

**MINUTES OF REGULAR COUNCIL MEETING HELD  
NOVEMBER 15, 2004**

A Regular Meeting of the Borough of Washington, Warren County, New Jersey was held in the second floor Council Chambers of the Borough Municipal Building at 8:00 P.M. on Monday, November 15, 2004.

Roll Call: Glaser, Housel (Arrived at 9:10 PM), Buoye, Bertoline, Giamis, McDonald and Van Deursen (Arrived at 9:30 PM). – 7 Present.

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

Deputy Mayor Glaser reported that she would be chairing the meeting until the Mayor arrived. The Mayor had a dental emergency and would be arriving late.

Deputy Mayor Glaser read the following Statement into the Record:

“The requirements of the ‘Open Public Meetings Law, 1972, Chapter 231 have been satisfied in that adequate notice of this meeting has been published in the official newspaper of the Borough of Washington and posted on the Bulletin Board of the Borough Hall stating the time, place and purpose of the meeting as required by law.”

Deputy Mayor Glaser led the group in the flag salute.

**COUNCIL APPEARANCE:**

**Risk Manager/Insurance Agency**

There was no one able to be present.

**MINUTES:**

**Special Meetings – October 26<sup>th</sup>, 27<sup>th</sup> and 28<sup>th</sup>, 2004 and the Regular Meeting November 1, 2004**

Deputy Mayor Glaser entertained a motion to accept the minutes of the Special Meetings of October 26<sup>th</sup>, 27<sup>th</sup> and 28<sup>th</sup>, 2004 and the regular meeting of November 1, 2004.

It was moved by McDonald, seconded by Giamis that the minutes of October 26<sup>th</sup>, 27<sup>th</sup> and 28<sup>th</sup> and November 1, 2004 be approved.

Discussion: Councilwoman Bertoline had some corrections to the minutes of the November 15<sup>th</sup> meeting that she wanted made.

On Page 2, second paragraph she wanted the minutes to reflect that the letter was forwarded by Councilwoman Bertoline to Council.

The last paragraph on Page 2 she wanted it to reflect that Council has a responsibility to help the citizens. People are not happy with the position not the decisions.

On Page 5, the first paragraph Councilman McDonald’s name was not spelled correctly.

On Page 9 after the roll call was called defeating the motion to allow the Manager to stay until December 31, 2004 the Clerk muttered “bastards”. She acknowledged a letter from the Clerk that she was not going to discuss.

Four paragraphs below this roll call she wanted inserted into that paragraph the wording “ if the Manager would not agree to accept employment in the future with the Borough”.

On Page 10, nine paragraph's down she wanted the wording “whichever comes first” added.

On Page 18 she wanted this paragraph clarified that the new Manager would investigate.

Manager Fisher brought up a procedural point regarding the comments attributed to the Clerk. This was a matter that is going to be discussed as a personnel matter in Executive Session! He did not know how it could be included as a correction in the minutes when it hasn't been factually established?

Councilwoman Bertoline stated that she wanted her statement in the minutes. Note can be made that “she wanted it in the minutes” and “that the Manager argued it.

Manager Fisher stated that he did not think that statement was appropriate. The minutes should be tabled until the matter is clarified or it should be removed, one way or the other.

Councilwoman Bertoline wanted this statement put in the minutes however it has to be put in! Manager Fisher stated that the question is whether this statement should be put in the minutes at all. Councilwoman Bertoline noted that the question isn't whether or not it should be put in. If something is to be discussed later that's fine but if this was said? Manager Fisher stated that this statement was Councilwoman Bertoline assumption that it was said. Councilwoman Bertoline stated that Council heard it as well as the audience.

Attorney Cushing explained that the question of what is contained in the minutes is a question of a vote. Councilwoman Bertoline noted that because it is being discussed in Executive Session she wanted it quoted in the minutes so that it is not just being brushed under the table. Attorney Cushing responded by explaining the answer is that the content of the minutes are a source of discussion and then a vote. That is how minutes work. People disagree as to what should be included in the minutes. It is a function and decision by the majority of Council as to what they think should be in the content of the minutes.

Manager Fisher noted that this statement is a matter of fact that hasn't been established as being correct and he really did not think it was appropriate to approve the minutes they was they are suggested to be amended. He strongly suggested that the wisest move would be to table these minutes until after the executive session when the discussion can take place as to whether there is any validity to this accusation that has been made.

Attorney Cushing spoke in terms of approval of minutes. He explained that there is a motion made to approve the minutes. A Council member has essentially suggested an amendment to the motion. Procedurally the governing body does not normally go through this. Normally the minutes are a majority consent type of thing where it isn't a big issue. It is the question of a vote one way or the other. The attorney suggested that perhaps the consensus of Council would be to wait until after the Executive Session to approve the minutes. This certainly would be a way to handle it rather than get into a lot of votes on the issue right now. On the other hand it is a question as to how Council wants to handle it.

Manager Fisher explained that it really wouldn't be fair to adopt a set of minutes with this statement in the minutes and then have the hearing as to whether the allegations is true? You are basically saying the minutes are correct and then you are going to have a hearing in executive session as to whether it is correct. The Manager stated that he did not see any other action Council could take but to table these minutes until after the hearing is held.

Councilwoman Bertoline noted that she was not expecting anyone to try and deny it. She stated she was trying to address what had happened. She noted that the Manager was not present at the meeting but members of Council and audience did not feel there would be a question as to what was or was not said.

Councilman McDonald made a motion to amend the original motion to approve the minutes and moved that the minutes of the special meetings October 26<sup>th</sup>, 27<sup>th</sup> and 28<sup>th</sup> be approved as submitted and that the minutes of the regular meeting of November 1, 2004 be tabled until after the Executive Session, motion seconded by Councilman Giaimis.

Roll Call: Giaimis, Glaser, Buoye, Bertoline and McDonald.

Ayes: 5, Nays: 0.  
Motion carried.

### **COMMUNICATIONS:**

The following communications were entered into the record:

- 1) NJ State League RE: Home Improvement Contractor's Registration Act;
- 2) NJ State League Re: Influenza Update;
- 3) NJ State League RE: Threatened & Endangered Species Habitat Regulations;
- 4) Comcast RE: Channel Updates;
- 5) NJ State League RE: Newly Elected Officials;
- 6) NJ State League RE: Elected Officials' Training;
- 7) Letter from T. Doty – Shade Tree Commission
- 8) State of NJ – DEP Re: Drinking Water; and
- 9) Warren County Planning Department Re: Highlands Act, State Plan & the Council on Affordable Housing

It was moved by McDonald, seconded by Bertoline that the communications numbered #1 thru #9 be acknowledged, received and filed.

Discussion: Councilwoman Bertoline addressed Item #7. She was sorry to see Mr. Doty step down from the Shade Tree Commission. He will missed. Councilman McDonald expressed the same sentiments. Ayes: 5, Nays: 0. - Motion carried.

### **AUDIENCE:**

**Andrew Turner, 300 Belvidere Avenue** reported that there has been a dead skunk in the road at the top of Belvidere Avenue. He questioned by whose authority this should be referred to? He asked that it be taken care of.

**Dawn Higgins, 113 Harding Drive** suggested that the Borough be pro-active in something in the community. Inasmuch as we have a snow removal ordinance that will be aggressively enforced by the Code Enforcement Officer she wanted the Borough to consider offering assistance to those elderly citizens in our community who may not be able to shovel their sidewalks. While she helps the elderly in her neighborhood that may not be the case in other areas of the community. She did not want to see any elderly citizen receive a summons or fine for failure to be able to clear their sidewalks.

She suggested that perhaps some of the churches could be solicited for volunteering their services or some of the civic organizations in the community.

Attorney Cushing noted that the ordinance that is in force and effect must be enforced overall and everyone must be treated equal.

Council discussion followed and Deputy Mayor Glaser felt that this was an excellent idea and suggested that Mrs. Higgins spearhead this project. Mrs. Higgins asked if the list could be given to the Code Enforcement Officer. Mr. Bescherer indicated he would be happy to assist in this endeavor. He noted that he already has a list of fourteen individuals who will assist in shoveling snow. Warning are always issued prior to aggressive enforcement.

Attorney Cushing stated that this was a great thing for the community to reach out and help others in the community in need.

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

Ayes: 5, Nays: 0.  
Motion carried.

**REPORTS:**

It was moved by Giaimis, seconded by Bertoline that the Police, A. & E. O.T., Recreation Commission, Collector-Treasurer, Trial Balance and Engineer's reports be accepted as presented and filed.

Ayes: 5, Nays: 0.  
Motion carried.

**VOUCHERS:**

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

Councilman McDonald had a question on the invoice for the elevator. This was a required maintenance registration which is paid annually.

Councilman McDonald had a question on Page 13 regarding the Law Enforcement deficit. This was an audit recommendation as a result of the County stopping their payments on the K-9 dog bills. She also referred to the Dozer excavation rental bill on Page 15. The Manager noted that the Road Department is almost finished with the rental of this machine. She also questioned a bill on Page 20 for Apple Mountain Associates? This was an invoice as a result of our sanitary sewer engineering firm reviewing their plans prior to the issuance of a sewer tap permit.

Hearing no further questions, it was moved by McDonald, seconded by Bertoline that the vouchers be paid in the amount of \$ 462,340.26 and the handwritten invoices for October in the amount of \$ 197,458.91 as reflected in the debit/credit memorandum on file in the Collector/Treasurer's office.

Roll Call: Giaimis, Glaser, Bertoline, Buoye and McDonald.

Ayes: 5, Nays: 0.  
Motion carried.

**OLD BUSINESS:**

**To Appoint a Sub-Committee to Study the Swimming Pool Ordinance**

Deputy Mayor Glaser was looking for volunteers to serve on a sub-committee with her to study the Borough's swimming pool ordinance. Andrew Turner, Heather Oakley and Alex Buoye will be on the sub-committee.

Two additional items of old business were brought up by Councilwoman Bertoline. She asked when the Tree Ordinance would be ready for introduction.

Attorney Cushing noted that it is presently being worked on and will be ready for the first meeting in January.

Councilwoman Bertoline noted there were no reports on the agenda with respect to the S. Lincoln Avenue parking issue.

Manager Fisher advised that when the engineer's report is ready it will be referred to the Emergency Squad, Fire Department and Police Department. It will be placed on the second meeting agenda in December.

Councilwoman Bertoline asked what other roads have been addressed? Manager Fisher noted that the Road Department has had no time to be addressing the signage of streets. They are busy with the leaf pick-up program and getting ready for the winter season in addition to finishing up on the new garage site work. They have no extra help at the present time to do any sign work.

**NEW BUSINESS:**

**Resolution #203-2004 – Authorizing the Issuance of Bond Anticipation Notes**

Prior to introducing this resolution for adoption Councilwoman Bertoline had some questions regarding the resolution. She asked what the total amount of the issuance of bond anticipation notes was? The total amount is \$ 5,062,111.00 noted in the title of the resolution. Councilwoman Bertoline noted that the resolution did include the financing of the swimming pool which she did not approve of this expenditure at this time. She also questioned why this resolution took effect immediately? Why not twenty (20) days after its adoption? The twenty (20) days only applies to ordinances, not resolutions.

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

**RESOLUTION #203-2004**

**RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$5,062,111 BOND ANTICIPATION NOTES OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY.**

**BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY, AS FOLLOWS:**

Section 1. Pursuant to a bond ordinance of the Borough of Washington, in the County of Warren (herein called "local unit") entitled: "Bond ordinance making a further supplemental appropriation of \$ 13,300,000 for improvement of the wastewater treatment plant in and by the Borough heretofore authorized to be undertaken by the Borough of Washington, in the County of Warren, New Jersey, and authorizing the issuance of \$ 13,300,000 bonds or notes of the Borough for financing such supplemental appropriation", finally adopted on June 17, 1997 (#6-97), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$ 720,547 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond

ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 2. Pursuant to a bond ordinance of the local unit entitled: “Bond ordinance making a further supplemental appropriation of \$ 4,400,000 for improvement of the wastewater treatment plan and sanitary sewerage collection system in and by the Borough heretofore authorized to be undertaken by the Borough of Washington, in the County of Warren, New Jersey, and authorizing the issuance of \$ 4,400,000 bonds or notes of the Borough for financing such supplemental appropriation”, finally adopted on October 21, 1997 (#12-97), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$ 2,869,386 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 3. Pursuant to a bond ordinance of the local unit entitled: “Bond ordinance appropriating \$ 218,000, and authorizing the issuance of \$ 207,100 bonds or notes of the Borough, for various improvements or purposes authorized to be undertaken by the Borough of Washington, in the County of Warren, New Jersey”, finally adopted on July 17, 2001 (#6-2001), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$ 202,283 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 4. Pursuant to a bond ordinance of the local unit entitled: “Bond ordinance appropriating \$ 295,000, and authorizing the issuance of \$ 280,800 bonds or notes of the Borough, for various improvements or purposes authorized to be undertaken by the Borough of Washington, in the County of Warren, New Jersey”, finally adopted on June 4, 2002 (#10-2002), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$ 180,800 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 5. Pursuant to a bond ordinance of the local unit entitled: “Bond ordinance making a further supplemental appropriation of \$ 95,000 for improvement of Myrtle Avenue in and by the Borough heretofore authorized to be undertaken by the Borough of Washington, in the County of Warren, New Jersey, and authorizing the issuance of \$ 90,400 bonds or notes of the Borough for financing such supplemental appropriation”, finally adopted on June 4, 2002 (#12-2002), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$ 90,400 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 6. Pursuant to a bond ordinance of the local unit entitled: “Bond ordinance making a further supplemental appropriation of \$ 150,000 for the construction of sidewalks along North Prospect Street in and by the Borough heretofore authorized to be undertaken by the Borough of Washington, in the County of Warren, New Jersey and authorizing the issuance of \$ 100,000 bonds or notes of the Borough for financing such supplemental appropriation”, finally adopted on June 4, 2002 (#11-2002), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$ 100,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 7. Pursuant to a bond ordinance of the local unit entitled: “Bond ordinance making a further supplemental appropriation of \$ 60,000 for improvement of Myrtle Avenue in and by the Borough heretofore authorized to be undertaken by the Borough of Washington, in the County of Warren, New Jersey, and authorizing the issuance of \$ 57,000 bonds or notes of the Borough, for financing such supplemental appropriation”, finally adopted on September 3, 2002 (#23-2002), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$ 57,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 8. Pursuant to a bond ordinance of the local unit entitled: “bond ordinance appropriating \$ 331,600, and authorizing the issuance of \$ 184,495 bonds or notes of the Borough, for various improvements or purposes authorized to be undertaken by the Borough of Washington, in the County of Warren, New Jersey”, finally adopted on November 3, 2003 (#14-2003), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$ 284,495 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of aid bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 9. Pursuant to a bond ordinance of the local unit entitled: “Bond ordinance appropriating \$ 151,245, and authorizing the issuance of \$ 134,000 bonds or notes of the Borough for various improvements or purposes authorized to be undertaken by the Borough of Washington, in the County of Warren, New Jersey”, finally adopted on July 6, 2004 (#11-04), Bond Anticipation Notes of the local Unit in a principal amount not exceeding \$ 134,000 shall be issued for the purpose of temporarily financing the improvement of purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 10. Pursuant to a bond ordinance of the local unit entitled: “Bond Ordinance providing for improvement of the sanitary sewerage system in and by the Borough of Washington, in the County of Warren, New Jersey appropriating \$ 40,000 therefore, and authorizing the issuance of \$ 40,000 bonds or notes of the Borough for financing such appropriation”, finally adopted on July 6, 2004 (#10-04), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$ 40,000 shall be issued to the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 11. Pursuant to a bond ordinance of the local unit entitled: “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 \$ 183,200 therefore, and authorizing the issuance of \$ 283,200 bonds or notes of the Borough for financing such appropriation”, finally adopted on September 21, 2004 (#1504), Bond Anticipation Notes of the local unit in a principal amount of \$ 283,200 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 12. Pursuant to the provisions of Section 40A:21-26 of the Local Bond Law of New Jersey, particularly paragraph (f) thereof and in lieu of the sale of more than one issue of bonds as provided for in said Local Bond Law, the several issues of bonds of this local unit authorized pursuant to bond ordinances of the local unit hereinabove in Sections 1 through 11 described, shall be combined into a single and combined issue of bonds in the principal amount of \$ 5,062,111.

Section 13. The following matters in connection with said Bond Anticipation Notes are hereby determined:

- (a) All notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the collector-treasurer of the local unit (the chief financial officer”), provided that no note issued pursuant to Sections 1 through 11 hereof shall mature later than (i) one year from the date of the first note issued pursuant to the respective ordinances referred to in said Sections, and (ii) three years from the date of the first note issued pursuant to each such respective ordinance unless the local unit shall have paid and retired amount of such notes sufficient to allow it, in accordance with provisions of Section 40A:2-8 of the Local Bond Law, to renew a portion thereof beyond the third anniversary date of the first such notes;
- (b) All notes issued hereunder shall bear interest at such rate or rates as may be determined by the chief financial officer of the local unit; and
- (c) The notes shall be in the form prescribed by resolution heretofore adopted by the governing body of this local unit determining the form of Bond Anticipation Notes issued pursuant to the Local Bond Law, and any such notes may be signed or sealed by officers of the local unit in any manner permitted by Section 40A:2-25 of said Local Bond Law notwithstanding that said form or resolution may otherwise provide.

Section 14. The Chief Financial Officer of the local unit is hereby authorized and directed to determine all matters in connection with said notes not determined by this or a subsequent resolution, and the signature of the chief financial officer upon said notes shall be conclusive as to such determinations.

Section 15. The Chief Financial Officer of the local unit is hereby authorized to sell said Bond Anticipation Notes from time to time at public or private sale in such amounts as the chief financial officer may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefor.

Section 16. Any instrument issued pursuant to this resolution shall be a general obligation to the local unit, and the local unit’s faith and credit are hereby pledged to the punctual payment of the principal of and interest on aid obligations and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 17. The Chief Financial Officer of the local unit is authorized and directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of notes pursuant to this resolution is made, such report to include the amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser.

Section 18. The Chief Financial Officer of the local unit is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of said notes to the purchasers thereof as promptly as possible, including (i) the preparation, execution and dissemination of a Preliminary Official Statement and Final Official Statement with respect to said notes, (ii) preparation, distribution and publication, if necessary, of a Notice of Sale with respect to said notes in accordance with Rule 15c2-12 promulgated by the Securities and Exchange Commission and (iv) execution of an arbitrage and use of proceeds certificate certifying that, among other things, the local unit, to the extent it is empowered and allowed under applicable law, will

do and perform all acts and things necessary or desirable to assure that interest paid on said notes is not included in gross income under Section 103 of the Internal Revenue Code of 1986, as amended.

Section 19. This resolution shall take effect immediately.

Roll Call: Glaser, Giaimis, Buoye and McDonald – Ayes: 4, Nays: Bertoline  
Motion carried.

**Resolutions #204-2004 thru #213-2004**

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

**RESOLUTION #204-2004**

**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

<b><u>BLOCK/LOT</u></b>	<b><u>PROPERTY OWNER/ PROPERTY LOCATION</u></b>	<b><u>AMOUNT TO BE REFUNDED</u></b>
35/51	Amato, Girolamo & Raffaella 326 Belvidere 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:

Girolamo & Raffaella Amato  
1003 Spruce Hill Drive  
Glen Gardner, NJ 08826\

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

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

Roll Call: McDonald, Bertoline, Buoye, Glaser and Giaimis.

Ayes: 5, Nays: 0.  
Motion carried.

**RESOLUTION #205-2004**

**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>
9/6	Lisk, Joyce 6-8 North Prospect St.	\$ 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:

Joyce L. Lisk  
2005 Brookfield Glen Dr.  
Belvidere, NJ 07823

**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: Buoye, Bertoine, McDonald, Glaser and Giaimis.

Ayes: 5, Nays: 0.  
Motion carried.

**RESOLUTION #206-2004**

**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>
33/1	Hammel, Robert & Jacqueline 160-162 Belvidere Avenue	\$ 86.00

The former owner made an overpayment during the closing procedures on the above property location. A refund of \$ 86.00 should be mailed to:

Robert & Jacqueline Hammel  
14 Prince Edward Road  
Great Meadows, NJ 07838

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

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

Roll Call: Giaimis, Glaser, Bertoine, Buoye and McDonald.

Ayes: 5, Nays: 0.  
Motion carried.

**RESOLUTION #207-2004**

**A RESOLUTION AUTHORIZING THE RELEASE OF FUNDS  
FROM A STREET OPENING ESCROW ACCOUNT  
ESTABLISHED IN THE NAME OF RICHARD H. PETER AND  
HELD IN TRUST BY THE BOROUGH OF WASHINGTON.**

**WHEREAS**, Richard H. Peter applied for and received a permit to construct a curb and sidewalk and to open South Lincoln Avenue up for the purposes of connection to the public utilities; and

**WHEREAS**, funds were posted in escrow to provide performance guarantee on the work within the public right-of-way; and

**WHEREAS**, Municipal Engineer Robert Miller, C.M.E., P.E. had determined that all site work required under the site plan approval has been completed in a satisfactory manner with the exception about the concern of the thickness of the driveway apron; and

**WHEREAS**, Mr. Peter agreed to allow the Borough to hold \$ 50.00 in escrow account for one (1) year in case repairs are required on the drive apron.

**WHEREAS**, the one- year period has elapsed and Municipal Engineer Robert Miller has determined that the remainder of the bond may now be released.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Municipal Treasurer is hereby authorized to issue a check to Richard H. Peter for the balance in the inspection escrow account and to close said account.

Roll Call: McDonald, Bertoline, Glaser, Giaimis and Buoye.

Ayes: 5, Nays: 0.  
Motion carried.

**RESOLUTION #208-2004**

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

**WHEREAS**, according to the Tax Collector's records there is an overpayment of \$ 1,299.80 on 2004 Regular Taxes paid on property located at 49 Broad Street, also known as Block 095, Lot 019, and in the name of Dattolo, Pasquale; and

**WHEREAS**, the property owner and the mortgage company for the property owner paid the 3<sup>rd</sup> 2004 Regular Taxes causing an overpayment; and

**WHEREAS**, the Tax Collector's office has received a request from Countrywide Tax Services Corporation to refund the overpayment to the mortgage 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 \$ 1,299.80 and payable to:

Countrywide Tax Services Corporation  
CTSC Loan Number: 51539286  
Attn.: Patti Crosse  
MS: SV3-24  
PO Box 10211  
Van Nuys, CA 91499-6089

Roll Call: Giaimis, Glaser, Buoye, McDonald and Bertoline.

Ayes: 5, Nays: 0.  
Motion carried.

**RESOLUTION #209-2004**

**RESOLUTION FOR RETURN OF PREMIUM MONIES FROM  
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 24, 2004 to Data Ventures Investment Co., 3 Grove Farm Road, Pittstown, NJ 08867 in the amount of \$ 3,623.20 for taxes or other municipal liens assessed for the year of 2002 and in the name of Glen Manor Construction, Ltd as supposed owners, and in said assessment and sale were described as 10 Myrtle Avenue, Block 044, Lot 034, which sale was evidenced by Certificate #382-03, dated and recorded in the office of the County Clerk.

**WHEREAS,** I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on certificate #382-03 redeemed on November 1, 2004 per Resolution #196-2004 that the amount due to the outside lien did not include the premium amount of \$ 10,700.00, which was paid to the Borough by the outside lien holder.

**NOW, THEREFORE,** on this 15<sup>th</sup> day of November, 2004 by the Mayor and Council of the Borough of Washington, County of Warren, to authorize the Treasurer to issue a check in the amount of \$ 10,700.00 payable to:

Data Ventures Investment Co.  
3 Grove Farm Road  
Pittstown, NJ 08867

Roll Call: Buoye, McDonald, Giaimis, Bertoline and Glaser.

Ayes: 5, Nays: 0 – Motion carried.

**RESOLUTION #210-2004**

**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 19, 2000 to Frank E. Bacchkai, 2 Glen Eagles Drive, Lebanon, NJ 08833 in the amount of \$ 683.21 for taxes or other municipal liens assessed for the year of 1999 and in the name of Warren Thompson as supposed owners, and in said assessment and sale were described as 38 N. Wandling Avenue, Block 011, Lot 010.02, which sale was evidenced by Certificate #318-00, dated and recorded in the office of the County Clerk.

**WHEREAS**, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 11-05-2004 and before the right to redeem was cut off, as provided by law, Warren Thompson, claiming to have an interest in said lands, did redeem said lands claimed by Frank E. Bacchkai, and last above mentioned, by paying to the Collector of Taxes of said taxing district of Washington Borough the amount of \$ 1,214.67, which is the amount necessary to redeem Tax Sale Certificate #318-00.

**NOW, THEREFORE**, on this 15<sup>th</sup> day of November, 2004 by the Mayor and Council of the Borough of Washington, County of Warren, to authorize the Treasurer to issue a check payable in the amount of \$ 1,214.67 to Frank E. Bacchkai, 2 Glen Eagles Drive, Lebanon, NJ 08833.

**BE IT FURTHER RESOLVED**, that the Tax Collector is authorized to cancel this lien on Block 0-11, Lot 001.02 from the tax office records.

Roll Call: Buoye, McDonald, Bertoline, Glaser and Giaimis.

Ayes: 5, Nays: 0.  
Motion carried.

**RESOLUTION #211-1004**

**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 25, 2001 to Berwyn King, 115 Willet Avenue, #B13, South River, NJ 08882 in the amount of \$ 354.10 for taxes or other municipal liens assessed for the year of 2000 and in the name of Warren Thompson, as supposed owners, in and said assessment and sale were described as 38 N. Wandling Avenue, Block 011, Lot 001.02, which sale was evidenced by Certificate #347-01, dated and recorded in the office of the County Clerk.

**WHEREAS**, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington do certify that on 11/05/2004 and before the right to redeem was cut off, as provided by law, Warren Thompson, claiming to have an interest in said lands, did redeem said lands claimed by Berwyn King, and last above mentioned, by paying to the Collector of Taxes of said taxing district of Washington Borough the amount of \$ 572.94, which is the amount necessary to redeem Tax Sale Certificate #347-01.

**NOW, THEREFORE**, on this 15<sup>th</sup> day of November, 2004 by the Mayor and Council of the Borough of Washington, County of Warren, to authorize the Treasurer to issue a check payable in the amount of \$ 572.94 to Berwyn King, 115 Willet Avenue, #B13, South River, NJ 08882.

**BE IT FURTHER RESOLVED**, that the Tax Collector is authorized to cancel this lien on Block 011, Lot 001.02 from the tax office records.

Roll Call: Glaser, Giaimis, Buoye, Bertoline and McDonald.

Ayes: 5, Nays: 0.  
Motion carried.

**RESOLUTION #212-2004**

**RESOLUTION AUTHORIZING THE SALE OF TAX SALE CERTIFICATE  
BY ASSIGNMENT**

**WHEREAS**, the Borough of Washington is the older of Tax Sale Certificate #383-03 acquired under and by virtue of N.J.S.A. 54:5-34 on Block 065, Lot 006.01, 176 E. Washington Avenue and assessed to Stamm, Debra R. and Robert W.; and

**WHEREAS**, it is deemed financially beneficial to and in the best interest of the municipality to sell such tax sale certificate.

**WHEREAS**, on November 15, 2004, the Mayor and Council will adopt a resolution authorizing the sale by public sale to the highest bidder, said sale to be held at the Borough of Washington Municipal Building, County Chambers, 2<sup>nd</sup> Floor, pursuant to N.J.S.A. 54:5-114.1 et.seq., of the Tax Sale Certificate as listed below:

<b>Block/Lot:</b>	065/006.01
<b>Date and Time of Tax Sale:</b>	December 16, 2004 10:00 am
<b>Certificate No.:</b>	#384-03
<b>Total Amount Required for Redemption Including All Subsequent Municipal Liens With Interest and Costs:</b>	\$ 45,537.63
<b>Owner of Property:</b>	Stamm, Debra R & Robert W
<b>Property Location:</b>	176 E. Washington Avenue
<b>Advertise:</b>	December 1 and 8, 32004

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey, to hereby authorize the Tax Collector to hold such sale.

Roll Call: Bertoline, Buoye, McDonld, Giaimis and Glaser.

Ayes: 5, Nays: 0.  
Motion carried.

**RESOLUTION #213-2004**

**A RESOLUTION TO VOID AND REPLACE A CHECK**

**WHEREAS**, Check #045938 was written 10/20-04 on Washington Borough's Operating Fund #8102360230 in the amount of \$ 960.08 and made payable to Smith Motor Company, P.O. Box 310 Route 31, Washington, NJ 07882; and

**WHEREAS**, the Treasurer's office was made aware that this check was lost, and a stop payment was placed on it.

**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 #045938.

Roll Call: Giaimis, Buoye, Glaser, Bertoline and McDonald.

Ayes: 5, Nays: 0.  
Motion carried.

**Resolution #214-2004 – Disclosure of Confidential Medical Information**

Prior to introduction and adoption of this ordinance Councilwoman Bertoline asked what the purpose and intent of this resolution was?

Attorney Cushing explained that this resolution was recommended by the Statewide Insurance Fund and to protect the right of the individual regarding confidential medical information. Attorney Cushing noted that this resolution and policy will safeguard private information and prevents law suits.

Medical claims are handled through the Manager's office and Barbara Van Why. A policy will have to be instituted by the Borough.

It was therefore moved by Bertoline, seconded by Giaimis and adopted:

**RESOLUTION #214-2004**

**RESOLUTION REGARDING DISCLOSURE OF  
CONFIDENTIAL MEDICAL INFORMATION**

**WHEREAS** the Borough of Washington is a member of the Statewide Insurance Fund ("Fund"); and

**WHEREAS**, it is the objective of the Fund to discourage practices that may lead to claims against members so that the cost of providing insurance will be decreased for members; and

**WHEREAS**, it is necessary as part of claims handling for members to obtain and supply to the Fund or its servicing organizations medical information about employees or third parties; and

**WHEREAS**, the Fund has become aware of cases brought against public entities by virtue of inadvertent disclosure of medical information to persons not authorized to receive it; and

**WHEREAS**, the Fund has developed a policy that requires each member to develop a policy regarding disclosure of confidential medical information.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Washington, County of Warren that its policies with respect to the disclosure of medical information will be as follows:

1. Municipality will designate a contact person or persons who are to receive confidential medical information. The designation will be limited to persons who have a direct need to know the information.
2. Each person designated to receive confidential information will be instructed about the need to keep information confidential.
3. Confidential medical information will not be disclosed by persons designated to receive a confidential medical information to others unless there is a need for the other person to receive the information. The person to whom the information is disclosed will be instructed the information is confidential and should not be disclosed to others without legitimate need to do so. A legitimate need would be for personnel reasons, loss control purposes and other legitimate need would be for personnel reasons, loss control purposes and other legitimate governmental purposes.

In connection with information supplied for loss control or other legitimate governmental purposes, all officials, agents, or employees of the Municipality will be at all times attempt to avoid identifying the name of the person referred to in the confidential medical records and will not disclose specific medical conditions unless there is a specific loss control, personnel or other legitimate governmental reason to do so.

4. Only officials or employees designated to receive confidential business information may contact the servicing organizations to request medical information. A service organization will not disclose any confidential medical information to any official or employee unless the official or employee has been specifically designated to receive confidential medical information.
5. The governing body will designate a confidential fax number by which confidential medical information can be sent to the person designated to receive confidential medical information.

Roll Call: McDonald, Bertoline, Buoye, Giaimis and Glaser.

Ayes: 5, Nays: 0.

Motion carried.

**St. Joseph's Church – Instant Raffle Games & St. Joseph's Social Club – Bingo License – Applications in Clerk's Office**

Applications for bingo and raffle were submitted to the Mayor and Council for approval from St. Joseph's Church. The applications are in order and the fees have been paid.

It was therefore moved by Giaimis, seconded by McDonald that the Clerk be directed to issue the licenses for bingo and raffle to St. Joseph's Church.

Roll Call: McDonald, Buoye, Glaser and Giaimis, Nays: 0.  
Bertoline – Abstained.

Motion carried.

**COUNCIL REMARKS:**

Deputy Mayor Glaser entertained remarks from the Council.

Councilman Giaimis extended congratulations to the successful candidates that were elected to serve on Council and wished them the best of luck. Happy Thanksgiving to everyone.

Councilman McDonald also extended congratulations to the successful candidates and a Very Happy Thanksgiving to all.

Councilwoman Bertoline congratulated everyone. She also wanted to thank Tom Doty once again for his service to the community on the Shade Tree Commission. Tom is going to be very hard to replace. Happy Thanksgiving to everyone.

Councilwoman Bertoline had some questions regarding the punch list for Centex Homes and asked for an update from the engineer.

Mr. Miller reported that the paving of the street has done. They are moving forward with the items on the punch list. Councilwoman Bertoline noted that we are beyond the deadline for completion of the punch list. The engineer noted that he has had a meeting with a new project manager on site and he was very satisfied with the outcome of the meeting.

Councilwoman Bertoline questioned what percentage of work has been done? The engineer could not supply this information but indicated that there is basically little items that have to be done. There is several items that need to be addressed with respect to the drainage issues. The soccer field will be worked on this week and the baseball field is completed. The engineer noted that it is up to Council as to what they want to do? They have been moving forward with the punch list items, have been very agreeable and very accommodating.

The engineer agreed to write another letter. Council agreed to wait until next meeting for an up-to-date status report.

Councilwoman Bertoline inquired as to what the status of the easements were with respect to the Myrtle Avenue project? Manager Fisher noted that the survey has been done and everything has been referred to the attorney's office. Attorney Cushing will have a report for Council at the next meeting.

Councilman Buoye stated that he was looking forward to having the opportunity to serve the community. He wished everyone a Happy Thanksgiving and wanted to thank Tom Doty for service to the community on the Shade Tree Commission.

Deputy Mayor Glaser congratulated Council-Elect on their success in the election and welcomed Councilman Buoye on board. She was looking forward to working with everyone. She wished everyone a Happy Thanksgiving. Thanks to Tom Doty for his time spent on Council and on the Shade Tree Commission. His loss on the Shade Tree Commission will be felt very deeply.

A motion was made by McDonald, seconded by Bertoline to go into **Executive Session** to discuss a personnel matter at 9:00 PM.

Ayes: 5, Nays: 0.  
Motion carried.

Councilman Housel arrived into Executive Session at 9:10 PM.

Mayor Van Deursen arrived into Executive Session at 9:30 PM.

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

Ayes: 7, Nays: 0.  
Motion carried.

### **Minutes – November 1, 2004**

It was moved by Giaimis, seconded by Housel that the minutes of the regularly scheduled held November 1, 2004 be approved with all of the corrections noted by Councilwoman Bertoline with the exception of the allegation made against the Clerk which was discussed in executive session.

Roll Call: Giaimis, Housel, Van Deursen, Glaser, Buoye and  
McDonald – Ayes: 6, Nays: 1 Bertoline.

Motion carried.

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

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Marianne Van Deursen, Mayor

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Linda L. Hendershot, RMC/CMC  
Borough Clerk

