

MINUTES OF REGULAR MEETING HELD SEPTEMBER 21, 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: Doty, Van Deursen, McDonald, Glaser, Bertoline, Giaimis and Housel (Arrived at 8:10 PM) – Present: 7.

Absent: Richard P. Cushing, Esq., Municipal Attorney

Also Present: Alan M. Fisher, Borough Manager
Judith Kopen, Esq., filling in for R. Cushing, Esq.
Robert Miller, C.M.E., Borough Engineer
Linda L. Hendershot, RMC/CMC, Borough Clerk

The Flag Salute was led by the Mayor

The following Statement was entered into the Record:

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

COUNCIL APPEARANCE:

Kevin Shoudt, Project Manager and Dave Buchanan

Dave Buchanan spoke briefly to the Council and introduced Kevin Shoudt, Project Manager who took over the management of the plant in May. The plant is running very well. Mr. Buchanan extended a note of thanks to Mr. Fisher who has been extremely helpful in assisting the staff at the treatment plant.

Kevin Shoudt attested also that the plant is running very well and also particularly with the 5” inches of rain the Borough sustained. The plant ran very smoothly and recovered very well with the large amount of flow into the plant during this peak time.

Mr. Shoudt noted that they are beginning to do preventative maintenance to their equipment for cleaning and replacement of seals on the clarifiers. They are also working on a new permit with the Manager coming due in October. The plant has also has the honor of working for a period of six years with no lost time or any substantial injuries to the employees.

On behalf of the Council the Mayor thanked the staff at the treatment plant for the great job they are doing for the Borough.

MINUTES:

Regular Meeting – September 7, 2004

Mayor Van Deursen entertained additions or corrections to the minutes of the regular meeting held September 7, 2004.

Councilwoman Bertoline pointed out an error in the roll call on Page 3, it should have been 6 instead of 4. On Page 8, Councilwoman Bertoline wanted paragraph 6 removed from the record. Also Mr. Winters stated that there wasn’t any signs on Harding Drive for thirty years. On Page 17, second paragraph the word “would” should be changed to “might”.

Hearing no further corrections, it was moved by McDonald, seconded by Giaimis that the minutes of the regular meeting be approved with the corrections noted.

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

Ayes: 7, Nays: 0. – Motion carried.

COMMUNICATIONS:

The following communications were entered into the Record:

- 1) NJ Transit – Community Shuttle Program;
- 2) NJ League of Municipalities RE: Governor Signs Civil Rights Act;
- 3) JCP & Light Company RE: Petition for Rate Increases;
- 4) NJ Clean Water Council – 2004 Public Hearing;
- 5) NJ Environmental Federation RE: Habitat Protection;
- 6) Mr. Robert Raymond RE: Yard Sale Violation;
- 7) NJ State League RE: A-2923 Property Tax Exemption Relief;
- 8) COAH Seminar – 9-30-04 – Wayne Dumont Administration Building; and
- 9) NJ State League RE: CAPS

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 thru #9 be acknowledged, received and filed.

Discussion: Councilwoman Bertoline had a question with regard to the community shuttle program and whether the shuttle could also be scheduled to go down Rt. 31. Councilman McDonald noted that the County was the agency responsible for scheduling the shuttle routes.

Councilwoman Bertoline also addressed Item #5 dealing with habitat protection of endangered species and whether we should be participating in this program. Manager Fisher noted that there is no official documentation of this at present. If we have something that should be protected we could do so.

Councilman Doty suggested that more documentation on this subject should be provided to the Council for the next meeting if possible.

Councilwoman Bertoline also took note of Mr. Raymond's letter, Item #6. It was noted that Mr. Raymond was present and this item would be discussed during the audience portion of the meeting.

Roll Call Vote on Communications: Ayes: 7, Nays: 0.
Motion carried.

AUDIENCE:

Mayor Van Deursen entertained comments from the audience on items that were not part of the meeting agenda. She asked that the audience limit their comments to two or three minutes if possible because they had a lot business to discuss this evening and cover. She asked that everyone be respectful and give everyone the opportunity to be heard. Councilman McDonald had to be excused from the meeting at 10:30 PM to go to work.

Mr. Robert Raymond, 15 Grand Avenue discussed the communication forwarded to the governing body regarding his receipt of a summons for posting a yard sign on the corner of Grand and Rt. 57. He felt that the whole situation could have been handled in a more diplomatic way and with more consideration. It was insulting to receive a summons in the mail. He lost a days work to appear in court. He did not feel the entire matter was handled properly. He is a municipal employee in Bernards Township and is familiar with the internal workings of government. Employees in his township don't go out and patrol the neighborhood. They have more important things to worry about in running a municipality.

Manager Fisher explained that warnings are posted on the permit and the staff also remind the resident when they give them the permit of the penalties that will be imposed if signs are posted anywhere but on your own property. The sign was very large and the Code Enforcement Officer had probable cause. There was sufficient warning on the permit received.

Councilwoman Bertoline asked what hours the Code Enforcement Official should be working. Manager Fisher noted that his position warrants a 35 hour work week and documentation of his time sheets are available in the office. She stated that the fine for a yard sale can go as high as \$ 500.00, yet obstructing someone from going to an emergency call only carries a fine of \$ 75.00. Our fines seem to be inconsistent and should be looked at. Councilwoman Bertoline felt that there should be a warning for first time offenders.

Manager Fisher noted that if the Council wishes they can repeal this law or any portion thereof.

Bob Cammarota, 47 Alvin Sloan Avenue addressed his questions to the engineer and alleged that Mr. Miller has never returned any of his calls or spoke to him. He never received a letter regarding the drainage problem that exists on his property.

The engineer noted that he does not send letters to each individual property owner. All of the deficiencies were addressed in a letter to Centex Homes. He does not copy individual property owners.

Council discussion followed and several alternatives were discussed. Another meeting was suggested by Councilman Housel with the developer between the Manager, attorney, engineer and developer. The holding back of CO's was suggested by Councilman Doty in addition to fines daily.

Councilwoman Glaser questioned the engineer if he knew where we stood with regard to the items on the punch list. Mr. Miller indicated that some of the items have been resolved and some need to be completed.

Council discussed a time frame in which all of the items should be completed. Forty-five days seemed to be a reasonable time frame for completion of the items on the punch list still outstanding.

It was therefore moved by Glaser, seconded by Bertoline that the attorney be authorized to send a letter to Centex Homes instructing them to complete all work outstanding on the punch list within a forty-five (45) time frame, the forty-five days beginning upon the date of the letter or proper steps would be sought to seek reimbursement from the performance bond.

Discussion: Councilman Housel did not agree with threatening them with the filing for restitution through the Performance Bond.

Mr. Cammarota asked the question if it was safe to say that there is a problem with the drainage issue on his property. He asked if he could have another re-inspection of his property. The engineer agreed.

Roll Call: McDonald, Bertoline, Doty, Van Deursen, Glaser, Housel and
Giannis. Ayes: 7, Nays: 0. – Motion carried.

Rudy Bescherer, Code Enforcement Officer wanted to know what the status was in regard to the complaint he filed against Councilman Giannis? What is Council's action with regard to this complaint? Mayor Van Deursen stated that based on the attorney's recommendation this matter should be discussed in Executive Session. Mr. Bescherer stated that he did not want to wait until the end of this meeting. Given the number of items of the agenda and the fact that Councilman McDonald had to leave at 10:30 PM the attorney stated that the Mayor is entitled to follow the agenda and that this matter would be handled at the end of the meeting in executive session.

Keith Gonzales, Emergency Management Co-Ordinator updated the Council and the events of this past weekend. He was out of town but Cef Garcia, Deputy Emergency Co-Ordinator was on top of everything. Based on the damages to this area we do not qualify for any federal aid. If any residents do contact the Borough offices or Council you can refer them to their office for assistance.

Sharon Wescoe, 22 Sunrise Terrace addressed the Sunrise Terrace road project on behalf of the residents in her neighborhood. Her questions were directed to the engineer. She questioned the fact that there is only one catch basin between Elizabeth and Pickel Avenue for a distance of 500' and several catch basins on Myrtle Avenue which is only 254'. Mr. Miller explained the factors and engineering technology that is used in determining where catch basins are located and assured Mrs. Wescoe that the project was designed properly. She also voiced her criticism in deference to the comments made by the Manager and the Mayor in the Planning Board minutes on the number of people who were opposed to sidewalks being constructed in their neighborhood on Sunrise Terrace. She also stated that they were all of the understanding that they would be notified when this project was going to be considered for discussion.

Manager Fisher outlined what took place at the Planning Board. Plans will be submitted to the Borough Council for final consideration and they can be changed if they so desire. Mayor Van Deursen apologized to the residents if they were not properly noticed and assured them that it was a misunderstanding.

Mrs. Elizabeth Dowd, 19 Sunrise Terrace noted that when they were in attendance at the June Council meeting they were given to understand they would be notified when it would be discussed.

Councilwoman Bertoline asked a procedural question with the regard to the residents concerns? Manager Fisher reviewed the minutes of that particular meeting and the residents who were at that meeting were directed to attend the Planning Board meeting to voice their concerns. He did not recall that notices were to be sent out. Councilwoman Bertoline was concerned with the process and the fact that it was not followed through with.

Robert Mayer, 353 N. Prospect Street asked the questions as to when the N. Prospect Street project would be finished. Councilman Doty indicated that the trees have been ordered.

Manager Fisher noted that the project was re-bid for September 1st and no bids were received. This project will be discussed later on during tonight's meeting to discuss alternatives and re-bidding the project again.

Councilwoman Bertoline questioned why we could not do a state contract for this project? She also suggested that the Road Department could be authorized to do the work.

The Manager noted that there is some deficiencies that the Road Department would not be equipped to do. There is curbing and sidewalks as well to be corrected in addition to the landscaping. Mayor Van Deursen noted that we have to be concerned with the safety issues regarding this project. It will be discussed later on during this meeting.

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

ORDINANCES:

Ordinance #15-2004 – Bond Ordinance Providing Funding for Borough Swimming Pool (Final Passage)

An ordinance providing the funding through bonds for the Borough Swimming Pool was introduced by Councilman Housel.

It was moved by Housel, seconded by Glaser that the Clerk read Ordinance #15-2004 by title only.

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

The Clerk read Ordinance #15-2004 by title only and stated that this ordinance had been published in the Star Gazette as required by law, a copy was posted on the bulletin board and copies were available upon request in the Clerk's office.

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

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

Ayes: 7, Nays: 0.
Motion carried.

Council Discussion:

Councilwoman Bertoline urged Council not to consider the passage of this ordinance at this time. She stated that this is not a grant it is a loan. There are much more quality of life issues that need to be addressed before we upgrade the swimming pool.

Hearing no further Council remarks, it was moved by Housel, seconded by Glaser that Ordinance #15-2004 be adopted on final passage and that final publication be made as required by law.

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

Motion carried.

ORDINANCE #15-2004

**BOND ORDINANCE PROVIDING FOR IMPROVEMENT
OF THE MUNICIPAL SWIMMING POOL IN AND BY THE
BOROUGH OF WASHINGTON, IN THE COUNTY OF
WARREN, NEW JERSEY, APPROPRIATING \$ 283,200
THEREFORE AND AUTHORIZING THE ISSUANCE OF
\$283,200 BONDS OR NOTES OF THE BOROUGH FOR
FINANCING SUCH APPROPRIATION.**

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

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized as a general improvement to be made or acquired by the Borough of Washington, New Jersey. For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of \$ 283,200, said sum being inclusive of all appropriations heretofore made therefor.

Section 2. For the financing of said improvement or purpose and to meet the said \$ 283,200 appropriation, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$ 283,200 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Borough in a principal amount not exceeding \$ 283,200 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. (a) The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is the improvement of the Municipal Swimming Pool located at 99 Route 31 South in and by the Borough, including the renovation of the swimming pool and the bathhouse, the removal of the wading pool and the construction of a general-purpose water activity area that will be separate from the competitive swimming lanes, and the installation of lighting, a pool heater, a water slide, an in-water bench and a zero-depth entry area, together with all deck area renovations, excavation, grading, fencing, electrical systems, structures, site work, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved.

(b) The estimated maximum amount of bonds or notes to be issued for said purpose if \$ 83,200.

(c) The estimated cost of said purpose is \$ 283,200.

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

- (a) The said purpose described in Section 3 of this bond ordinance is not a current expense and is a property or improvement which the Borough may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.
- (b) The period of usefulness of said purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is fifteen (15) years.
- (c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$ 283,200, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.
- (d) An aggregate amount not exceeding \$ 20,000 for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of said Local Bond Law may be included as part of the costs of said improvement and is included in the foregoing estimate thereof.

- (e) This bond ordinance authorized obligations of the Borough solely for purposes described in paragraph (d) of section 40A:2-7 of said Local Bond Law; and said purposes are in the public interest and are for the health, welfare, convenience or betterment of the inhabitants of the Borough and the amount to be expended for said purposes pursuant to this bond ordinance are not unreasonable or exorbitant and the issuance of the said obligations authorized by this bond ordinance will not materially impair the credit of the Borough or substantially reduce its ability to pay punctually the principal of and interest on its debt and supply other essential public improvements and services, and the Local Finance Board in the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey has heretofore made a determination to this effect and caused its consent to be endorsed upon a certified copy of this bond ordinance as passed on first reading.

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

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

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

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

Ordinance #17-2004 – Amending Chapter 42 – Fire Prevention (First Reading)\

An ordinance amending Chapter 42 of the Code – Fire Prevention was introduced by Councilman Housel.

It was moved by Housel, seconded by McDonald that the Clerk read Ordinance #17-2004 by title only.

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

Ayes: 7, Nays: 0.
Motion carried.

The Clerk read Ordinance #17-2004 entitled, “AN ORDINANCE TO AMEND CHAPTER 42 OF THE CODE OF THE BOROUGH OF WASHINGTON KNOWN AS THE FIRE PREVENTION CODE OF WASHINGTON BOROUGH.”

Council Discussion: Councilwoman Bertoline asked whether the changes were mandated by State Law? The Manager indicated “yes”. However, Councilwoman Bertoline did not agree with increasing the fees; they should be left alone. She questioned Section (c) dealing with the cost of the re-inspection fees? This increase came upon the recommendation of the Fire Official and Fire Prevention Officer. The fees are being increased to recoup the administrative costs. Control measures and whose responsibility for the fees were discussed. Control measures should be specified in the ordinance.

The attorney questioned what possible remedies should be in this ordinance? Is there is something Councilwoman Bertoline wants to suggest? Attorney Kopen didn't know what she looking for?

Councilman Housel stated that the remedies are already in place in the ordinance. A suggestion was made that Section (c) could include the word “scheduled” visit to the property are the fee section to assure control measures for inspections.

Councilman Giamaais did not see a problem with the ordinance but he did not agree on increasing the fines.

Hearing no further discussion, it was moved by Housel, seconded by Glaser that the ordinance be approved on first reading.

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

Motion carried.

It was further moved by McDonald, seconded by Housel that the ordinance be published in the Star Gazette on September 30, 2004 and that the public hearing be scheduled for October 19, 2004.

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

Motion carried.

Ordinance #18-2004 – Regulating Statutory Authority of United Telephone Company of NJ, Inc. to utilize public roads in the Borough (First Reading)

An Ordinance authorizing of United Telephone Company of NJ to utilize public roads in the Borough was introduced by Councilman McDonald.

It was moved by McDonald, seconded by Housel that the Clerk read Ordinance #18-2004 by title only.

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

Ayes: 7, Nays: 0.

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The Clerk read Ordinance #18-2004 entitled, “AN ORDINANCE REGULATING THE STATUTORY AUTHORITY OF UNITED TELEPHONE COMPANY OF NEW JERSEY, INC., IT SUCCESSORS AND ASSIGNS TO USE THE VARIOUS PUBLIC ROADS, STREETS OR HIGHWAYS IN THE BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY FOR ITS LOCAL AND THROUGH LINES AND OTHER COMMUNICATIONS FACILITIES AND PRESCRIBING THE CONDITIONS THEREOF.”

Council Discussion: Councilwoman Bertoline questioned why the Borough must give consent for fifty (50) years? The Manager noted that this is standard in the law as written.

Hearing no further remarks from the Council, it was moved by Glaser, seconded by Housel that Ordinance #18-2004 be approved on first reading.

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

Ayes: 7, Nays: 0.
Motion carried.

It was further moved by Housel, seconded by Glaser that Ordinance #18-2004 be published in the Star Gazette on September 30, 2004 and that the public hearing be scheduled for October 19, 2004.

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

Ayes: 7, Nays: 0.
Motion carried.

REPORTS:

It was moved by McDonald, seconded by Glaser that the Building Permits, Police, Recreation Commission, Borough Manager's, Collector-Treasurer's, and Borough Engineer's reports be accepted as presented and filed.

Discussion: Councilwoman Bertoline had some questions on the Treasurer's report with respect to the transfers? She questioned any transfers being done prior to November. Councilwoman Glaser explained that these were inter-fund transfers between the bank accounts that the Treasurer by law can do.

Councilwoman Bertoline also had questions on the Manager's report with respect to the Firemen's Parking Lot and the school's involvement with Superintendent Lance Rosza? This will be a joint project with the school's funds being involved for the construction of additional parking which will be utilized by both the school staff and Borough staff. There will have to be some guidelines and rules set forth in the use of this lot which will benefit everyone. The pavilion status was discussed. The contractor has made promises to complete it on behalf of the Kiwanis and nothing has been done to move this project along to date. The Kiwanis Club will be taking some further action.

Ayes: 7, Nays: 0.
Motion carried.

VOUCHERS:

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

Councilwoman Bertoline had some questions. She questioned the double fees being paid to the League for Registration fees. Also, Page 2, the affidavit charge for a block party and Page 11, the \$ 15,000.00 rental charge for equipment in conjunction with the new garage.

She also had a question on Page 14 dealing with the interest on the sewer bonds. This payment is twice a year and seems high. She questioned whether it would be prudent to go out for refinancing. Councilwoman Glaser explained the mechanics of why this issue cannot be refinanced.

Manager Fisher indicated that he would evaluate the situation with the rental of equipment being done by the Road Department very carefully. Eighty (80%) percent of the work has already been completed. The Block Party affidavit is something the Manager deals with residents who want to block off their street for a neighborhood block party. The publication is a necessity built into the ordinance and regulations for same. The League charge will be verified before payment is made.

Councilman Giaimis indicated for the record that he will be reimbursing the Borough for all expenses in conjunction with the League Convention that the Borough has paid on his behalf in advance.

Hearing no further questions, it was moved by Housel, seconded by Glaser that the vouchers and claims be paid in the amount of \$ 485,631.47 as reflected in the debit/credit memorandum on file in the Collector-Treasurer's office.

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

Ayes: 7, Nays: 0.
Motion carried.

OLD BUSINESS:

Resolution #171-2004 – To Return Grant funds to the State of NJ from the Domestic Violence Training Grant

Chief Cortellesi was present to advise as to why this grant money was being returned. The County Prosecutor's offered a video-taped course for his officers at no cost to the Borough, therefore the grant money must be returned.

It was therefore moved by Housel, seconded by Glaser that the following Resolution be adopted:

RESOLUTION #171-2004

A RESOLUTION TO RETURN GRANT FUNDS TO THE STATE OF NEW JERSEY FROM THE DOMESTIC VIOLENCE TRAINING GRANT.

WHEREAS, the Borough of Washington Police Department applied for grant funding for a Domestic Violence Training Grant in 2002; and

WHEREAS, the State of New Jersey awarded grant funding in 2003 and the Borough received \$ 3,580.88 in grant award; and

WHEREAS, due to manpower needs at the time the Borough was unable to fulfill the grant requirements as outlined in the grant; and

WHEREAS the funds received by the Borough can only be used for the purposes outlined in the grant application; and

WHEREAS, the Mayor and Council have determined it to be in the best interest of the Borough to return the grant proceeds to the State of New Jersey.

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 hereby directed to return the funds received by the Borough of Washington in 2003 under the Domestic Violence Training Grant to the State of New Jersey.

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

Discussion of Parking Restrictions on Harding Drive, Valley View Terrace, Presidential Drive and portions of Sunrise Terrace (See Engineer's report – Police Department Memo and Memo to Fire Department and Emergency Squad

Reports were received from the Borough Engineer and the Police Chief regarding the "No Parking" issue on the above captioned streets. The engineer reviewed this report with Council and recommended that all of these streets be signed for parking on one side of the street. It can be either side. If approved by Council he will prepare a signage plan for location of the "No Parking" signs along these street. The Police Department report indicated that all streets proposed are very narrow and if parking would be allowed on both sides it definitely would create a bottleneck for traffic. However, it would not cause a substantial traffic problem nor would it prevent the police from responding to calls. The Police Chief is recommending that the Council pursue getting a report from both the Fire Department and Emergency Squad with respect to this issue.

It was pointed out that if you want the ordinance to be legal and binding you must have certification from the Borough Engineer.

Councilwoman Bertoline questioned whether these streets were certified by the engineer?

Mr. Miller did not know because some of the sections in the Vehicle and Traffic Code were adopted many years ago. They may have had to be approved by the DOT at that time.

Councilwoman Bertoline questioned when signs are absent do we have to act? Manager Fisher noted that the Police Department cannot enforce the ordinance without the proper signage.

Councilwoman Bertoline also questioned if we have an obligations to act if a resident brings something to our attention? If someone bring something to Council's attention the governing body has to decide what they can do. The Manager noted that you have an existing ordinances in the code which you have to deal with.

Mayor Van Deursen entertained remarks from the audience.

Tom Mason, Harding Drive was here because Mr. Winter's was unable to attend. He has lived in this area for a long time and it was demonstrated that it has been thirty years that they have lived with no signs and no real restriction in parking. He recommended that the signs be taken down. If it is going to happen on their streets that signs be erected and they'd better do the whole town as what is required in the Code.

Susan Wescoe, 22 Sunrise Street stated that it appears selective enforcement is being done. You must sign all the streets in the ordinance. There is some streets in the ordinance that encompass streets where members of Council live and they are not signed. Council agreed that signs should be placed in areas currently missing proper regulatory signs.

Councilman Housel cited the legal repercussions and that fact that any changes made can only be done by way of a certification from the Borough Engineer. He stated that we either eliminate enforcement overall and the ordinances would have to be repealed.

Councilwoman Glaser stated that Council does realize that there is a lot of streets that do not have signs. She stated that we need to sign all of our streets that are in our ordinance.

Councilman Housel agreed, all or none.

Councilman Giaimis stated the same, all or none. He also stated that there needs to be some type of outreach to the community so that they know the signs are being placed and the ordinance enforced.

Councilman McDonald also acknowledged that all streets should be signed and notification needs to be done. He suggested perhaps the signs could be placed at the end of the street. The engineer noted that there is certain guidelines they must follow and above all they must be visible.

Councilwoman Bertoline noted that there is additional streets that require signs for parking restrictions that need to be looked at.

Councilman Doty strongly favored the engineer's recommendation. Notices must also go out to all residents affected.

Manager Fisher suggested that a Council policy also be considered for implementation.

Council took a short recess at 9:55 PM and reconvened with everyone present at 10:0 PM.

NEW BUSINESS:

Discussion of an amendment to the Termination Agreement of the Borough Manager (Requested by the Mayor and Councilman C. Housel)

Mayor Van Deursen brought the Council up-to-date with the progress of the search committee to date. They have all received all of the applications and will meet on Friday to review the applications. Our present Manager is seeking employment and has been going on interviews. Since we are not ready to hire anyone it would be her recommendation to extend our current Manager's tenure of office until we have a permanent replacement to take over this position. It is in the best interest of the Borough to extend his tenure until a new Manager is hired. There is no funding available to hire anyone and Mr. Fisher is going to continue receiving his salary until the end of the calendar year whether he is here or not.

Councilman Housel had the Manager prepare a list of projects that are on-going that he has been involved in. These projects have to be overseen and we need a Manager within which to operate under this form of government. Councilman Housel noted that he is trying to act in the best interest of the Borough of Washington. We have most of these projects underway now.

Councilwoman Glaser noted that Council cannot move funds around within accounts until November 1st.

Mayor Van Deursen was in favor of extending the Manager's tenure until a new Manager is found to replace him.

Councilman Housel noted that the Manager has provided the Council with a list of on-going projects. Under this form of government we need a Manager in place. We cannot operate without a Manager that does not know what is going on. Projects have to be overseen that are now underway.

Councilman McDonald stated that he consider extending him until November 1st but would only agree to this suggestion if an emergency appropriation were approved to fund a new Manager.

Mayor Van Deursen stated she didn't think they would be able to have someone to start with the Borough on November 1st.

Councilwoman Glaser noted that she has been keeping a running tab of the budget to actual and doesn't know if there will be any money to move around. We have to find the money first, even if we find a new Manager.

Heather Oakley, in the audience, suggested retaining the Manager until November since you can't move around any funds until then.

Barbara Van Why, Administrative Secretary was acknowledged by the Mayor. Mrs. Van Why was representing all of the department heads that were really concerned with a smooth transition. There are a lot of projects on-going that they are not physically able to administer. She urged Council to do what is best for the community in order that a smooth transition take place.

Joyce Pyle stated that she did not see what the problem was in extending Mr. Fisher's tenure until a replacement is found. What Council is doing is not only disastrous to the community and is also devastating to her. We will be lucky if were able to keep him.

Dawn Higgins, 113 Harding Drive posed several questions and concerns to both Council and the Attorney. As of October 1st the Borough will be without a Manager. Council is required to have a Manager in place, either an Interim or Acting Manager. She asked the question of the attorney as to what would the ramifications be if this did not happen? Attorney Kopen did not know the answer to this question.

Mrs. Higgins also asked each Council person if they have actively been looking for money in the budget for the funding of a Manager?

Councilwoman Bertoline noted that there is a small pool Council could possibly draw from but it is getting constantly smaller.

Councilwoman Glaser noted that she would vote to transfer monies around if they were available but would not appropriate any additional money.

Councilman Housel has not reviewed the budget, neither has Councilman McDonald.

Councilman Doty noted that he has looked but not seriously.

Mrs. Higgins noted that the time line is extremely serious to the town.

Kathy Halpin noted that it was her understanding that an emergency appropriation would have to be funded in next year's budget for 2005. Why should Council adopt an emergency appropriation when we have a Manager that has offered to stay until a replacement is hired.

Manager Fisher stated that it is in the Borough's best interest to keep a Manager in the officer. The Manager stated that the Council does not have an alternative plan and he is once again extending his officer to continue to serve.

It was moved by Glaser, seconded by Housel that a motion be made to extend the Manager's contract until Council finds a suitable replacement or until the end of the year and that further beginning November 1st to look at the accounts to see if there is any funding available to make it possible to hire a new Manager this year.

During this motion Councilman McDonald excused himself from the meeting to go to work.

Discussion: Councilwoman Bertoline stated that without Council voting for an emergency appropriation she could not support this motion.

Councilman Doty noted that he would wait until Council could consider reallocating funds as of November 1st.

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

Motion Defeated.

Councilwoman Glaser noted that in the absence of Councilman McDonald a Special Council meeting would be in order and she suggested the following Tuesday.

Mayor Van Deursen noted that we can all dig our heels in the sand but the total reality is that we do not know if we can have anyone in place for this year. We have to have a Manager to represent the Borough.

Councilman Giaimis noted that ideally Council could have approved an emergency appropriation way back in May!

Councilwoman Glaser noted that if the ideal candidate is found we can explore what funds we have in the budget to reallocate and the rest of the money could be adopted by way of an Emergency appropriation.

Councilwoman Bertoline noted that she wanted to know that Council had the money to pay the person?

Dawn Higgins wanted to know why the Council was so far behind in their timetable in their search for a new Manager?

Mayor Van Deursen noted that there has been no delay on the part of the committee or Patriot Consulting.

Council discussion followed at which time a motion was made by Glaser, seconded by Housel that Council call a Special Meeting for Friday, September 24, 2004 at 9 PM to continue the discussion of an amendment to the Termination Agreement of the Borough Manager or the appointment of an Interim Manager.

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

Ayes: 6, Nays: 0.
Motion carried.

Discussion RE: Bid of 8-12-04 – Sidewalks, curbing & various road projects

Borough engineer, Bob Miller reported that the second request for bids on this project was defective and over budget. Bids were also requested for North Prospect Street and no bids were received.

It was the engineer's recommendation to reject the defective bid and lump these small projects together with N. Prospect Street to increase the size and scope of work to entice bidders to bid on the job.

It was therefore moved by Giaimis, seconded by Glaser that the Council reject the bid received on August 12, 2004 and combine these small projects together with N. Prospect Street and re-bid both projects as one.

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

Ayes: 6, Nays: 0.
Motion carried.

Resolutions #178-2004 through #183-2004

It was moved by Giaimis, seconded by Bertoline that Resolutions #178-2004 through #183-2004 be adopted as follows:

RESOLUTION #178-2004

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey, hereby request the Director of Local Government Services with the Department of Community Affairs to approve the insertion of an item of revenue in the budget of the year 2004 in the sum of \$ 2,487.00, which item is now available as revenue from the United Way of Warren County for the Borough of Washington's Municipal Alliance Program in the amount of \$ 2,487.00 for the Warren Hills Middle School Parent Volunteer Summer Recreation.

BE IT FURTHER RESOLVED, that the like sum of \$ 2,487.00 is hereby appropriated under the caption "Municipal Alliance on Alcoholism and Drug Abuse – Local Share" outside the CAP.

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

Ayes: 6, Nays: 0.
Motion carried.

RESOLUTION #179-2004

BOROUGH OF WASHINGTON DOWNTOWN IMPROVEMENT PROJECT

BE IT RESOLVED, that application is made to the Commissioner of Transportation for an allotment of aid for the improvement of: Borough of Washington Downtown Improvement Project from Mid block pedestrian crossing – West Washington Avenue (SR 57), interim parking lot improvement (between SR 57 and East Church Street), Community sign (SR 57 and 31) to Streetscaping improvements along Washington Avenue in the municipality of Washington Borough, County of Warren, State of New Jersey for a distance of N/A miles or such portion thereof as may be approved by the Commissioner of Transportation. The total cost estimate for this improvement is \$ 1,278,116. The Sponsor requests \$ 995,796 in State funds and anticipates contributing \$282,320.

BE IT RESOLVED, that any aid received as a result of this application will only be used for eligible costs for the project.

Pedestrian Crossing, Parking Lot, Sign and Streetscaping

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

Ayes: 6, Nays: 0.
Motion carried.

RESOLUTION #180-2004

**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>
97.03/7	Irma Shive 25 Nunn 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:

Irma Shive
C/O Ms. Penny Mast
Apt. 306
3150 Lehigh Street
Whitehall, PA 18052

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

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

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

Ayes: 6, Nays: 0. – Motion carried.

RESOLUTION #181-2004

A RESOLUTION TO VOID A CHECK

WHEREAS, Check #045669 was written September 8, 2004 on Washington Borough's Operating Fund #8102360230 in the amount of \$ 190.99 and payable to Keith C. Orlofski at 229 Belvidere Avenue, Washington, NJ 07882; and

WHEREAS, the Treasurer's office was informed that the check should have never been issued. The amount stated in Resolution #175-2004 was not intended to be a refund. It was an adjustment to Mr. Orlofski's sewer balance.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington that the Treasurer be authorized to void Check #045669.

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

Ayes: 6, Nays: 0.
Motion carried.

RESOLUTION #182-2004

**A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE
AS PER N.J.S.A. 54:5**

KNOW ALL MEN BY THESE PRESENCE, THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 8, 2002 to Carol L. Baron, PO Box 952197, Lake Mary, FL 32795-2197, in the amount of \$ 60.97 for taxes or other municipal liens assessed for the year 2001 in the name of Estate of Boyer, Henry c/o Tanya Boyer, as supposed owners, and in said assessment and sale were described as 102 Taylor Street, Block 035, Lot 019, which sale was evidenced by Certificate #363-02.

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 9/13/04 and before the right to redeem was cut off, as provided by law, Attorney Bari J. Gambacorta for PNC Bank, N.A. claiming to have an interest in said lands, did redeem said lands claimed by Carol L. Baron, and last above mentioned, by paying to the Collector of Taxes of said taxing district of Washington Borough the amount of \$ 6,705.92, which is the amount necessary to redeem Tax Sale Certificate #363-02.

NOW, THEREFORE, BE IT RESOLVED, on this 21st day of September by the Mayor and Council of the Borough of Washington, County of Warren, authorize the Treasurer to issue a check payable to Carol L. Baron, PO Box 952197, Lake Mary, FL 32795-2197 in the amount of \$ 6,705.92.

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

Ayes: 6, Nays: 0.
Motion carried.

RESOLUTION #183-2004

**A RESOLUTION REQUESTING AN EXTENSION OF TIME
FOR COMPLETION OF THE DOWNTOWN DRAINAGE
STATE AID PROJECT.**

WHEREAS, the Borough of Washington was awarded a 2003 Municipal Aid Grant from the New Jersey Department of Transportation for the West Washington Avenue (State Route #57) Downtown Drainage Project; and

WHEREAS, the Borough had to resubmit plans for approval of the N.J. Department of Transportation based upon comments from this agency on the original design of the mid-block crosswalk which delayed design of the drainage system; and

WHEREAS, the Borough had difficulties in retaining the services of a contractor to conduct test pits within Route #57 (East Washington Avenue) as explained in a letter to Daksha Shah of the N.J.D.O.T. from Municipal Engineer Robert Miller, C.M.E.,P.E., dated 8 September 2004; and

WHEREAS, the State of New Jersey Department of Transportation has requested that the governing body provide a resolution in support of this request for an extension of time; and

WHEREAS, the Mayor and Council of the Borough of Washington consider this request for an extension of time to be appropriate and in the best interest of the Borough of Washington.

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 a request for an extension of time be requested of the State of New Jersey Department of Transportation for the East Washington Avenue Downtown Drainage 2003 Municipal Aid Project.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the State of New Jersey Department of Transportation.

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

Ayes: 6, Nays: 0.
Motion carried.

Resolution #184-2004 – Authorizing the Application for Treatment Works approval for the Extension of Sewer Lines to serve two (2) single family homes on Pershing Avenue Extension

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

RESOLUTION #184-2004

A RESOLUTION AUTHORIZING THE APPLICATION FOR TREATMENT WORKS APPROVAL FOR THE EXTENSION OF SEWER LINES TO SERVE TWO SINGLE-FAMILY HOMES ON PERSHING AVENUE EXTENSION.

WHEREAS, MASER CONSULTING, P.A. has prepared a Treatment Works Approval Application on behalf of the Borough of Washington for the construction and operations of a pumping station and sanitary sewers to service two single-family homes at 1 Pershing Avenue Extension and 2 Pershing Avenue Extension, designated as Block 84, Lots 27 & 28 respectively on the Borough of Washington Tax Maps; and

WHEREAS, the Mayor and Council of the Borough of Washington 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 plans and specifications for the proposed extension of sanitary sewer to 1 Pershing Avenue Extension, designated as Block 84, Lot 27 on the Borough of Washington Tax Maps and 2 Pershing Avenue Extension, designated as Block 84, Lot 28 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 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.

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

Motion carried.

Special ABC Permit – Washington Fire Department

An application for a Special ABC Permit for a social affair to be held October 30, 2004 was submitted to the Council for their approval.

It was moved by Housel, seconded by Glaser that this Special ABC Permit for the Washington Borough Fire Department be approved.

Ayes: 6, Nays: 0.

Motion carried.

COUNCIL REMARKS:

Mayor Van Deursen polled each Council person for their remarks.

Councilman Giaimis had no remarks.

Councilman Housel wanted to extend his thanks and appreciation to all of the Borough's emergency personnel for the work they did this past week in the storm and flooding.

Councilwoman Glaser stated for the record that she would not be in attendance for the next Council meeting on October 5th.

Councilman Doty wanted to thank the previous members of the Shade Tree Commission, Arnold Howell and Theo Coleman for the excellent job they did in the maintenance of the trees in the Borough. There was very little damage to our trees during this past storm.

Councilwoman Bertoline also wanted to thank the Borough's emergency personnel for a great job in light of the storm.

Councilwoman Bertoline requested that the status of the Star Gazette and the publishing of our legals be placed on the agenda for further discussion. This issue has still not been resolved.

Councilwoman Bertoline also asked if the Freeholder's office was able to duplicate our tapes for us at a lesser cost than what was researched. The Manager checked and they are unable to duplicate the tapes for the Borough. Manager Fisher noted that he would look into alternative methods to duplicate the tapes.

Councilwoman Bertoline asked if there was any reply to our letter to the State regarding the swimming pool issue? No answer has been received to date.

Councilwoman Bertoline noted that Andrew Turner had e-mailed a suggestion to Mrs. Loux's traffic problem on West Washington Avenue. She requested that this issue be put on the next Council meeting agenda.

Council took a short recess at 11 PM prior to going into Executive Session.

Council reconvened with everyone present at 11:10 PM.

It was moved by Glaser, seconded by Housel that Council go into executive session to discuss personnel matters and police contract negotiations.

Ayes: 6, Nays: 0.
Motion carried.

It was moved by Bertoline, seconded by Glaser that the Council go out of Executive Session and back into open session at 12 Midnight.

Ayes: 6, Nay: 0.
Motion carried.

A motion was made by Bertoline, seconded by Glaser that Council take no formal action in response to Mr. Rudolph Bescherer's request for investigation of his conduct as Code Enforcement Officer.

Roll Call: Bertoline, Doty, Van Deursen and Glaser – Ayes: 4,
Nays: 0. Abstained: Housel and Giaimis.

Motion carried.

Hearing no further business to come before Council, it was moved by Bertoline, seconded by Giaimis that the meeting be adjourned at 12 Midnight.

Marianne Van Deursen, Mayor

Linda L. Hendershot, RMC/CMC
Borough Clerk