

MINUTES OF REGULAR MEETING HELD OCTOBER 5, 2004

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

Roll Call: Housel, Giaimis, Van Deursen, McDonald and Bertoline –
5 Present.

Absent: Glaser and Doty – 2 Absent.

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

The 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:

Guy Burd – Fire Safety Bureau

Mayor Van Deursen noted that Mr. Burd was not able to attend this evening’s meeting.

MINUTES:

Regular Meeting – September 21, 2004

The Clerk requested that the minutes be carried until the next meeting as they were only placed on their desks this evening.

It was moved by Housel, seconded by McDonald that the minutes of the regular meeting of September 21, 2004 be carried until the next meeting for approval.

Ayes: 5, Nays: 0.
Motion carried.

Special Meeting – September 24, 2004

Mayor Van Deursen entertained additions or corrections to the minutes of the special meeting held on September 24, 2004.

Hearing none, it was moved by McDonald, seconded by Housel that the minutes of the special meeting held September 24, 2004 be approved as presented.

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

Ayes: 5, Nays: 0.
Motion carried.

COMMUNICATIONS:

The following communications were entered into the Record:

- 1) Letter of Thanks and Appreciation to the Police Department;
- 2) State of NJ – Council on Affordable Housing RE: Substantive Certification

- 3) NJ State League RE: Nominations Third Annual Innovation in Governance Award;
- 4) NJ State League RE: Contractors' Registration Act;
- 5) NJ State League RE: Tax Convention Task Force Meetings Scheduled;
- 6) NJ State League RE: EPA Brownfield Grants;
- 7) Comcast Fax Update; and
- 8) NJ State League RE: Convention Task Force Public Hearing #2

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

It was moved by McDonald, seconded by Housel that the communications numbered #1 thru #8 be acknowledged, received and filed.

Discussion:

Councilwoman Bertoline wanted to discuss Item #6.

Mayor Van Deursen read Item #1 commending the Police Department for the benefit of the audience. She noted that a copy should be sent to the Emergency Squad as it was not noted on the letter that a copy had been forwarded to them.

Councilwoman Bertoline asked how this communication affected the Borough? Manager Fisher noted that we might want to apply for these grants. However, he noted that the studies on Vikon Tile and Turbine Alloy may not be done. Councilwoman Bertoline asked when the expected completion date was going to be? She questioned whether the new water bottling company may be able to take advantage of any of these grants? Manager Fisher stated he was not sure the grants will be available to private property owners. They are primarily geared towards non-profit companies. This communication will be turned over to the Borough's consultant for further study and recommendations. It may be of some assistance, particularly to Turbine Alloy.

AUDIENCE:

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

Mr. Victor Cioni, 29 Alvin Sloan Ave. wanted to personally thank the Manager, Police Department, Road Department and Fire Department for assisting him in their successful block party he organized in their neighborhood. Everyone in the Washington Meadows development had a wonderful time.

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

Ayes: 5, Nays: 0.
Motion carried.

ORDINANCES:

Ordinance #16-2004 - Amending Chapter 85 Creating a Handicapped Parking Space (Final Passage)

An ordinance providing for a handicapped parking space on E. Church Street was introduced by Councilman McDonald.

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

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

Ayes: 5, Nays: 0.
Motion carried.

The Clerk read Ordinance #16-2004 by title only and stated that this ordinance had been published in the Star Gazette as required by law, a copy posted on the bulletin board and copies were available upon request from 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 Housel that the audience portion of the ordinance was closed.

Ayes: 5, Nays: 0.
Motion carried.

Council Discussion: None.

It was therefore moved by Housel, seconded by McDonald that Ordinance #16-2004 be adopted on final passage and that final publication be made as required by law.

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

Ayes: 5, Nays: 0.
Motion carried.

ORDINANCE #16-2004

**AN ORDINANCE TO AMEND CHAPTER 85 OF THE
CODE OF THE BOROUGH OF WASHINGTON TO
PROVIDE FOR AN ADDITIONAL ON-STREET
HANDICAPPED PARKING SPACE.**

WHEREAS, an on-street handicapped parking space has been requested to assist handicapped individuals in accessing the U.S. Post Office; and

WHEREAS, the petitioner has demonstrated a need for this handicapped parking space; and

WHEREAS, the Mayor and Council have determined that the proposed amendment to the Borough's Traffic Ordinance is in the interest of public safety and provide for the general welfare of the citizens of the Borough of Washington.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that Chapter 85 of the Code of the Borough of Washington is hereby amended as follows:

SECTION I. By adding the following to Section 82 in alphabetical order:

“East Church Street: south side, beginning at a point 25 feet east of the easterly curb line of Belvidere at its intersection with East Church Street and extending twenty-two feet easterly there from.”

SECTION II. In accordance with Chapter 3, Article II, Section 15, Subsection E of the Code of the Borough of Washington, 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.

REPORTS:

It was moved by Housel, seconded by McDonald that the Zoning/Code Enforcement, Borough Clerk's, Collector's Treasurer's, Borough Manager's and WWTP reports be accepted as presented and filed.

Discussion: Councilwoman Bertoline had a question on the Recreation Commission inter-fund expenses. She also wanted to know if there was anything new regarding the J.C.P. & L easement issue? Manager Fisher noted to date there is no additional information to report.

She also questioned whether they needed to implement an ordinance with respect to the new COAH regulations and when does it become effective?

Manager Fisher did not know when the regulations would go into effect but suggested we work with our planner regarding what the requirements would be once the regulations are adopted.

Ayes: 5, Nays: 0.
Motion carried.

VOUCHERS:

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

Councilwoman Bertoline had several questions on both claims lists, handwritten and regular. She questions why the Code Enforcement Officer was attending a Shade Tree Conference? The Manager stated that the Code Enforcement Officer and Road Department Superintendent work with the Shade Tree Commission on tree preservations and we must have people certified in Shade Tree Management. The recent adoption of the Forestry Management Plan calls for this. Mr. Bescherer has gone in the past on the request of the Shade Tree Commission.

Councilwoman Bertoline questioned whether Patrolman Koch was still the DARE Officer?

Councilwoman Bertoline suggested that perhaps some investigation go into consolidating the Fire Department and Police Department on the same telephone plan to save money.

On the handwritten list Councilwoman Bertoline questioned the annual fee to the Morris County Pricing Council? This fee was part of the agreement the Borough entered into.

She also questioned the payroll for the Recreation Commission concession stand. The overtime appears to be almost as much as the payroll for the regular staff.

On Page 16 & 17 dealing with the Welfare Accounts, she questioned why we were utilizing housing outside the Borough and the fact that the Broadway Motel voucher was very high. The Manager would look into this.

It was therefore moved by Housel, seconded by Giaimis that the vouchers and claims be approved in the amount of \$ 100,285.99 and the August handwritten checks in the amount of \$ 1,434,422.55 as reflected in the debit/credit memorandum on file in the Collector-Treasurer's office.

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

Ayes: 5, Nays: 0.

Motion carried.

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OLD BUSINESS:

Up-Date RE: Borough Manager's Search (Requested by Councilwoman Bertoline)

Mayor Van Deursen gave Council an update on how the search for a new Manager is progressing.

They have five more interviews set up, the last candidate being scheduled for October 22, 2004. She polled the Council for their availability where all seven Council people could be present to conduct final interviews with the three candidates the search committee chooses for the final round.

Councilwoman Bertoline questioned whether the last candidate could be scheduled earlier than the 22nd? This was not possible.

Council discussion followed at which time the Clerk was instructed to prepare a Special Meeting Notice for October 25th, 26th, 27th & 28th at 8:45 PM in the Council Chambers for the purpose of interviewing the candidates. Patriot Consulting is responsible doing the background checks for Council.

Council concurred with these dates. Mayor Van Deursen urged everyone to be available on these evenings.

Continued Discussion Re: La Verne Loux – 198 W. Washington Ave., Ingress & Egress problems (Requested by Councilwoman Bertoline)

Councilwoman Bertoline suggested holding off on this discussion until Andrew Turner arrives. He had some suggestions regarding this problem. Council concurred.

NEW BUSINESS:

Discussion RE: Star Gazette as the Borough's legally designated newspaper
(Requested by Councilwoman Bertoline)

Attorney Cushing gave the Council an update on the issue of the Star Gazette. To date he has not heard back from the Star Gazette. He did reach out to the Hunterdon Democrat who put him in touch with the New Jersey Press Association. This issue is very important to several communities in Warren County and ultimately it may prove to be ok! The initial newspaper is typeset in New Jersey but is being printed in Pennsylvania. He needs additional factual information before he can advise the governing body legally.

Manager Fisher noted that if the Borough is forced to change newspapers it could be very expensive to the Borough.

Councilwoman Bertoline noted that we must comply with the law and cannot ignore it.

No formal action taken at this meeting.

Resolution #185-2004 – DOT Grant RE: Municipal Stormwater Management Plan and the Adoption of a Municipal Stormwater Control Ordinance

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

RESOLUTION #185-2004

**ADOPTION OF A MUNICIPAL STORMWATER MANAGEMENT PLAN
AND ADOPTION OF A MUNICIPAL STORMWATER CONTROL ORDINANCE
FOR THE BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY.**

The governing body of the Borough of Washington desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$ 5,000.00 to fund the following project:

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Adoption of a Municipal Stormwater Management Plan and
Adoption of a Municipal Stormwater Control Ordinance.

THEREFORE, the governing body resolves that Marianne Van Deursen or the successor to the office of Mayor is authorized to make application for such a grant, (b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than \$ 5,000.00, and (c) to execute [] any amendments thereto [] any amendments thereto which do not increase the Grantee's obligations.

The Mayor and Council of the Borough of Washington authorizes and hereby agrees to match _____% of the Total Project amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property, is hereby certified. 0 % of the match will be made up of in-kind services (if allowed by grant program requirements and the agreement).*

The Grantee agrees to comply with all applicable federal, State, and municipal laws, rules and regulations in its performance pursuant to the agreement.

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

Ayes: 5, Nays: 0.

Motion carried.

Resolutions #186-2004 through #191-2004

The following Resolutions were moved by McDonald, seconded by Giaimis and adopted:

RESOLUTION #186-2004

A RESOLUTION TO VOID AND REPLACE A CHECK

WHEREAS, Check #045747 was written 9-22-04 on Washington Borough's Operating Fund #8102360230 in the amount of \$ 97.96 and made payable to Gall's Inc., Department 8069 Carol Stream, IL 60122; and

WHEREAS, the Treasurer's office was made aware that this check should have been issued to a lesser amount. A credit will be applied, resulting in the check total to be \$ 20.03.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington that the Treasurer be authorized to void and replace Check #045747.

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

Ayes: 7, Nays: 0.

Motion carried.

RESOLUTION #187-2004

A RESOLUTION TO VOID AND REPLACE A CHECK

WHEREAS, Check #045731 was written September 22, 2004 on Washington Borough's Operating Fund #8102360230 in the amount of \$ 6,745.61 and payable to

Carol L. Baron per Resolution #182-04 that was approved for redemption on September 21, 2004 Council Meeting; and

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WHEREAS, the Tax Collector proceeded to do a resolution for the redemption date of October 5th but placed it on the September 21st Council meeting agenda and after a request to change the date on the resolution to September 21, 2004. Due to this request, the Tax Collector also changed the amount due to the outside lien holder to reflect the date change.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington that the Treasurer be authorized to void Check #045731 and will be issuing a check payable to Carol L. Baron in the amount after approval of Resolution #187-04.

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

Ayes: 5, Nays: 0.
Motion carried.

RESOLUTION #188-2004

**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>
101/13.21	Larrison, John & Linette 35 Lenape Trail	\$ 23.00

The former owner made an overpayment during the closing procedures on the above property location. A refund of \$ 23.00 should be mailed to:

John & Linette Larrison
45 Clariton Drive
East Stroudsburg, PA 18031

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

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

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

Ayes: 5, Nays: 0.
Motion carried.

RESOLUTION #189-2004

**A RESOLUTION TO CANCEL 2004 TAXES
DUE TO EXEMPT STATUS**

WHEREAS, the Tax Collector was notified that Block 084, Lot 035 was acquired through Quit Claims Deeds from owners at 2 and 9 Pershing Avenue for the Pershing Avenue Extension; and

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WHEREAS, the Tax Assessor is advising that the property is exempt and therefore have no tax liability due and owing.

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 Tax Collector is authorized to cancel 2004 Real Estate Property Taxes on Block 084, Lot 035 due to the exempt status.

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

Ayes: 5, Nays: 0.
Motion carried.

RESOLUTION #190-2004

A RESOLUTION TO VOID A CHECK

WHEREAS, Check #045583 was written August 18, 2004 on Washington Borough's Operating Fund #8102360230 in the amount of \$ 120.60 for 3rd and 4th quarter 2004 taxes on Block 084, Lot 035; and

WHEREAS, the Tax Collector after determining that the property was acquired by the Borough of Washington as the Pershing Avenue Extension and therefore is tax exempt.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington that the Treasurer be authorized to void Check #045583.

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

Ayes: 5, Nays: 0.
Motion carried.

RESOLUTION #191-2004

**A RESOLUTION TO REFUND OVERPAYMENT ON
2004 REAL ESTATE TAXES**

WHEREAS, according to the Tax Collector's records, there is an overpayment of \$ 145.00 on 2004 Regular Taxes paid on property located at 80 Grand Avenue, also known as Block 105.01, Lot 006 and in the name of Wisner, Michael & David; and

WHEREAS, the tax assessment for the property was reduced from \$ 10,000 to \$ 5,000 in total value. Due to this change, the tax amount due was changed from \$305.00 to \$ 160.00, thus creating the overpayment.

WHEREAS, the Tax Collector's office has received a request from Loan Servicing Center to refund the overpayment to the servicing company.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey, to hereby authorize the Tax Collector and Treasurer to refund the amount of \$ 145.00 and payable to:

Loan Care Servicing Center

Attn.: Jay Tiamzon
Tax Department
PO Box 8068
Virginia Beach, VA 23450

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

Ayes: 5, Nays: 0.
Motion carried.

Application for Bingo License – Central Warren Youth Association

An application for bingo license for Central Warren Youth Association was submitted to the governing body for approval.

The Clerk stated that the application was in order and fees paid.

It was therefore moved by Housel, seconded by McDonald that the Clerk be authorized to issue a bingo license to Central Warren Youth Association.

Ayes: 5, Nays: 0.
Motion carried.

Application for Raffle License – St. Joseph's Church

Applications for raffle licenses for St. Joseph's Church was received for Council approval. The Clerk stated that the fees have been paid and the applications are in order.

It was therefore moved by Housel, seconded by Giaimis that the Clerk be authorized to issues these raffle licenses to St. Joseph's Church.

Roll Call: Giaimis, Housel and McDonald – Ayes: 3, Nays: 0.
Abstained: Van Deursen and Bertoline.

Motion carried.

Application for Raffle License – Washington Womans Club

An application for raffle license was received from the Washington Borough Womans Club requesting permission from the governing body to conduct a raffle license.

The Clerk noted that the application is in order and fees paid.

It was therefore moved by Housel, seconded by McDonald that the Clerk be authorized to issue a raffle license to the Washington Womans Club.

Ayes: 5, Nays: 0.
Motion carried.

LaVerne Loux Matter

This matter will be carried until the next meeting.

Resolution #192-2004 – To approve a Leave of Absence Without Pay

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

RESOLUTION #192-2004

**RESOLUTION GRANTING A LEAVE OF ABSENCE
TO BEULAH M. BARRON**

WHEREAS, the governing body of a municipality may grant temporary leave of absence, without pay, to any employee provided such leave shall not exceed six (6) months at any one time; and

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WHEREAS, the governing body desires to maintain complete and accurate records of employee benefits in accordance with New Jersey State Law; and

WHEREAS, Beulah M. Barron requested a leave of absence without pay due to personal illness for the period beginning 9-20-2004 and ending no later than 11/15/2004; and

WHEREAS, the employee is not able to perform her duties due to personal illness and has no sick leave benefits and has requested a temporary Leave of Absence without Pay beginning September 20, 2004.

NOW, THEREFORE, BE IT RESOLVED, the Borough of Washington Common Council does hereby grant to Beulah M. Barron a temporary leave of absence, without pay, for the period beginning September 20, 2004 and ending no later than November 15, 2004, from her part-time position as School Traffic Guard with the Police Department.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the Division of Pensions and Benefits in order to allow the employee to retain her non-contributory insurance benefits during the Leave of Absence Without Pay.

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

Ayes: 5, Nays: 0.
Motion carried.

Resolution #193-2004 – Establishing Halloween Trick-or-Treat and Curfew

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

RESOLUTION #193-2004

**A RESOLUTION SUGGESTING A HALLOWEEN CURFEW
AND ESTABLISHING OBSERVANCE OF TRICK OR
TREAT WITHIN THE BOROUGH OF WASHINGTON,
COUNTY OF WARREN, NJ**

WHEREAS, Halloween Night and several nights before and after have historically been nights when acts of criminal mischief and vandalism have increased throughout the municipality; and

WHEREAS, the Borough of Washington desires to take some action to help reduce the likelihood of such incidents by establishing a suggested curfew to assist parents and lawful guardians of minor children; and

WHEREAS, said curfew is viewed as an important part of maintaining the peace and order of the community and all persons are strongly urged to cooperate with the Borough of Washington Police Department abiding by the curfew. The Mayor and Council suggest that this curfew be imposed on all minors in their care and custody; and

WHEREAS, the door to door solicitation of treats is a tradition enjoyed by many as well as an annoyance and convenience to others and, therefore, needs to be regulated to provide for the safety, health and welfare of all persons within the community.

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 there is hereby established a suggested curfew for all persons seventeen (17) years of age or younger of 9:00 P.M. from Friday, October 15, 2004 up to and including Monday, November 1, 2004. Curfew shall be extended for school-sponsored events to one (1) hour after the conclusion of the event.

Discussion: Councilman Giaimis noted that he is not opposed to Halloween but he generally opposes the curfew. It was noted that the curfew is only a suggestion to parents.

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

Motion carried.

COUNCIL REMARKS:

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

Councilman Giaimis had no remarks.

Councilman Housel had no remarks.

Councilwoman Bertoline asked if Mr. Cammarota's property was reinspected? Mr. Miller noted that he hasn't changed his position with respect to his prior inspection.

Councilwoman Bertoline wanted to know the amount of the bids for the Phase II Sewer Project. The Manager noted he would provide her with this information.

Councilwoman Bertoline asked what the status of the amendment to the Administrative Code was? Attorney Cushing noted that it is only a formality. It will be available for the next meeting.

Councilwoman Bertoline inquired as to the Washington Meadows Punch List. The engineer noted that he gave Attorney Kopen an updated punch list. Centex is upset because the punch list includes all of the recreation commission items and some have been completed. Most of the work has been done but the balance will be done after soccer season. The engineer would like to release all of the work that is done acceptable as a whole.

No response to date. Another problem that has surfaced is the grass that isn't being kept mowed. This is a Code Enforcement violation.

Councilman Giaimis reminded everyone of the next League meeting which will be a joint meeting with Sussex on October 21st. Please let Linda know if you are coming.

It was moved by McDonald, seconded by Bertoline that Council take a short recess at 8:40 PM and reconvene to go into Executive Session to discuss union contracts.

Ayes: 5, Nays: 0.
Motion carried.

Time: 8:50 PM – Council reconvened with everyone present.

Present: Bertoline, Giaimis, McDonald, Housel and Van Deursen – 5 members present.

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It was moved by Bertoline, seconded by McDonald that Council go back into open session at 8:57 PM.

Ayes: 5, Nays: 0.
Motion carried.

Hearing no further business to come before Council, it was moved by McDonald, seconded by Housel that the meeting be adjourned at 8:58 PM.

Ayes: 5, Nays: 0.
Motion carried.

Marianne Van Deursen, Mayor

Linda L. Hendershot, RMC/CMC
Borough Clerk