

MINUTES OF REGULAR COUNCIL MEETING HELD DECEMBER 7, 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 Tuesday, December 7, 2004.

Roll Call: Glaser, Housel, Bertoline, Buoye, McDonald, Giaimis and Van Deursen – Present 7.

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

Mayor Van Deursen 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.”

Mayor Van Deursen led the group in the flag salute.

Resolution of Appreciation

The following Resolution of Appreciation was moved by Housel, seconded by Glaser and adopted:

Mayor Van Deursen read this resolution of appreciation in its entirety to Borough Manager, Alan M. Fisher.

RESOLUTION #222-2004

A RESOLUTION OF THE BOROUGH OF WASHINGTON EXPRESSING APPRECIATION TO BOROUGH MANAGER ALAN M. FISHER FOR HIS SERVICE TO THE COMMUNITY.

WHEREAS, Alan M. Fisher has honorably served the Borough of Washington in the capacity of Borough Manager for the past twenty-three years; and

WHEREAS, as Manager, Alan M. Fisher has successfully led the Borough through numerous complex issues such as:

1. the rehabilitation of the wastewater plant and collection system;
2. the privatization of the wastewater plant;
3. obtaining over 18 million dollars in low cost financing for the wastewater plant;
4. development of a Five-Year Property Tax Exemption/Abatement Program;
5. creation of the Borough of Washington Municipal Sewer Utility;
6. the adoption of the Washington Borough Downtown Revitalization Plan;
7. establishment of the Washington Borough Business Improvement District;
8. establishment of the Joint Center Designation of the Borough by the New Jersey Office of State Planning;
9. acquisition of Brownfields grants for contaminated properties in the Borough;
10. development of a Personnel Policy and Policy Manual for the Borough;
11. development of a twenty-year capital, vehicle and equipment plan for the Borough;
12. professionally and skillfully handled numerous police, sewer, environmental, and litigation matters facing the Borough;
13. developed a talented, capable and skillful Borough staff; and
14. earned the respect, loyalty and devotion of the Borough staff

WHEREAS, the Borough of Washington has benefited greatly from his guidance in all matters affecting the operations of the municipal government during his long tenure; and

WHEREAS, the Mayor and Council desire to express the gratitude of the entire community for the many years of dedicated service to the residents of the Borough of Washington; and

WHEREAS, Alan M. Fisher has devoted himself to the betterment of the Borough of Washington and will be missed by all those who work for or on behalf of the Borough; and

WHEREAS, as the elected representatives of the Borough of Washington, the Mayor and Council desire to formally express the heartfelt appreciation of the entire community to Borough Manager Alan M. Fisher for his outstanding service to 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 the appreciation of the community is hereby expressed to Borough Manager, Alan M. Fisher for his twenty-three years of dedicated and honorable service to the citizens of the Borough of Washington and our heartfelt best wishes are expressed to him and his family now and in the future.

BE IT FURTHER RESOLVED, that the Borough Clerk be directed to have this resolution duly embossed and framed for presentation by the Mayor of the Borough of Washington at a public meeting of the governing body and to have a certified copy of this resolution recorded in the permanent record of the Borough of Washington in perpetuity.

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

Motion carried.

COUNCIL APPEARANCE:

Assessment of Taxes – Athan (Tom) Efstathiou, CTA

Tom Efstathiou, Tax Assessor noted that things are going very well in the Borough. The property values continue to rise. In 2003 the Borough's ratio was 104.67%, 2004, 94.44% and 2005 projected to be 82%. There is a steady decline in the ratio. It appears that a reassessment may be warranted in 2005-2006.

Two recent sales, the Willow Street industrial complex sold for a million and a half and the St. Cloud Hotel for \$ 437,000.00. The Borough has seen 125 new homes built over the last three years. Added assessments this year were 37 new homes that will go on the tax rolls. The Borough will realize \$ 232,000.00 in property tax revenue for next year's budget. There is also a lot of improvements being done in the community as well.

Tax appeals pending are Wachovia Bank and Peschiny Plastics. The Railroad Avenue apartment appeal was resolved.

Councilwoman Glaser asked what the status of the appeal of Central Warren Youth Association was? Mr. Efstathiou indicated that the issue has been resolved and their tax exemption status has been reinstated. There is evidence that there is definitely more utilization of the building in reaching out to the community and more organizations will be utilizing the building for civic functions.

Manager Fisher thanked the Mayor and Council for the Resolution of Appreciation and that it had been a pleasure serving the community for the many years he has been with the Borough.

MINUTES:

Special Council Meeting – November 9, 2004 – Regular Meeting – November 15, 2004 and Special Council Meeting – November 29, 2004.

It was moved by Giaimis, seconded by Bertoline that the minutes of the Special Council Meeting held November 9, 2004, Regular Meeting November 15, 2004 and the Special Council Meeting of November 29, 2004 be approved with the following corrections noted from the regularly scheduled meeting of November 15th.

Corrections as follows:

On Page 4 of the vouchers, third paragraph Councilman McDonald asked the question, not Councilwoman Bertoline.

On Page 5 the Deputy Mayor appointed the sub-committee, not the Mayor.

Another correction of Page 5, Councilwoman Bertoline did not second the motion.

On Page 7, the last paragraph (f) should read sale instead of “ale”.

On Page 7, Councilman Buoye questioned the figure in Section 12; the Clerk will verify that the figure is correct.

On Page 16, Councilwoman Bertoline abstained from voting on the Raffle and Bingo applications for St. Joseph's

On Page 16, Deputy Mayor Glaser entertained Council Remarks.

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

Ayes: 6, Nays: 0. Abstained: Housel.

Motion carried.

COMMUNICATIONS:

The following communications were acknowledged, received and filed:

- 1) State of NJ – Department of Community Affairs RE: NJ Statewide Transfers of Development Rights Act;
- 2) NJ State League RE: Anti Big Box Bill (3);
- 3) NJ State League RE: Tax Reform Tax Force;
- 4) NJ State League RE: COAH & Build-Out Analysis;
- 5) NJ State League RE: COAH Extended Certification
- 6) NJ State League RE: Municipal Holiday Displays;
- 7) NJ State League RE: Federal Spending Plan;
- 8) NJ State League RE: Federal Spending Plan'
- 9) NJ State League RE: ACS for A-3288 & A-3338
- 10) Comcast Update
- 11) Office of the Prosecutor – Special Presentation – Preventing Violence in our Schools ** Registration forms available from the Clerk
- 12) Letter to William Miller RE: A. Fisher's Resignation from the Planning Board
- 13) NJ State League Re: Property Tax Reform

It was moved by Glaser, seconded by Housel that the communications numbered #1 through #13 be acknowledged, received and filed.

Ayes: 7, Nays: 0.

Motion carried.

AUDIENCE

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

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

Ayes: 7, Nays: 0.
Motion carried.

ORDINANCES:

Ordinance #19-2004 – Amending Chapter 3 of the Borough Code Re: Election of Mayor (Final Passage)

An ordinance amending Chapter 3 of the Borough Code of the Borough of Washington was introduced by Councilman McDonald.

It was further moved by McDonald, seconded by Glaser that the Clerk read Ordinance #19-2004 by title only.

Roll Call: Glaser, Housel, Giaimis, Bertoline, Buoye, McDonald and Van Duersen.

Ayes: 7, Nays: 0.
Motion carried.

The Clerk read Ordinance #19-2004 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 available upon request from the Clerk's office.

Council Discussion: None.

It was therefore moved by Housel, seconded by Glaser that Ordinance #19-2004 be adopted on final passage and that final publication be made as prescribed by law.

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

Ayes: 7, Nays: 0.
Motion carried.

ORDINANCE #19-2004

AN ORDINANCE AMENDING ARTICLE II, SECTION 3-7 OF CHAPTER 3 OF THE CODE OF THE BOROUGH OF WASHINGTON.

WHEREAS, the Borough of Washington, County of Warren, State of New Jersey is governed by the Council-Manager Plan of government pursuant to N.J.S.A. 40:69A-1, et. seq.; and

WHEREAS, at the general election of November 4, 2003, the voters of the Borough of Washington passed the referendum indicating that the Charter of the Borough of Washington, County of Warren, State of New Jersey be amended to provide for the election of the Mayor directly by the voters of the municipality;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Washington, Warren County, that Article II, Section 3-7A of Chapter 3 of the Code of the Borough of Washington be amended as follows:

1. The current Article II, Section 3-7A of the Code of the Borough of Washington shall be deleted in its entirety and replaced by the following Section 3-7A:

“Mayor shall be elected directly my majority vote of the voters of the municipality, and the Mayor shall serve for a period of four (4) years beginning on January 1 next following his or her election.”

This Ordinance shall take effect on January 1, 2005.

Ordinance #20-2004 – Amending Section 94-18 Obligating Tenants to Obtain Zoning Permits (Final Passage)

An ordinance amending Chapter 94-18 obligating tenants to obtain zoning permits was introduced by Councilman McDonald.

It was moved by McDonald, seconded by Glaser that the Clerk read Ordinance #20-2004 by title only.

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

Motion carried.

The Clerk read Ordinance #20-2004 by title only and stated that the ordinance had been published in the Star Gazette as required by law, a copy was posted on the bulletin board and copies available in the Clerk's office upon request.

Mayor Van Deursen opened up the public hearing for questions or testimony from the audience.

Andrew Turner, 300 Belvidere Avenue noted that the only problem with this ordinance that he could see happening is that the landlord may not be aware of what is going on with the property.

Hearing no further remarks from the audience it was moved by McDonald, seconded by Glaser that the public hearing be closed.

Ayes: 7, Nays: 0.
Motion carried.

Council Discussion:

Councilwoman Bertoline noted that she shared a similar concern as did Mr. Turner. She did not feel this ordinance was a good idea. The landlord should be more accountable to what is going on with his property.

It was therefore moved by Glaser, seconded by McDonald that Ordinance #20-2004 be adopted on final passage and that final publication be made as prescribed as law.

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

Ayes: 6, Nays: 1.
Motion carried.

REPORTS:

It was moved by McDonald, seconded by Glaser that the Bond Anticipation Note Sale, Tax Sale for 2003 Delinquent Taxes/Sewer, Road Department, Building Permits, Borough Manager's, Collector-Treasurer, Trial Balance, Borough Clerk's, WWTP – Veolia and Zoning/Code Enforcement reports be accepted as presented and filed.

Discussion: Councilwoman Glaser had a question on the 56 hours of overtime incurred by the Road Department. This was for extra work with the leaf collection and covering for vacation and sick leave time.

Councilwoman Glaser noted that the Trial Balance reports are behind and should be kept current. She also made reference to the Inter Fund transfers and requested that they be resolved before the end of the year.

Councilwoman Bertoline had a question with reference to the replacement on the Road Department for Mr. Willis of which the Manager answered.

Councilwoman Bertoline questioned why the web-site was not up and running. The Borough is trying to bring it up by the end of the year. The person assigned to work with the Borough left the company.

Rail Service was discussed in the Manager's report and this is something the Borough needs to follow up with the County. They need to be aware of our request for train service. Councilman Giaimis attested to the fact that the Manager has been very diligent in making the County aware of the Borough's recommendation.

VOUCHERS:

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

Councilwoman Glaser noted some costs on Page 1 that should be transferred to the Recreation Commission budget. This was for advertisements in the legal section of the paper for employment. She noted that the Borough was behind sixty (60) days with the health benefits payments. Manager Fisher noted that the Borough has a two month deferral arrangement with the State that the governing body approved. She also noted that there appeared to be a lot of end of the year spending by the departments. She strongly suggested that the department cease their spending of non-essential spending.

It was moved by Bertoline, seconded by McDonald that the vouchers and claims be paid in the amount of \$ 162,744.82 as reflected in the debit/credit memorandum on file in the Collector/Treasurer's office.

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

Ayes: 7, Nays: 0.
Motion carried.

OLD BUSINESS:

Report – Robert Miller, C.M.E. – Updating on Centex Homes (Washington Meadows)

Engineer, Robert Miller gave the Council an up-to-date status report on the punch list of items that Centex has completed. The soccer field is completed and awaiting the Recreation Commission's approval and certification of the work. The sidewalk repairs have been completed. Most of the drainage issues are almost completed. There are six areas left to be completed.

Councilwoman Bertoline was interested in having a time frame when the entire project would be completed. The engineer could not give her a completion date but assured everyone on the governing body that Centex is exercising due diligence to complete everything to the satisfaction of the engineer's office.

Myrtle Avenue Easement Acquisitions

Councilwoman Bertoline noted that this issue was not noted on the agenda but at the last meeting she asked for an up-to-date status report.

The engineer noted that he has been working with Attorney Judith Kopen from Mr. Cushing's office on this matter and they are moving forward.

NEW BUSINESS:

Letter from Mr. & Mrs. Stefan Diaconu – 77 Jackson Avenue

A letter was received from Mr. & Mrs. Stefan Diaconu of 77 Jackson Avenue regarding a fence issue and sewer line. He also has a problem with the numbering sequence of his property and the De Haas property.

Council discussed the issue and the attorney advised that this issue is a civil matter to be resolved between the two parties. There is nothing the Borough can do to resolve this private issue.

The address problem was noted and a memorandum was forwarded to the Assessor in September to resolve this problem. Manager Fisher noted that the Assessor is working to resolve this problem without changing the sequence of #'s on the entire street.

A motion was made by Glaser, seconded by Bertoline that a letter be sent to the property owners advising them that there is nothing the governing body can do to resolve the civil issue between the two parties with respect to the fence and sewer line issue.

Ayes: 7, Nays: 0.
Motion carried.

Resolution #215-2004 – Requesting an Extension of Time for completion of the Downtown Drainage State Aid Project

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

RESOLUTION #215-2004

**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 to 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 tests pits within Route #57 (East Washington Avenue) as explained in a letter to Daksha Shah of the N.J.S.D.O.T. from Municipal Engineer Robert Miller, C.M.E., P.E., dated 8 September 2004; and

WHEREAS, the Borough received only one bid on October 14, 2004 which was substantially higher than the anticipated project cost, subsequently rendering funds originally allocated for this project “insufficient” as a result of the unusual and difficult necessity of installing one drainage pipe across N.J. State Highway #57; 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 until at least February 28, 2005 for the award of the contract 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, 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 until at least February 28, 2005 for the award of the contract be requested of the State of New Jersey Department of Transportation.

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

Ayes: 7, Nays: 0.
Motion carried.

Resolutions #216-2004 & #217-2004 – Treatment Works Applications (Phase 2 Sanitary Sewer Rehabilitation/Extraneous Flow Reduction Project and Heather Hill Residential Sub-division)

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

RESOLUTION #216-2004

A RESOLUTION AUTHORIZING THE APPLICATIONS FOR TREATMENT WORKS APPROVAL PERMIT FOR THE PHASE 2 SANITARY SEWER REHABILITATION/EXTRANEANOUS FLOW REDUCTION PROJECT.

WHEREAS, Schoor DePalma, Inc. has prepared a Treatment Works Approval Application on behalf of the Borough of Washington for the Phase 2 of the Borough of Washington’s Sanitary Sewer Rehabilitation/Extraneous Flow Reduction Project; and

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 submission of the Treatment Works Approval Application on behalf of the Borough of Washington for the Phase 2 of the Borough of Washington’s Sanitary Sewer Rehabilitation/Extraneous Flow Reduction Project.

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

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

Ayes: 7, Nays: 0.
Motion carried.

RESOLUTION #217-2004

A RESOLUTION AUTHORIZING THE APPLICATION FOR TREATMENT WORKS APPROVAL FOR THE EXTENSION OF SEWER LINES TO SERVE THE HEATHER HILL RESIDENTIAL SUBDIVISION.

WHEREAS, Glen Manor Construction, Inc. has prepared a Treatment Works Approval Application on behalf of the Borough of Washington for the construction and operations of sanitary sewers to service the Heather Hill Residential Subdivision; and

WHEREAS, the Borough of Washington's sanitary sewer consulting engineers, Maser Consulting, PA have reviewed the plans and specifications for the project and have determined they are in proper form for approval.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey that the Borough of Washington does hereby approve the proposed extension of sanitary sewer to serve the proposed Heather Hill Residential Subdivision.

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

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

Ayes: 7, Nays: 0.
Motion carried.

Execution of an Agreement to appoint a New Borough Manager

A motion was made by Glaser, seconded by McDonald that Council authorize the Clerk and Mayor to execute an Agreement to appoint a new Borough Manager, Richard J. Sheola according to the terms and conditions of the employment agreement.

Roll Call: Glaser, Housel, Giaimis, Van Derusen, Bertoline, Buoye and McDonald.

Ayes: 7, Nays: 0.
Motion carried.

Mayor Van Deursen introduced Mr. Richard J. Sheola who was present in the audience and welcomed him to the Borough of Washington.

Resolution #218-2004 – Planning Board – Employee Member – Class II Member

The following Resolution was moved by Housel, seconded by McDonald appointing **Richard Sheola** to the Planning Board as the employee representative, Class II Member:

RESOLUTION #218-2004

PLANNING BOARD – EMPLOYEE MEMBER
CLASS II MEMBER

WHEREAS, the Borough of Washington, Warren County, New Jersey is now governed by Plan “E” of Municipal Charter Law; and

WHEREAS, under this law the Council is to appoint an employee member as a **Class II Member** of the Planning Board.

WHEREAS, the Mayor and Council have terminated the services of Alan M. Fisher as Borough Manager and appointed Richard Sheola as Borough Manager of the Borough of Washington effective December 13, 2004.

THEREFORE, BE IT RESOLVED, that **Richard Sheola**, be hereby appointed to said position for the remainder of the term ending **December 31, 2004**.

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

Ayes: 7, Nays: 0.
Motion carried.

Resolution #219-2004 – Designating the Borough Manager as the Statewide Insurance Fund Commissioner for the Year 2004

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

RESOLUTION #219-2004

A RESOLUTION DESIGNATING THE BOROUGH
MANAGER AS THE STATEWIDE INSURANCE FUND
COMMISSIONER FOR THE YEAR 2004.

WHEREAS, pursuant to the Bylaws of the Statewide Insurance Fund, each local unit member is required to appoint a Commissioner to represent them in the Fund; and

WHEREAS, the Fund Administrator is required annually to submit the full name and title of each appointed Fund Commissioner to the State of New Jersey, Department of Insurance; and

WHEREAS, the Borough Manager is the Chief Executive Officer of the Borough of Washington and authorized to represent the Borough’s interest in matters of intergovernmental affairs and to negotiate contracts on behalf of the municipality; and

WHEREAS, the Borough Manager, Alan M. Fisher was appointed as the Fund Commissioner for 2004 and a new Borough Manager will commence employment on December 13, 2004 necessitating the designation of the new Borough Manager as the Fund Commissioner for the remainder of 2004.

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 effective December 13, 2004 Borough Manager Richard Sheola is hereby appointed to represent the Borough as the Fund Commissioner to the Statewide Insurance Fund.

BE IT FURTHER RESOLVED, that notice of this appointment be forwarded to the Fund Administrator of the Statewide Insurance Fund.

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

Ayes: 7, Nays: 0.
Motion carried.

Council took a short recess at 8:55 PM on a motion made by Glaser, seconded by Bertoline.

Ayes: 7, Nays: 0.
Motion carried.

Council reconvened with the Clerk calling the Roll Call. Everyone was present. The meeting resumed at 9:05 PM.

Resolutions #220-2004 thru #225-2004

A motion was made by Glaser, seconded by McDonald to adopt the following resolutions #220-2004 through #225-2004.

Councilwoman Bertoline had a question on the transfer resolution on the monies transferred into the legal account. This transfer was necessary due to litigation expenses.

RESOLUTION #220-2004

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

WHEREAS, according to the Tax Collector's records, there is an overpayment of \$ 1,231.12 on 2004 Regular Taxes paid on property located at 74 Lenape Trail, also known as Block 101, Lot 015.15, and in the name of Ortiz, Lillian; and

WHEREAS, the title company and the mortgage company for the property owner paid the 4th 2004 Regular Taxes causing an overpayment; and

WHEREAS, the Tax Collector's office has received a request from First American Real Estate Tax Service 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 \$ 1,231.12 and payable to:

First American Real Estate Tax Service
Attn.: JT Thompson
(Cust #92242, loan #0018723940)
Renaissance Tower, 3rd Floor
1201 Elm Street, Suite 400
Dallas, TX 75270

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

Ayes: 7, Nays: 0.
Motion carried.

RESOLUTION #221-2004

**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 December 1, 2004 to James Pilewski, 346 South Avenue, Fanwod, NJ 07059 in the amount of \$ 942.79 for taxes or other municipal liens assessed for the year of 2003 and in the name of Rush, Anthony A as supposed owners, and in said assessment and sale were described as 182 Broad Street, Rear, Block 088, Lot 011. The Tax Title lien certificate has not been processed as of the date of 12/304.

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 12/03/2004 and before the right to redeem was cut off, as provided by law, Anthony Rush, claiming to have an interest in said lands, did redeem said lands claimed by James Pilewski, and last above mentioned, by paying to the Collector of Taxes of said taxing district of Washington Borough the amount of \$945.62, which is the amount necessary to redeem this property due to the fact it was done within ten (10) days.

NOW, THEREFORE, on this 7th day of December, 2004 by the Mayor and Council of the Borough of Washington, County of Warren, to authorize the treasurer to issue a check payable to James Pilewski, 346 South Avenue, Fanwood, NJ 07059 in the amount of \$ 945.62.

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 0988, Lot 011 from the tax office reords.

Roll Call: Buoye, Housel, Glaser, Giaimis, Bertoline, Van Duersen and McDonald.

Ayes: 7, Nays: 0.
Motion carried.

RESOLUTION #223-2004

A RESOLUTION AUTHORIZING THE TRANSFER OF APPROPRIATIONS

WHEREAS, N.J.S.A. 40A:4-58 provides for the transfer of excess appropriations by not less than 2/3 vote of the full membership of the governing body during the last two months of the fiscal year; and

WHEREAS, the Borough Manager and the Chief Financial Officer have determined that excess appropriations do exist in some accounts and there is a need for supplemental appropriations in other accounts.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey, that the following appropriation transfers are hereby approved:

<u>Transfer From:</u>	<u>Transfer To:</u>	<u>Amount:</u>
WAGE & SALARY NEGOTIATIONS Salary & Wages	ADMINISTRATIVE & EXECUTIVE Salary & Wages	\$ 7,340.00
WAGE & SALARY NEGOTIATIONS Salary & Wages	ELECTIONS Salary & Wages	2,041.00
WAGE & SALARY NEGOTIATIONS Salary & Wages	COLLECTION OF TAXES Salary & Wages	4,098.00
WAGE & SALARY NEGOTIATIONS Salary & Wages	ASSESSMENT OF TAXES Salary & Wages	1,533.00

WAGE & SALARY NEGOTIATIONS Salary & Wages	LEGAL SERVICES Salary & Wages	\$ 1,856.00
WAGE & SALARY NEGOTIATIONS Salary & Wages	PLANNING BOARD Salary & Wages	274.00
WAGE & SALARY NEGOTIATIONS Salary & Wages	BOARD OF ADJUSTMENT Salary & Wages	247.00
WAGE & SALARY NEGOTIATIONS Salary & Wages	LOCAL CODE ENFORCEMENT Salary & Wages	1,297.00
WAGE & SALARY NEGOTIATIONS Salary & Wages	POLICE DEPARTMENT Salary & Wages	40,527.00
WAGE & SALARY NEGOTIATIONS Salary & Wages	CIVIL EMERGENCY PREPAREDNESS Salary & Wages	265.00
WAGE & SALARY NEGOTIATIONS Salary & Wages	FIRE CODE ENFORCEMENT Salary & Wages	536.00
WAGE & SALARY NEGOTIATIONS Salary & Wages	MUNICIPAL PROSECUTOR Salary & Wages	835.00
WAGE & SALARY NEGOTIATIONS Salary & Wages	ROAD DEPARTMENT Salary & Wages	11,917.00
WAGE & SALARY NEGOTIATIONS Salary & Wages	PUBLIC BLDG. & GROUNDS Salary & Wages	1,634.00
WAGE & SALARY NEGOTIATIONS Salary & Wages	SHADE TREE COMISSION Salary & Wages	47.00
WAGE & SALARY NEGOTIATIONS Salary & Wages	ANIMAL CONTROL Salary & Wages	337.00
WAGE & SALARY NEGOTIATIONS Salary & Wages	PUBLIC ASSISTANCE Salary & Wages	216.00
LEGAL Other Expenses	ASSESSMENT OF TAXES Other Expenses	6,000.00
DOWNTOWN REDEVELOPMENT Other Expenses	GENERAL ENGINEERING Other Expenses	5,000.00
HYDRANTS Other Expenses	UNIFORM FIRE SAFETY Other Expenses	2,000.00
HYDRANTS Other Expenses	VEHICLE MAINTENANCE Other Expenses	1,300.00
SOLID WASTE DISPOSAL Other Expenses	VEHICLE MAINTENANCE Other Expenses	2,000.00
TOTAL OF ALL TRANSFERS		\$ 91,300.00

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

Ayes: 7, Nays: 0. – Motion carried.

Resolutions #224-2004 & #225-2004 – Contracts for Professional Services (TRC Customer-Focused Solutions & van note-harvey, p.c.)

Prior to the adoption of these resolutions Councilwoman Bertoline questioned why no solicitation of competitive bids was considered?

The firm of TRC has been utilized in the past for this type of work and the Borough has complete confidence in their ability to perform the work. Further, Attorney Cushing noted that there is no competition in this field. This is the best qualified firm. He did not know of any firms available to complete this work. Also, van note-harvey, p.c. has been utilized for all the Borough's environmental work and they are tops in their field of expertise.

Councilman Buoye had a question with reference to Resolution #224-2004 and questioned whether the price for the preliminary study is included in this contract? This question will have to be researched.

It was therefore moved by Glaser, seconded by McDonald that these Resolutions #224-2004 and #225-2004 be adopted as follows:

RESOLUTION #224-2004

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER
INTO A CONTRACT FOR PROFESSONA SERVICES
WITHOUT SEEKING COMPETITIVE BIDS.**

WHEREAS, there exists a need for professional engineering services in the area of wastewater treatment plant permitting; and

WHEREAS, funds are available in the 204 Sewer Utility Budget; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et. seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids must be publicly advertised; and

WHEREAS, the firm of TRC Customer-Focused Solutions of Princeton, New Jersey has agreed to perform professional engineering services, as outlined in the November 8, 2004 letter attached hereto; and

WHEREAS, the services to be provided by TRC Customer-Focused Solutions of Princeton, New Jersey constitutes professional services that need not be bid pursuant to the Public Contract Law (N.J.S.A. 40A:11-1 et. seq.).

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey as follows:

1. The Mayor and Clerk are hereby authorized and directed to enter into an agreement with TRC Customer Focused Solutions of Princeton, New Jersey;
2. The contract is awarded without competitive bidding as professional services in accordance with N.J.S.A. 40A:11-5 in the amount of \$ 18,000.00; and
3. The necessary funds are available in the 2004 Sewer Utility Budget;
4. Notification of the contract award shall be printed in the Star Gazette.
5. That an executed copy of the contract between the parties be on file with the Office of the Clerk and be available for public inspection in accordance with the law.

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

Ayes: 7, Nays: 0 – Motion carried.

RESOLUTION #225-2004

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER
INTO A CONTRAT FOR PROFESSIONAL SERVICES
WITHOUT SEEKING COMPETITIVE BIDS.**

WHEREAS, there exists a need for professional engineering services related to entering into a Memorandum of Agreement for property owned by Alan Typinski & Dennis Donahue and under active consideration by the Borough for a acquisition as a municipal parking lot; and

WHEREAS, funds are available in the Capital Fund Accounts for this purpose; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et. seq.) requires that the resolution authorizing the award of contracts for “Professional Services” without competitive bids must be publicly advertised; and

WHEREAS, the firm of van note-harvey, p.c. of Princeton, New Jersey has agreed to perform engineering services, as outlined in their proposed agreement, dated November 19, 2004; and

WHEREAS, the services to be provided by van note-harvey, p.c. of Princeton, New Jersey constitutes professional services that need not be bid pursuant to the Public Contract Law (N.J.S.A. 40A:11-1 et. seq.).

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey as follows:

1. That the Mayor and Council hereby appoint van note-harvey, p.c. of Princeton, New Jersey to provide professional engineering services to the Borough of Washington in matters pertaining to entering into a Memorandum of Agreement for property owned by Alan Typinski and Dennis Donahue and under active consideration by the Borough for acquisition as a municipal parking lot, as more specifically outlined in their proposed agreement, dated November 19, 2004.
2. The Mayor and Clerk are hereby authorized and directed to enter into an agreement with van note-harvey, p.c. of Princeton, New Jersey.
3. The contract is awarded without competitive bidding as professional services in accordance with N.J.S.A. 40A:11-5 in the amount of \$ 5,796.00.
4. The necessary funds are available in the Capital Fund Accounts.
5. Notification of the contract award shall be printed in the Star Gazette.
6. That an executed copy of the contract between the parties be on file with the Office of the Clerk and be available for public inspection in accordance with the law.

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

Ayes: 7, Nays: 0.
Motion carried.

Application for Raffle License – St. Joseph's Church

An application for raffle license for St. Joseph's Church was received by the governing body. The application was in order and fees paid.

It was therefore moved by Housel, seconded by Glaser that the Clerk be authorized to execute the license.

Roll Call: Glaser, Housel, Giaimis, Buoye and McDonald – Ayes: 5,
Nays: 0. Abstained: Van Deursen and Bertoline.

Motion carried.

Attorney Cushing noted that he would like Council to hold a short executive session to discuss the Baker litigation.

COUNCIL REMARKS:

Mayor Van Deursen entertained Council Remarks prior to entertaining a motion to go into Executive Session.

Mayor Van Deursen recognized Jim Sheldon and Candy DeFilippis and thanked them for the wonderful December 4th weekend in the community.

There were five (5) ribbon cutting ceremonies for new businesses in the community. Santa Claus arrived in town and went to his workshop to greet the children. Crafts were available for the children to do at the workshop. In the evening the Recreation Commission held their Annual Tree Lighting Ceremony. The next two weekends Santa will be on hand and crafts for the children at his workshop.

Mayor Van Deursen invited the Council to take part in the Annual Business Decorating Contest. They are to pick three downtown businesses and to let her know. This award will be presented at the Re-organizational meeting.

Mayor Van Deursen wished Alan Fisher the best of luck in his future endeavors. His shoes will be very hard to fill.

Councilman Giaimis wished the best of luck to Richard Sheola. He congratulated Council for doing such a fine job in the search process.

Councilman Housel thanked Alan Fisher for his many years of service to the Borough and the many hats he wore and his time spent in serving the community through the many service organizations he was a part of. He wished Richard Sheola good wishes and noted that the community is going great places.

Councilwoman Glaser also wished Alan Fisher and his family the best of luck. She looked forward to having as rewarding and pleasurable relationship with Mr. Sheola as she had working with Alan.

Councilman Buoye noted that he had not had the same opportunity of working with Mr. Fisher but his brief time working with him it has been a privilege. He wished him the best in his next destination as Manager.

Councilman Buoye reminded everyone to get out and vote of the School Election on December 14th.

Councilwoman Bertoline commended Jim Sheldon and everyone that helped make this past weekend in the town a memorable one. She wished Alan Fisher well in his new career move. She welcomed Mr. Sheola and noted that there is a lot of great people in our town and it's a fabulous community to live in.

Councilman McDonald wished Mr. Fisher the best of luck in his future plans working for a new community. He regretted that the transition did not come about calmly and wished Alan and his family the very best.

Councilman McDonald welcomed Mr. Sheola aboard and reiterated what the majority of Council had already said. There is a lot of great people and volunteers in this community and he hoped that everyone would build on this positive. He commended Jim Sheldon and the Business Improvement Committee for all their good work.

Jim Sheldon, Executive Director of B.I.D. noted that there is people he will be meeting with that have shown an interest in revitalizing our Theatre.

Mayor Van Deursen also urged everyone to get out and vote on December 14th.

Executive Session – Baker Litigation

It was moved by Bertoline, seconded by Glaser that Council go into executive session to discuss the Baker Litigation at 9:30 PM.

Ayes: 7, Nays: 0.
Motion carried.

It was moved by Glaser, seconded by Bertoline that Council go out of Executive Session and back into open session at 9:40 PM.

Ayes: 7, Nays: 0.
Motion carried.

Hearing no further business to come before Council, it was moved by Buoye, seconded by Bertoline that the meeting be adjourned at 9:40 PM.

Ayes: 7, Nays: 0.
Motion carried.

Marianne Van Deursen, Mayor

Linda L. Hendershot, RMC/CMC
Borough Clerk