenue and noted that the Code requires that there should be “No Parking” on either side of the street. Presently it is only signed for “No Parking” on one side of the street.

Manager Fisher noted that the intersections are being painted in accordance with state standards. He did not look to see in the Code Book that there was supposed to be “No Parking” on both sides. He noted that her point was valid when she pointed it out that there was “No Parking” on both sides. He recommended that Council discuss this. Some direction from Council would be appropriate.

Councilman Giaimis noted that some outreach would have to be done with the neighbors on this street since they have been parking on one side of the street for years. If there is going to be enforcement you would have to let the people know by way of letters, a news release of some form or warning notices.

The Police Department should be enforcing these ordinances in the Code book. Mayor Van Deursen noted that Council should investigate some of these streets. It was noted that in 1980 South Lincoln Avenue was reconstructed and widened approximately one foot.

Councilman Housel noted in the minutes that S. Prospect Street was discussed at the prior meeting and he gave the background of the parking situation on this street where he resides.

Heather Oakley, 19 Jackson Avenue noted that there is a handicapped parking spot on this street. Where would this handicapped person park?

Andrew Turner, Belvidere Avenue indicated he felt there could be some exceptions for parking for the handicapped under the State Disabilities Act. Attorney Cushing noted that this parking spot could be justified as a matter of safety for this particular person. Mr. Turner noted that if Council should decide to enforce “No Parking” on both sides of this street there should be a provision for this handicapped parking space.

Councilman Housel suggested getting a report from the engineer on S. Lincoln Avenue.

Heather Oakley suggested that the Council take and divide the town into sections and do a comprehensive study of each street and reevaluate the “No Parking” areas designated on each street.

Mr. Winters, Harding Drive was in the audience and suggested taking the signs down in his area. There wasn't any signs on Harding Drive for thirty years.

Extensive discussion followed at which time it was moved by Glaser, seconded by Bertoline that the signs be erected on both sides of S. Lincoln Avenue for enforcement of “No Parking” on both sides of the street but only after the residents have been notified.

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

Ayes: 7, Nays: 0.
Motion carried.

Mayor Van Deursen called for a short recess at 9:25 PM. Council reconvened at 9:30 PM with everyone present with the exception of Councilwoman Glaser who still had not come back into the building.

NEW BUSINESS:

Applications for Bingo License – St. Joseph’s Church

Three applications for bingo were submitted for approval from St. Joseph’s Church. The Clerk noted that the applications were in order and fees paid.

It was moved by Giaimis, seconded by McDonald that the Clerk be authorized to issue these licenses to St. Joseph’s Church for their bingo licenses.

Roll Call: McDonald, Housel, Giaimis and Glaser* (Her vote was recorded when she came back into the building) – Nays: 0 – Abstained: Bertoline, Doty and Van Deursen – 3. Motion carried.

Request for Town-Side Yard Sale

A request was received from the Business Improvement District for the Town-Wide Yard sales – October 9, 2004. Forms will be available to have their names placed on a community map. Jim Sheldon was present and reported that this would be another big event in the Borough. In conjunction with the yard sale days there would be a grand re-opening of Gibson’s Gym with hay rides, boxing demonstrations and other events sponsored by Gibson’s. The Washington Antique Center will also be celebrating their 1st anniversary in the Borough. Another business will be opening soon; and Italian Deli. Mr. Sheldon was also happy to note that the Borough received another grant in the amount of \$ 395,600.00 which brings our grant up to almost a million dollars for the downtown business district.

It was moved by Housel, seconded by McDonald that the Council approve the Town-Wide Yard Sale for October 9, 2004 and that the fees be waived for this one day yard sale day. Ayes: 7, Nays: 0. – Motion carried.

Resolutions #167-2004 – Canceling Certain Capital Appropriations

Prior to adopting this resolution the Manager explained that this balance is being canceled on the request of the auditor’s. Any funds balances left from a project must be cancelled.

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

RESOLUTION #167-2004

A RESOLUTION CANCELING CERTAIN APPROPRIATION BALANCES TO CAPITAL FUND SURPLUS.

WHEREAS, certain general capital improvement appropriation balances remain dedicated to projects now completed or have excess unexpended balances available beyond those necessary to complete the projects; and

WHEREAS, it is necessary and desirable to formally cancel said balances so that the unexpended balances may be returned to each respective Capital Improvement Fund Account or credited to surplus and unused debt authorization may be canceled; and

WHEREAS, the Borough Manager certified that there were no further need for the funds in the project accounts or that excess balances exist beyond what will be necessary to complete the remaining work.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the following unexpended and dedicated balances of General Capital Appropriations be canceled:

Ord. No.	Date Authorized	Project Description	Amount Canceled	
			Funded	Unfunded
10-2002	6/02	2002 Pick-up Truck		\$ 1,456.00

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

Ayes: 7, Nays: 0.
Motion carried.

Resolutions #168 thru #170 and #172-2004 thru #177

The following Resolutions were moved by Housel, seconded by Bertoline and adopted:

RESOLUTION #168-2004

A RESOLUTION TO AUTHORIZE THE BOROUGH MANAGER TO FILE BENEFIT OPTION ELECTION REQUEST FORM FOR THE FIRE DEPARTMENT AND POLICE DEPARTMENT.

WHEREAS, the Borough of Washington Fire Department and the Borough of Washington Police Department were named as beneficiaries in an annuity policy with the Hartford Life Insurance Companies for Dorothy Bohne; and

WHEREAS, upon the demise of Dorothy Bohne, the Hartford Life Insurance Companies submitted a Benefit Option Election Request Form to both the Police and Fire Department for processing; and

WHEREAS, the Borough desires to have the proceeds of the annuity policy paid in the lump sum; and

WHEREAS, Hartford Life Insurance Companies have requested proof of authority to sign the Benefit Option Election Request Form from the Borough; and

WHEREAS, the governing body of the Borough of Washington has determined that authorizing the Borough Manager to file these forms on behalf of the Washington Borough Police Department and Washington Borough Fire Department is in the public interest.

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 Borough Manager, Alan M. Fisher is hereby authorized to sign the Hartford Life Insurance Companies Benefit Option Election Request Forms on behalf of the Borough of Washington for its Police and Fire Departments.

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

Ayes: 7, Nays: 0.
Motion carried.

RESOLUTION #169-2004

**RESOLUTION TO CLOSE AN ESCROW ACCOUNT FOR STREET
OPENING PERMIT FOR THE PURPOSE OF
REPLACING A SIDEWALK AT 23. S. JACKSON AVENUE,
BLOCK 81, LOT 4 IN WASHINGTON BOROUGH,
WARREN COUNTY, NJ**

WHEREAS, Scott O'Rourke did apply to the Borough of Washington for a Street Opening Permit to replace sidewalks on his property located at 23 S. Jackson Avenue, Block 81, Lot 4 on the Washington Borough Tax Map; and

WHEREAS, the Borough requires the filing of a surety bond or cash bond in the amount of \$ 1,000.00 to be filed with the Clerk and deposited with the Borough Treasurer; and

WHEREAS, Robert Miller, C.M.E., Borough Engineer has notified the Clerk that the work has been completed in satisfactory condition and that the cash bond can be released.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, that the Treasurer be authorized to refund Scott O'Rourke, 23 S. Jackson Avenue, Washington, NJ the amount of \$ 1,000.00 drawn on the Street Opening Security Escrow Account at Commerce Bank, Account #7200020864.

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

Ayes: 7, Nays: 0.
Motion carried.

RESOLUTION #170-2004

**RESOLUTION TO CLOSE AN ESCROW ACOCUNT FOR
STREET OPENING PERMIT FOR THE PURPOSE OF
INSTALLING A DRIVEWAY FOR A NEW HOME
AT 10 MARBLE STREET, BLOCK 100, LOT 43.01
IN WASHINGTON BOROUGH, WARREN COUNTY, NJ.**

WHEREAS, Dan Wirasnik did apply to the Borough of Washington for a Street Opening Permit to construct a driveway to accommodate a new home he constructed located at 10 Marble Street, Blk. 100, Lot 43.01 on the Washington Borough Tax Map; and

WHEREAS, the Borough requires the filing of a surety bond or cash bond in the amount of \$ 1,000.00 to be filed with the Clerk and deposited with the Borough Treasurer; and

WHEREAS, Robert Miller, C.M.E., Borough Engineer has notified the Clerk that the work has been completed in a satisfactory manner and that the cash bond can be released.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, that the Treasurer be authorized to refund Dan Wirasnik, 263 Rocky Run Rd., Glen Gardner, NJ 08826 the amount of \$ 1,000.00 drawn on the Street Opening Security Escrow Account at Commerce Bank, Account #7200020864.

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

Ayes: 7, Nays: 0.
Motion carried.

RESOLUTION #172-2004

A RESOLUTION TO REQUEST THE ESTABLISHMENT OF AN ON-STREET HANDICAPPED PARKING SPACE ON STATE ROUTE 57 IN WASHINGTON BOROUGH, WARREN COUNTY.

WHEREAS, the Mayor and Council have been petitioned by a resident to provide an on-street handicapped parking space on Route #57 (East Washington Avenue) on the north side between Belvidere Avenue and the North Central Parking Plaza by the Washington Antique Store; and

WHEREAS, the Borough has a medical equipment supply company located within its central business district on the north side of Route #57 east of Belvidere Avenue; and

WHEREAS, there appears to be a need for an on-street handicapped parking space on the north side of Route #57 in the vicinity of Belvidere Avenue; and

WHEREAS, the Mayor and Council find that the establishment of an on-street handicapped parking space along East Washington Avenue (Route #57) in the central business district would be a tremendous help to handicapped individuals.

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 Commissioner of the New Jersey Department of Transportation is hereby requested to establish an on-street handicapped parking space on the north side of State Route #57 (East Washington Avenue) somewhere east of Belvidere Avenue and west of the North Central Parking Plaza adjacent to the Washington Antique Store (formerly Washington Hardware Store).

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

Ayes: 7, Nays: 0.
Motion carried.

RESOLUTION #173-2004

A RESOLUTION TO SUPPORT ASSEMBLY BILL #2711 AUTHORIZING PROPERTY TAX DEFERMENT FOR DEPLOYED MILITARY PERSONNEL.

WHEREAS, Assemblyman Anthony Chiappone sponsored Assembly Bill #2711 to allow N.J. residents enlisted in any branch of the U.S. Armed Forces to qualify for the deferment of any property tax amount that becomes due during the period of deployment for active duty in time of war; and

WHEREAS, the State of New Jersey would pay the property taxes owing to the municipalities during the time of deployment in the same manner as is currently done for the veteran's property tax deduction; and

WHEREAS, a grace period would end 90 days after the end of deployment and no interest would accrue until after the first day following the grace period; and

WHEREAS, this bill will provide comfort and support to residents called to serve our nation in of conflict; and

WHEREAS, the governing body of the Borough of Washington desires to express its support for this bill and any companion bill in the State Senate.

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 our support for Assemblyman Anthony Chiappone sponsored Assembly Bill #2711 is hereby expressed and confirmed; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution of support be submitted to our local legislative delegation by the Municipal Clerk in an effort to encourage our legislative delegation to support this legislative initiative for a truly worthy and noble cause.

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

Ayes: 7, Nays: 0.
Motion carried.

RESOLUTION #174-2004

**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>
101.01/14	Morales, Jose 46 Lenape Trail	\$ 86.00

The former owner made an overpayment during the closing procedures on the above property location. A refund of \$ 886.00 should be mailed to:

Jose L. Morales
P.O. Box 48
Edison, NJ 08818

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, McDonald, Housel, Giaimis, Bertoline and Glaser.

Ayes: 7, Nays: 0. Motion carried.

RESOLUTION #175-2004

**A RESOLUTION AUTHORIZING THE ADJUSTMENT OF
A BOROUGH'S SEWER SERVICE CHARGE
DUE TO FIRE DAMAGED PROPERTY.**

WHEREAS, according to the Treasurer's records, a borough property was subject to fire damage on July 13, 2003. As a result of the extensive damage, the house was demolished and;

WHEREAS, the monthly sewer invoice was being billed without interruption, to the damaged property; and

WHEREAS, the Borough Treasurer's office has received a written request from the property owner to end his sewer service charges from the time of the fire damage.

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 adjust the sewer account #10556000 with a balance that reflects the amount due on the July 2003 invoice.

<u>BLOCK/LOT</u>	<u>PROPERTY OWNER/ PROPERTY LOCATION</u>	<u>FINAL BALANCE BEFORE FIRE</u>
18.01/2	Orlofski, Keith C. 229 Belvidere Ave.	\$ 190.99

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 adjust sewer balance on the above property location.

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

Ayes: 7, Nays: 0.
Motion carried.

RESOLUTION #176-2004

A RESOLUTION TO VOID A CHECK

WHEREAS, Check #045561 was written August 18, 2004 on Washington Borough's Operating Fund #8102360230 in the amount of \$ 352.01 and payable to Smith Tractor & Equipment Company, P.O, Box 310, Washington, NJ 07882; and

WHEREAS, the Treasurer's office was informed that the invoice from this vendor was already paid. A replacement check is not necessary.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington that the Treasurer be authorized to void Check #045561.

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

Ayes: 7, Nays: 0.
Motion carried.

Resolution #177-2004 – Intent to Award Contract – Phase II Sewer Project

Prior to entertaining a motion to approve the award of this contract the Manager advised that this resolution should be adopted, conditioned upon the final review of the contract by the attorney.

Councilwoman Bertoline thought that Council normally saw the bids? Manager Fisher did have the bid tabulation sheet and there were five (5) bids received. He read the bid amounts to Council of all five bids. Dulaine Contracting, Inc. was the lowest responsible bidder at a bid price of \$ 1,239,307.51.

Councilwoman Bertoline asked whether the bid references were checked out prior to the award. Manager Fisher explained that the checking of references is the responsibility of the engineer.

Hearing no further discussion, it was moved by Housel, seconded by McDonald that the following resolution be adopted and conditioned upon final approval pending the attorney's review of the contract:

RESOLUTION #177-2004

**A RESOLUTION OF INTENT TO AWARD CONTRCT FOR PHASE II –
SANITARY SEWER REHABILITATION/EXTRANEIOUS FLOW
REDUCTION PROJECT AND AUTHORIZING THE PREPARATION OF
A CONDITIONS AND ASSURANCES PACKAGE FOR SUBMITTAL TO
THE N.J. DEPARTMENT OF ENVIRONMENTAL PROTECTION AND
THE N.J. ENVIRONMENTAL INFRASTRUCTURE TRUST.**

WHEREAS, the Borough of Washington has secured funding from the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust for Phase II – Sanitary Sewer Rehabilitation/Extraneous Flow Reduction Project; and

WHEREAS, on Monday, August 30, 2004, the Borough of Washington received bids after advertising of a Notice to Bidders for the Phase II – Sanitary Sewer Rehabilitation/Extraneous Flow Reduction Project; and

WHEREAS, bids were received from bidders as shown by the report of bids prepared by Schoor DePalma Engineers and Consultants; and

WHEREAS, Schoor DePalma Engineers and Consultants, the Borough's Sanitary Sewer Consulting Engineers and Gebhardt & Kiefer, the Borough's Municipal Attorney, have recommended the award to Dulaine Contracting, Inc. of Bridgewater, New Jersey based on the lowest responsible bid submitted for the unit prices contained therein in the amount of \$ 1,239,307.51; and

WHEREAS, funds are available for this purpose from the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust.

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:

1. The Borough of Washington intends to accept the bid of Dulaine Contracting, Inc. for the Borough of Washington Phase II – Sanitary Sewer Rehabilitation/Extraneous Flow Reduction Project, provided this approval to accept the bid is granted by the New Jersey Department of Environmental Protection.

2. Schoor DePalma Engineers and Consultants is hereby authorized and directed to prepare a Conditions and Assurances Package for submittal to the New Jersey Department of Environmental Protection for the purposes of obtaining approval to award the contract for Phase II – Sanitary Sewer Rehabilitation/Extraneous Flow Project.
2. The Mayor and Borough Clerk be and hereby are authorized and directed to execute a Contract with Dulaine Contracting, Inc. for the Phase II – Sanitary Sewer Rehabilitation/Extraneous Flow Reduction Project provided that approval to ward the Contract is granted by the New Jersey Department of Environmental Protection.

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

Ayes: 7, Nays: 0.
Motion carried.

To consider responses to Patriot Consultant's Request for Guidance on Manager Candidate Review Process

Mayor Van Deursen reported that she and Councilman McDonald had met on Thursday to discuss a disclosure statement that she felt should be sent to all of the applicants outlining the decision leading up to terminating the services of the Manager. She felt that in all fairness to the applicant they should know the circumstances by which the Manager is leaving the Borough's employ. They also discussed the screening process and established guidelines as to how the interviews will take place and how many should be interviewed. All the applications will be mailed to them. Mayor Van Deursen also planned to appoint a sub-committee to review and screen the applications.

Councilman McDonald commented on the disclosure statement that he and the Mayor reviewed and he wasn't absolutely sure to a point that it was totally necessary. He felt that it was the Council's decision as to whether this disclosure statement should be approved?

Councilman Giaimis commented on the disclosure statement noted that he had reviewed the disclosure statement and did not see a problem with it. There was one minor change he wanted to see done in the fourth paragraph in the first sentence. He wanted the word "the" changed to "a". The Mayor did not have a problem with that change.

Councilman Bertoline did not feel that this disclosure statement was necessary.

It was therefore moved by Glaser, seconded by Giaimis that the disclosure statement be approved with the change in the word "the" to be "a" in the fourth paragraph, first sentence and that this disclosure statement be sent to all of the applicants.

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

Motion carried.

Mayor Van Deursen appointed Councilwoman Glaser, Councilman McDonald to serve on the committee with her.

Councilwoman Bertoline took exception to the majority of the committee being composed of people who did not want to replace the Manager. She did not feel that they would be objective.

Mayor Van Deursen noted that the Mayor always serves on sub-committees. Councilman McDonald has been involved with the process of replacement of the Manager with Patriot from the date of hire. Councilwoman Glaser will a lot of expertise to the sub-committee in her capacity for the finance background area which is important. The majority of Council members left will not be serving on Council next year.

Councilwoman Bertoline alleged that the Mayor and Councilwoman Glaser might not choose the best qualified candidates for Council to interview.

Mayor Van Deursen took exception to this statement and noted that they will be looking for the best qualified candidates and would do what is in the best interest of this community. She was extremely offended by Councilwoman Bertoline's allegations.

Councilman Bertoline noted that she was sorry that that the Mayor felt her concerns were not well intended. They were not meant to offend the Mayor but were concerns she had. The majority of this committee does not want to replace the Manager. She stated that she had a fear that someone who would be well qualified for the job would be eliminated.

Mayor Van Deursen indicated that the committee should basically be composed of those that would be serving under the new Manager.

Councilwoman Bertoline noted that if the Mayor were thinking of the best interest of the community the money would have been funded for a new Manager.

Councilman Housel asked how many applicants they would choose?. Approximately twenty (20+) applicants have applied. They will narrow it down to three (3) candidates that will be interviewed by the Council.

Council Remarks:

Mayor Van Deursen entertained remarks from the Council.

Councilman Giaimis reported what has transpired since he was appointed to the Charitable Trust Committee. Five applications were submitted and everyone was approved for funding. There is not a lot of interest at present. He will keep Council informed.

Councilman Housel noted that there is a lot of interesting things happening in the Borough. He commended the Recreation Commission for a successful season and wanted to know how much he appreciated all of their volunteers. I think it is time for the Borough residents to sit up and take an interest in what's happening in our community.

Councilwoman Glaser had no remarks.

Councilman McDonald had no remarks.

Councilwoman Bertoline thanked the Recreation Commission for a very successful season.

Councilman Doty also wanted to thanked the Recreation Commission for their hard work.

Mayor Van Deursen noted that Washington Borough is changing in a positive way. A former co-worker and friend from Hunterdon County who passes through our community is noticing that Washington is changing. Jim Sheldon is to be commended for making this change come about. She also wanted the Recreation Commission to know what a great year she experienced at the pool this year. Everyone is to be commended, particularly the staff who worked so hard.

Councilman Giaimis noted that the Park Director was there at the park every weekend. He was truly a working partner with the staff. He is to be commended for a great job.

Executive Session

It was moved by McDonald, seconded by Bertoline that the Council go into Executive Session to discuss personnel matters, P.B.A. Contract negotiations and land acquisition.

Ayes: 7, Nays: 0.
Motion carried.

It was moved by Bertoline, seconded by Glaser that the Council go out of Executive Session back into open session at 10:20 PM.

Ayes: 7, Nays: 0.
Motion carried.

Hearing no further business to come before the Council, it was moved by Glaser, seconded by Housel that the meeting be adjourned at 10:20 PM.

Ayes: 7, Nays: 0.
Motion carried.

Marianne Van Deursen, Mayor

Linda L. Hendershot, RMC/CMC
Borough Clerk