

MINUTES OF REGULAR MEETING HELD DECEMBER 13, 2005

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

Roll Call: Housel, Van Deursen, Woykowski, Buoye, Turner and Oakley (Arrived at 8:25 PM) – 6 Present.

Absent: Glaser – Due to Illness – 1 Absent.

Also Present: Richard J. Sheola, Borough Manager
Steven D. Farsiou, Esq., filling in for R. Cushing, Esq.,
Municipal Attorney
Linda L. Hendershot, RMC/CMC, Borough Clerk

Mayor Van Deursen led everyone in the flag salute.

Mayor Van Deursen read the following Statement into the Record:

“The requirements of the ‘Open Public Meetings Law, 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.

MINUTES:

Regular Meeting – November 22, 2005

Mayor Van Deursen entertained additions or corrections to the minutes of the regular meeting held November 22, 2005.

Two minor typos were noted by Councilwoman Woykowski on Pages 6 and 10 of which the Clerk so noted.

It was moved by Woykowski, seconded by Housel that the minutes of the regular meeting held November 22, 2005 be approved as corrected.

Roll Call: Buoye, Housel, Woykowski, Turner and Van Deursen – Ayes: 5,
Nays: 0.

Ayes: 5, Nays: 0.
Motion carried.

COMMUNICATIONS:

The following communications were entered into the Record:

- 1) NJLM – Response to Governor’s Pension Benefit Task Force Report;
- 2) Letter – J. Beam Commending Gary & Betty Wysocki, Animal Control;

- 3) Comcast Updates (2)
- 4) NJLM – New Education Requirements for Members of Planning Boards, Boards of Adjustment & Combined Boards;
- 5) NJLM – DCA Guidance on New “Pay to Play” Law;
- 6) NJLM – S-1990/A-2432, Overcrowding;
- 7) Borough of Sayreville Re: NJ Senior Property Tax Phase;
- 8) NJLM – Opposition to S-2618/A-4162 Arbitration Change;
- 9) Resolution Supporting Flu Vaccines;
- 10) NJLM – Mayor’s Wellness Campaign;
- 11) NJLM – New Jersey Clean Power Choice Program;
- 12) NJP & L Storm Restoration Process; and
- 13) State of NJ – NJ Highlands Council Meeting

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

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

Discussion: Councilman Turner commented on Item #11 and hoped that the new Borough Garage could be designed for solar power.

Manager Sheola noted that the original specs did not include this option. We will be going to for a re-bid on this project and it could possibly be considered; however it would require a lot of expertise with regard to design.

Ayes: 5, Nays: 0.
Motion carried.

AUDIENCE:

The Mayor opened up the public hearing portion of the meeting to the public for their remarks, petitions, statements and testimony on items that were not part of the meeting agenda.

Barbara Serridge, 30 Nunn Ave. wanted the Council to be made aware that her daughter was hit today leaving the Middle School. The School was advised of the accident and Mrs. Serridge was advised that the Borough had not contacted them upon calling the Borough to advise them of the accident.

Engineer Miller reported that where the accident occurred was the result of a school project and not the Carlton Avenue project. The Borough did not give the contractor permission to park the backhoe across the sidewalk forcing students to walk in the roadway.

The Manager and Engineer will contact Mr. Peter Merluzzi, Superintendent of Schools to resolve this issue.

Council was relieved to know that Mrs. Serridge's daughter is ok.

Councilman Turner was surprised that there was only one crossing guard in the area where the construction is taking place and that is on S. Prospect. He suggested that an extra crossing guard be placed on the corner of S. Lincoln Ave. and Carlton Avenue by the library until the construction is completed.

Councilwoman Woykowski noted that during the meetings with the school the main focus was on the safety of the children. The engineer will discuss the safety of the school children with Mr. Merluzzi.

Dave Higgins, 113 Harding Drive asked when there would be a decision of the shared court? Mayor Van Deursen noted that it is still in the negotiation stages.

Councilwoman Oakley arrived and took her seat at 8:25 PM.

Mr. Higgins also understood that Washington Township has offered to bring the Borough's court over to their building? Mayor Van Deursen explained that the negotiations are still the talk stage.

Mr. Higgins also questioned whether the budget would be introduced in February and urged the Council not to raise his taxes.

Mr. Higgins also urged the Mayor to remind the new Council people of the Sunshine Law requirements.

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

Ayes: 6, Nays: 0.

Motion carried.

ORDINANCES:

Ordinance #20-2005 – Modifying Chapter 85, Article IX Re: Snow Emergencies
(Final Passage)

An ordinance modifying Chapter 85 outlining snow emergencies was introduced by Councilman Housel.

It was moved by Housel, seconded by Woykowski that the Clerk read Ordinance #20-2005 by title only.

Roll Call: Turner, Oakley, Van Duersen, Buoye, Housel and Woykowski.

Ayes: 6, Nays: 0.
Motion carried.

The Clerk read Ordinance #20-2005 by title only and stated that this ordinance was published in the Star Gazette as required by law, a copy was posted on the bulletin board and copies 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.

Hearing no questions from the public, it was moved by Housel, seconded by Buoye that the public hearing portion of the ordinance be closed.

Ayes: 6, Nays: 0.
Motion carried.

Council Discussion:

Councilman Turner asked what the time frame was for cleaning the parking lots?

The parking lots will be of top priority and signs will be going up at the entrances coming into the Borough and wherever there is a heavy concentration of traffic. Notification of this change in the snow policy will also be placed on the web-site and a flier will be distributed. It is anticipated that this policy will go into effect January 2nd of next year.

Councilman Turner brought up a question as to whether the "No Parking" Ordinance can be enforced without posting of signs? Could this ordinance be challenged in court?

The attorney noted that it is enforceable but should be posted at the entrances coming into the Borough.

Councilman Housel noted that there used to be signs coming into the Borough. The Manager noted that he would look into the signage.

Councilwoman Woykowski suggested that this ordinance be re-visited at the end of six months to see how it worked.

Councilman Buoye questioned when this regulation would be implemented into a formal policy. Council will be working on it.

Hearing no further discussion it was moved by Turner, seconded by Housel that Ordinance #20-2005 be adopted on final passage.

Roll Call: Turner, Van Deursen, Buoye, Housel and Woykowski.

Ayes: 6, Nays: 0.
Motion carried.

ORDINANCE #20-2005

AN ORDINANCE MODIFYING CHAPTER 85 ARTICLE IX, SNOW EMERGENCIES, OF THE CODE OF THE BOROUGH OF WASHINGTON.

WHEREAS, accumulations of snow and ice on the streets of the Borough of Washington represent a potential threat to the health, safety and general welfare of the citizens of the Borough of Washington; and

WHEREAS, the Mayor and Council of the Borough of Washington deem it appropriate to establish snow removal regulations within the Borough of Washington; and

WHEREAS, inoperable, abandoned or parked vehicles located on public streets and roads in the Borough of Washington hinder the timely and efficient removal of ice and snow by the Borough of Washington Road Department:

D. SNOW EMERGENCY NO PARKING

- (1) The following roads within the Borough shall have no parking when roads are snow covered:

ALL ROADS ARE DESIGNATED NO PARKING WHEN SNOW COVERED (VEHICLES MAY BE PARKED IN MUNICIPAL LOTS UNTIL SNOW EMERGENCY CANCELLED.)

Ordinance #21-2005 – Amending Chapter 94, Land Use Ordinance to Facilitate Third Round Affordable Housing (Final Passage)

An Ordinance amending the Land Development Ordinance providing for the third round of Affordable Housing was introduced by Councilman Housel.

It was moved by Housel, seconded by Oakley that the Clerk read Ordinance #21-2005 by title only.

Roll Call: Woykowski, Housel, Buoye, Van Deursen, Turner and Oakley.

Ayes: 6, Nays: 0.
Motion carried.

The Clerk read Ordinance #21-2005 by title only and stated that this ordinance had been published as required by law, a copy was posted on the bulletin board and copies available from the Clerk's office upon request.

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

Hearing none, it was moved by Housel, seconded by Turner that the public hearing be closed.

Ayes: 6, Nays: 0.
Motion carried.

Council Discussion: None.

It was therefore moved by Turner, seconded by Housel that Ordinance #21-2005 be adopted on final adoption and that final publication be made as prescribed by law.

Roll Call: Woykowski, Housel, Buoye, Van Deursen, Oakley and Turner.

Ayes: 6, Nays: 0.
Motion carried.

ORDINANCE #21-2005

**AN ORDINANCE OF THE BOROUGH OF WASHINGTON
AMENDING THE LAND DEVELOPMENT ORDINANCE OF THE
BOROUGH OF WASHINGTON TO FACILITATE THE PROVISION
OF THIRD ROUND AFFORDABLE HOUSING IN CONNECTION WITH
RESIDENTIAL AND NONRESIDENTIAL GROWTH AND DEVELOPMENT.**

WHEREAS, the New Jersey Supreme Court and New Jersey Legislature have recognized and mandated in So. Burlington County NAACP v. Mount Laurel, 92 N.J. 158 (1983) (“Mount Laurel II”) and the Fair Housing Act N.J.S.A. 52:27D-301, et seq. (“FHA”) that every municipality in New Jersey has an affirmative obligation to facilitate the prompt provision of affordable housing; and

WHEREAS, the Legislature conferred upon the New Jersey Council on Affordable Housing (“COAH”) “primary jurisdiction for the administration of housing obligations in accordance with sound regional planning considerations in this State” (N.J.S.A. 52:27D-304 (a)); and

WHEREAS, in Mount Laurel II, the New Jersey Supreme Court ruled that municipalities had the power to address the Mount Laurel responsibilities the Court had created through “inclusionary devices” and rejected the notion “that inclusionary measures amount to a taking without compensation” (see Mount Laurel II at 271); and

WHEREAS, Mount Laurel II, the Supreme Court also stated, “Zoning does not require that land be used for maximum profitability and, on occasion, the goals may require something less” (see Mount Laurel II at 174 N. 34); and

WHEREAS, in the case Holmdel Builders Association v. Borough of Holmdel, 121 N.J. 550, 582 (1990), the Supreme Court referred to its Mount Laurel II decision and emphasized that in designing inclusionary ordinances, “no density bonuses, compensatory benefits, or subsidies were specifically required,” and

WHEREAS, in view of the principles established by the Supreme Court in these landmark decisions, COAH adopted substantive regulations that became effective on December 20, 2004, which authorized municipalities to impose a set aside, without any density bonuses or other compensatory benefits, pursuant to which municipalities could require residential developers to construct one affordable residential unit for every eight market residential units the developer constructed (N.J.A.C. 5:94-4.4(a)); and

WHEREAS, COAH specifically stated that “a municipality may adopt a zoning ordinance requiring a maximum of one for every eight market-rate residential units be affordable to low and moderate income households, as long as the zoning has not allowed an increase in density to accommodate affordable housing” (36 N.J.R. 5775); and

WHEREAS, similarly, COAH has also authorized municipalities to require nonresidential developers to produce affordable housing without any enhancement or compensatory offsetting benefit based upon a formula that would require the production of one affordable residential unit for every 25 jobs projected to be created by the non-residential development as expressed in square footage (N.J.A.C. 5:94-4.4(a)); and

WHEREAS, the Borough of Washington wishes to ensure that as developers build residential and nonresidential projects, they provide affordable housing consistent with COAH's regulation and policies described above – policies soundly rooted in Supreme Court precedent; and

WHEREAS, implementation of these policies will ensure that as the Borough grows with housing affordable to the middle and upper class, it will also grow with housing affordable to lower income households and that as nonresidential development occurs, it will also provide housing affordable for lower income workers (see Mount Laurel II at 211).

WHEREAS, COAH's third year cycle Substantive Rules (N.J.A.C. 94-1, et seq.) seek to implement a "growth share" approach to affordable housing production which the Borough of Washington feels is fair, equitable and reasonable because it requires affordable housing to be produced in conjunction with normal growth and market forces; and

WHEREAS, the Borough of Washington desires to implement the "growth share" policies promulgated and adopted by COAH in its third cycle Substantive Rules, effective on December 20, 2004, in an effort to foster the production of affordable housing opportunities for the Mountain Laurel beneficiaries through the third housing cycle which extends from 2000 to 2014, pursuant to N.J.A.C. 5:94 et seq. and N.J.A.C. 5:95 et seq.

NOW, THEREFORE BE IT ORDAINED AND ESTABLISHED by the Borough Committee of the Borough of Washington, County of Warren and State of New Jersey that the Land Development Ordinance of the Borough of Washington be and hereby amended as follows:

SECTION 1. Legislative Intent.

The legislative intent set forth in the above preamble and recitals are hereby adopted and incorporated by reference herein as is set forth herein at length.

SECTION 2. The following is hereby added to the Borough of Washington Land Development Ordinance:

S _____ Uniform Affordable Housing Productions Based Upon "Growth Share".
A. Residential Development.

(1). Except as otherwise provided below, any residential development in any zoning district in the Borough proposing eight (8) or more lots or units shall set aside 11.1 percent (11.1%) of said units (rounded to the next higher number if 0.5

or greater) for affordable housing as said term is defined under the FHA and COAH's Rules.

(2). Residential development in any zoning district in the Borough proposing seven (7) or less lots or units shall pay an Affordable Housing Development Fee pursuant to the Borough's Development Fee Ordinance to be adopted at a later date.

(3). For the purpose of this Section, "residential development" shall include new market-rate residential units created from the conversion of a non-residential building to residential unit(s) requiring the issuance of a certificate of occupancy.

B. Nonresidential Development

(1) Except as otherwise provided below, any non-residential development application submitted to the Planning Board and Board of Adjustment that is required to produce at least one affordable unit (rounded to the next number if 0.5 or greater) pursuant to COAH's regulations found in Appendix E, N.J.A.C. 5:94-1 et. seq., shall be required to provide such affordable housing. The calculation of the number of jobs and employment opportunities shall be in accordance with Appendix E to N.J.A.C. 5-94-1, et seq. entitled "UCC Use Groups for Projecting and Implementing Nonresidential Components of Growth Share".

(2) Non-residential Development in any zoning district in the Borough that produces less than one (1) affordable unit pursuant to Appendix E as found in N.J.A.C. 5:94-1, et. Seq. entitled "UCC Use Groups for Projecting and Implementing Nonresidential Components of Growth Share:" shall pay an Affordable Housing Development Fee pursuant to the Borough's Development Fee Ordinance to be adopted at a later date.

C. Addressing Growth Share Obligations

This applicant may choose to satisfy its affordable housing growth share obligation(s) through the mechanisms permitted in COAH's rules, including, with Borough of Washington's advanced written permission (a) on-site housing production in connection with residential projects or nonresidential development, (b) off-site housing production in the Borough in connectin with residential or non-residential development, (c) any other compliance mechanism pursuant to COAH's rules per N.J.A.C. 54:94 et seq. Evidence of a compliance mechanism shall be produced to the Planning and Zoning Board at the time of application filing and shall be a condition of all "completeness"

determinations. Thereafter, the satisfaction of the affordable housing compliance mechanism shall be an automatic condition of approvals that must be satisfied in accordance with COAH’s phasing requirement per N.J.A.C. 5:94 et seq.

D. Low/Moderate Income Split and Compliance with COAH’s Rules.

The affordable unit(s) to be produced pursuant to Paragraphs A, B and C (above) shall be available to a low income individual or household should only one affordable unit be required. Thereafter, each of the units shall be split evenly between low and moderate income individuals and households except in the event of an odd number in which event the unit shall be a low income unit. All affordable units shall strictly comply with COAH’s rules and policies including, but not limited to, phasing, bedroom distribution, controls on affordability, range of affordability, affirmative marketing, income qualification, etc. It shall be the developer’s responsibility, at its costs and expense to arrange for the Warren County Housing Corporation (“WCHC”) or other administering agency approved by COAH and the Borough to ensure full COAH compliance and file such certifications, reports and/or monitoring forms as may be required by COAH to verify COAH compliance of each affordable unit.

E. Age Restricted Units

No more than fifty percent (50%) of the affordable unit(s) to be produced pursuant to Paragraphs A, B and C (above) shall be age-restricted housing, as per N.J.A.C. 5:94-1.4.

F. Affordable Unit Construction Phasing.

The construction of affordable units generated by residential development and constructed in the Borough, pursuant to Paragraph A and C (above), Shall comply with the phasing schedule pursuant to N.J.A.C. 5:94-4.4(f), which states the following:

Percentage of Market-rate Units Completed	Minimum Percentage of Low and Moderate Income Units Completed
25	0
25 + 1 unit	10
50	50
75	75
90	100

For affordable units generated by nonresidential development and constructed in the Borough, pursuant to Paragraph B and C (above), no nonresidential certificate of occupancy shall be issued until a certificate of occupancy is issued to the associated affordable unit.

SECTION 3. - Severability

If any paragraph, section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court or administrative agency of competent jurisdiction, such portion shall be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining paragraphs or sections hereof.

SECTION 4. – Inconsistency.

All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. – Effective Date

The Ordinance shall take effect upon final passage and publication according to law and filing with the County Planning Board in accordance with NJSA 40:55D-16.

Ordinance #22-2005 – Creating the Position of Housing Officer Pursuant to Fair Housing Act (Final Passage)

An ordinance creating the position of Housing Officer pursuant to the Fair Housing Act was introduced by Councilman Buoye.

It was moved by Buoye, seconded by Oakley that the Clerk read Ordinance #22-2005 by title only.

Roll Call: Oakley, Turner, Van Deursen, Buoye, Housel and Woykowski.

Ayes: 6, Nays: 0.
Motion carried.

The Clerk read Ordinance #22-2005 by title only and stated that this ordinance was published in the Star Gazette as required by law, a copy was posted on the bulletin board and copies available from the Clerk's office upon request.

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

Hearing none, it was moved by Housel, seconded by Turner that the public hearing portion of the ordinance be closed.

Ayes: 6, Nays: 0.
Motion carried.

Council Discussion:

Councilman Housel posed the question as to how much this was going to cost?

Manager Sheola outlined the options available to the governing body. It could be funded through the Salary Ordinance with the appointment of an individual by the Manager or it could be contracted out to the outside agency to administer through the Borough's Development Fees that will be collected.

Beth McManus from the firm of Clarke – Caton – Hintz commented on this questions and noted that in some communities it is the responsibility of the administrator or Manager but it would be too much for the Manager to administer. A consultant could be retained and their salary could come out of the Housing Trust Fund from the development fees collected.

Councilman Housel noted that the ordinance does not address this question. Manager Sheola noted that the ordinance would have to be amended.

It was agreed that due to the deadline in filing for our Third Round of Affordable Housing is December 20th, this ordinance would be adopted and an amendment would be considered for adoption at the beginning of the year. Manager Sheola will draft an ordinance and will be soliciting comments from the governing body.

It was therefore moved by Turner, seconded by Oakley that Ordinance #22-2005 be adopted on final passage and that final publication be made as prescribed by law.

Roll Call: Oakley, Turner, Van Deursen and Buoye – Ayes: 4,
Nays: Housel – Abstained: Woykowski.

Motion carried.

Another motion was made by Turner, seconded by Oakley that an ordinance be prepared for introduction clarifying how the creation of the position of Housing Officer is to be funded.

Roll Call: Woykowski, Housel, Buoye, Van Deursen, Turner and Oakley.

Ayes: 7, Nays: 0. – Motion carried.

ORDINANCE #22-2005

**AN ORDINANCE TO CREATE THE POSITION OF
HOUSING OFFICER FOR THE PURPOSE OF
ADMINISTERING BOROUGH OF WASHINGTON'S
AFFORDABLE HOUSING PROGRAM PURSUANT
TO THE FAIR HOUSING ACT.**

BE IT ORDAINED by the Mayor and Council of the Borough of Washington, in the County of Warren and State of New Jersey that the following amendments be made to the Zoning and Land Development Ordinance (Chapter 94) of the Borough of Washington:

Section 1. Purpose.

The purpose of this article is to create the administrative mechanisms needed for the execution of Borough of Washington's responsibility to assist in the provision of affordable housing pursuant to the Fair Housing Act of 1985.

Section 2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

HOUSING OFFICER - The employee charged by the governing body with the responsibility for oversight and administration of the affordable housing program for the Borough of Washington.

Section 3. Establishment of Housing Officer position and compensation; powers and duties.

- A. Establishment of position of Housing Officer. There is hereby established the position of Housing Officer for Borough of Washington.
- B. Establishment of position of the Council on Affordable Housing (COAH), the Housing Officer shall be appointed by the Borough Manager and may be a full or part-time municipal employee.
- C. A Housing Officer shall be responsible for oversight and administration of the affordable housing program for the Borough of Washington and to act as a liaison to any contracting agency for housing services, the developers of low and moderate-income housing and COAH.

- D. Subject to approval by COAH, Borough of Washington may contract with or authorize a consultant, authority, government or any agency charged by the Governing Body with the responsibility of administering of the affordable housing program of Washington.
- E. Compensation. Compensation shall be fixed by the Governing Body at the time of the appointment of the Housing Officer.
- F. Powers and Duties.
 - (1) The primary responsibility of the Housing Officer shall be to ensure that the restricted units under administration are sold or rented, as applicable, only to low- and moderate-income households. Among the responsibilities of the Housing Officer are the following:
 - (a) Conducting an outreach process to insure affirmative marketing or affordable housing units in accordance with the Affirmative Marketing Plan of Borough of Washington and the provisions of N.J.A.C. 5-80-26.15;
 - (b) Soliciting, scheduling, conducting and following up on interviews with interested households;
 - (c) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
 - (d) Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
 - (e) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located;
 - (f) Employing the random selection process as provided in the Affirmative Marketing Plan of Borough of Washington when referring households for certification to affordable units;
 - (g) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
 - (h) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions recorded mortgage and note, as appropriate;

- (i) Instituting and maintaining an effective means of communicating information between owners and the administrative agent regarding the availability of restricted units for resale or rental;
- (j) Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or re-rental;
- (k) Reviewing and approving requests from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership;
- (l) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the cost of central air conditioning systems;
- (m) Processing requests and making determinations on requests by owners of restricted units for hardship waivers;
- (n) Communicating with lenders regarding foreclosures;
- (o) Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5-80-26.10;
- (p) Notifying the municipality of an owner's intent to sell a restricted unit;
- (q) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the appropriate county's register of deeds or county clerk's office after the termination of the affordability controls for each restricted unit;
- (r) Creating and publishing a written operating manual, as approved by COAH, setting forth procedures for administering such affordability controls;
- (s) Providing annual reports to COAH as required; and
- (t) Such other responsibilities as may be necessary to carry out the affordable housing program of the Borough of Washington and the provisions of COAH's regulations pursuant to N.J.A.C. 5:94 et seq. and the Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26 et seq.

- (2) The Housing Officer shall have authority to take all actions necessary and appropriate to carrying out its responsibilities hereunder.
- (3) If Borough of Washington contracts with another administrative agent to administer all or any part of the affordable housing program, including the affordability controls and Affirmative Marketing Plan, the Housing Officer shall supervise the contracting administrative agent.

Section 4. Severability.

If any action, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this Ordinance, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

Section 5. Inconsistent Ordinances Repealed.

All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

Section 6. Effective Date.

This Ordinance shall take effect immediately upon final adoption and publication in the manner prescribed by law.

REPORTS:

It was moved by Housel, seconded by Buoye that the Road Department (2), Police, Borough Clerk's, Borough Engineer, Fire Prevention, Borough Manager's (3), Court (3) and WWTP Plant reports be accepted as presented and filed.

Discussion:

Councilman Turner had some questions with regard to the engineer's November 18th report.

The status of Washington Meadows? Mr. Miller indicated that he was awaiting direction from the Borough Attorney how to proceed. If we bid out the work for the soccer fields we have to know if the money is available to do the work.

The status of the Public Works Garage? Mr. Miller reported that the final plans are being prepared to place it out to bid. The previous bid was a performance bid and no bids were received. They should be ready sometime in January to go out to bid. The plan is to begin work in March or April of 2006.

Sunrise Terrace? Engineer Miller updated the Council on the problems encountered on Sunday Terrace which basically were lack of notification to the residents when work was going to be done near their property where driveways would be affected. Meetings have been held with the contractor and notices given to him for his use.

Myrtle Avenue Acquisition? Engineer Miller noted that this is also in the hands of the Borough Attorney.

Ballfield Lights? Engineer Miller noted that the bids came in too high. This whole project will have to be taken back to the Recreation Commission and have to be re-thought.

2006 Road Projects: Engineer Miller provided Council with a list of projects With the budget estimates and engineering inspection costs this evening for the Capital Improvement Plan for 2006.

N. Prospect Street Speed Humps? Engineer Miller is presently preparing a survey to be given to the residents for their input. A speed survey could be done for over an eight hour period.

Councilman Turner questioned whether traffic counters record speed?

Engineer Miller gave a further update on the status of Sunrise Terrace and noted the contractor has been moving very slowly due to lack of manpower on the job site. They plan to put a base coat down on Sunrise and Pickel this year and wait until the weather breaks for the final coat. The manholes will be ramped and black-top placed around them for safety purposes.

Vote on Reports: Ayes: 6, Nays: 0.
Motion carried.

VOUCHERS:

Mayor Van Deursen entertained additions or questions regarding payment of the vouchers and claims.

Councilman Turner had one question with regard to a voucher on Page 1 that was answered.

It was therefore moved by Buoye, seconded by Turner that the vouchers and claims were paid in the amount of \$ 471,768.15 as reflected in the debit/credit memorandum on file in the Collector-Treasurer's office.

Roll Call: Woykowski, Housel, Buoye, Van Deursen, Oakley and Turner.

Ayes: 6, Nays: 0.
Motion carried.

OLD BUSINESS:

Carlton Avenue Update

Engineer, Bob Miller brought Council up-to-date with the Carlton Avenue project. The sidewalks are done. The contractor suggested doing the paving in sections but this idea was not looked upon favorably. The contractor is preparing the street for the winter so that it will be acceptable for plowing snow and the final paving will be done in the spring.

Mayor Van Deursen deviated from the order of business to address **Resolution #220-2005 Adopting the Housing Element**. Beth McManus from the firm the planner's office was present to report some proposed changes.

Ms. McManus noted that there is a change in the Housing Element based on some information they received with respect to some units from the Warren County ARC. It will reduce the Borough credit amount of affordable housing from 167 to 137 which still meets our requirements. She requested that the Council adopt the Resolution and the Plan will be amended to reflect this change prior to its filing by December 20th. This Resolution must be certified and part of the packet of information that must be filed.

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

RESOLUTION #220-2005

**RESOLUTION ENDORSING THE FAIR SHARE HOUSING PLAN
OF THE BOROUGH OF WASHINGTON, WARREN COUNTY, NJ.**

WHEREAS, the Planning Board of Washington Borough, Warren County, State of New Jersey adopted the Housing Element of the Master Plan on December 12, 2005; and

WHEREAS, a true copy of the resolution of the Planning Board adopting the Housing Element is attached pursuant to N.J.A.C. 5-95-2.2(1)2; and

WHEREAS, the Planning Board adopted the Fair Share Plan on December 12, 2005; and

WHEREAS, a true copy of the resolution of the Planning Board adopting the Fair Share Plan is attached pursuant to N.J.A.C. 5:95-2.2(a)2.

NOW, THEREFORE, BE IT RESOLVED, that the governing body of Washington Borough, Warren County, New Jersey hereby endorses the Housing Element and Fair Share Plan as adopted by the Washington Borough Planning Board; and

WHEREAS, BE IT FURTHER RESOLVED, that the Governing Body of Washington Borough pursuant to the provisions of N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:95-3.2, submits this petition for substantive certification of the Housing Element and Fair Share Plan to the Council on Affordable Housing for review and certification; and

BE IT FURTHER RESOLVED, that a list of names and addresses for all owners of sites in the Housing Element and Fair Share Plan has been included with the petition; and

BE IT FURTHER RESOLVED, that notice of this petition for substantive certification shall be published in a newspaper of countywide circulation pursuant to N.J.A.C. 5-95-3.5 within seven days of issuance of the notification letter from the Council on affordable Housing's Executive Director indicating that the submission is complete and that a copy of this resolution the adopted Housing Element and Fair Share Plan and all supporting documentation shall be made available for public inspection at the Washington Borough Municipal Clerk's office located at 100 Belvidere Avenue, Washington, New Jersey 07882, during the hours of 8:30 AM to 12 Noon and 1:00 PM to 4:30 PM on Monday through Friday, for a period of 45 days following the date of publication of the legal notice pursuant to N.J.A.C. 5:95-3.5.

Roll Call: Oakley, Turner, Van Deursen, Buoye, Housel and Woykowski.

Ayes: 6, Nays: 0.
Motion carried.

Regulating Hotel – Carried for Additional Information

This topic is being carried for additional information. Attorney Farsiou was awaiting additional information from Mr. Anthony which was not received. The owners of the hotel also have expressed a desire to meet with the governing body over their concerns. The article in the newspaper was not very well received.

Council noted that this topic was not brought to the table on their request; it came as a result of a meeting held with the Business Improvement District. Councilwoman Woykowski noted that when a topic is placed on the agenda it should be noted who requested it to be placed on the agenda.

Mr. Ted Smith was recognized by the Mayor and was very upset with the article that was in the newspaper. Several years ago his family owned the hotel and it was always a place for people to stay if they had no where to go. Mayor Van Deursen suggested that he air his concerns with Mr. Jim Sheldon, Executive Director of the Business Improvement District outside the Council Chambers.

NEW BUSINESS:

Resolutions #208-2005-#209-2005-#210-2005 and #211-2005

The following Resolutions were moved on a motion made by Housel, seconded by Oakley and adopted:

RESOLUTION #208-2005

**A RESOLUTION FOR REDEMPTIN 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, 2005 to Elliot Loeb Keogh Plan, 1 Lakeview Road, Saratoga Springs, NY 12866, in the amount of \$ 2,440.04 for taxes or other municipal liens assessed for the year 2004 in the name of Smith, Larry R. Sr. & K.A. Rodenbaugh, as supposed owners, and in said assessment and sale were described as 39 Kinnaman Avenue, Block,006, Lot 005, which sale was evidenced by Certificate #393-05; and

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 12-05-05 and before the right to redeem was cut off, as provided by law, Matthew C. Johnston, Attorney representing the new property owner, claiming to have an interest in said lands, did redeem same lands claimed by Elliot Loeb, by paying the Collector of Taxes of said taxing district of Washington

Borough the amount of \$ 7,479.35, which is the amount necessary to redeem Tax Sale Certificate #93-05.

NOW, THEREFORE, BE IT RESOLVED, on this 13th day of December, 2005 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Elliot Loeb-Keogh Plan, 1 Lakeview Road, Saratoga Springs, NY 12866 in the amount of \$ 7,479.35.

Roll Call: Woykowski, Buoye, Housel, Van Deursen, Oakley and Turner.

Ayes: 6, Nays: 0.
Motion carried.

RESOLUTION #209-2005

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

KNOW ALL MEN BY THESE PRESENCE, THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey were sold on October 24, 2003 to Fernwood Funding, LLC, 92 Main Avenue, Wallington, NJ 07057, in the amount of \$ 2,758.10 for taxes or other municipal liens assessed for the year 2002 in the name of Campbell, Est., c/o Casanova, Loretta, as supposed owners, and in said assessment and sale were described as 163 N. Lincoln Avenue, Block 006, Lot 039, which sale was evidenced by Certificate #379-03; and

WHEREAS, I, Kay F. Stasyshan, the Collector of said taxing district of the Borough of Washington, do certify that on 12-05-05 and before the right to redeem was cut off, as provided by law, Dorothy Groves, heir to the Campbell Estate, per Attorney Stuart C. Ours, claiming to have an interest in said lands, did redeem said lands claimed by Fernwood Funding, LLC, by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$ 2,853.26, which is the amount necessary to redeem Tax Sale Certificate #379-03.

NOW, THEREFORE, BE IT RESOLVED, on this 13th day of December, 2005 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Fernwood Funding, LLC, 92 Main Avenue, Wallington, NJ 07057 in the amount of \$ 3,353.26 (this amount consists of \$2,853.26 + \$500.0 premium).

Roll Call: Oakley, Turner, Van Deursen, Buoye, Housel and Woykowski.

Ayes: 6, Nays: 0. – Motion carried.

RESOLUTION #210-2005

**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>
41/10	Dodd, Fredric 15 Valley View Terrace	\$ 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:

Fredric Dodd
14 W. Shawnee Trail
Wharton, NJ 07885

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: Woykowski, Oakley, Turner, Housel, Van Deursen and Buoye.

Ayes: 6, Nays: 0.
Motion carried.

RESOLUTION #211-2005

**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>
2.11/13	Deak, Denise 57 Alvin Sloan 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:

Denise Deak
4 Rose Lane
Old Bridge, NJ 08857

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: Woykowski, Turner, Van Deursen, Oakley, Buoye and Housel.

Ayes: 6, Nays: 0.

Motion carried.

Resolution #212-2005 – Transfer of Appropriations

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

RESOLUTION #212-2005

A RESOLUTION AUTHORIZING THE TRANSFER OF APPROPRIATIONS

(See Next Page)

WHEREAS, N.J.S.A. 40A:4-58 provides for the transfer for 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>
ASSESSMENT OF TAXES Other Expenses	ELECTIONS Other Expenses	\$ 250.00
PLANNING BOARD Other Expenses	ELECTIONS Other Expenses	500.00
PUBLIC BLDGS. & GROUNDS Other Expenses	GEN. ENGINEERING Other Expenses	500.00
PUBLIC BLDGS. & GROUNDS Other Expenses	TELEPHONE Other Expenses	1,500.00
NATURAL GAS Other Expenses	TELEPHONE Other Expenses	1,000.00
DOWNTOWN REDEVELOPMENT Other Expenses	SOLID WASTE Other Expenses	2,000.00
INSURANCES Other Expenses	SOLID WASTE Other Expenses	2,000.00
AUDITING SERVICES Other Expenses	MAINT. OF VEHICLES Other Expenses	1,750.00
LEGAL Other Expenses	MAINT. OF VEHICLES Other Expenses	2,000.00
POLICE DEPARTMENT Other Expenses	MAINT. OF VEHICLES Other Expenses	1,205.00

HIGHWAY DEPARTMENT	MAINT. OF VEHICLES	
Other Expenses	Other Expenses	\$ 2,000.00
TOTALS OF ALL TRANSERS		\$ 14,750.00

Roll Call: Woykowski, Housel, Buoye, Van Deursen, Oakley and Turner.

Ayes: 6, Nays: 0.
Motion carried.

Resolution #213-2005 – Confirming Policy on Accountability of Checks

The following Resolution was moved by Oakley, seconded by Turner and adopted:

RESOLUTION #213-2005

A RESOLUTION CONFIRMING THE POLICY ON ACCOUNTABILITY OF CHECKS OF THE BOROUGH OF WASHINGTON.

WHEREAS, the Borough of Washington, Warren County, New Jersey desires to increase the competitive nature of investment of idle funds; and

WHEREAS, the Borough of Washington adopted a policy on accountability of checks since 1998; and

WHEREAS, the Mayor and Council of the Borough periodically reviews the various policies in place; and

NOW, THEREFORE, BE IT RESOLVED:

The Mayor and Council of the Borough of Washington, Warren County, New Jersey does hereby confirm the policy on Accountability of Checks as adopted April 7, 1998.

This Policy will become effective immediately upon adoption by the Mayor and Common Council of the Borough of Washington, Warren County, New Jersey.

Roll Call: Housel, Van Deursen, Turner, Woykowski, Buoye and Oakley.

Ayes: 6, Nays: 0.
Motion carried.

Resolution #214-2005 – Confirming Policy on Cash Management Plan

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

RESOLUTION #214-2005

**A RESOLUTION CONFIRMING THE CASH MANAGEMENT PLAN
OF THE BOROUGH OF WASHINGTON.**

WHEREAS, the Borough of Washington, Warren County, New Jersey desires to increase the competitive nature of investment of idle funds; and

WHEREAS, the Borough of Washington has maintained a Cash Management Plan since 1991; and

WHEREAS, the Mayor & Council of the Borough periodically reviews the various policies in place; and

NOW, THEREFORE, BE IT RESOLVED,

The Mayor and Council of the Borough of Washington, Warren County, New Jersey does hereby confirm the Cash Management Plan of 1991 as modified below:

1. Effective January 1, 2006 delete any reference to Public Assistance Funds.

This Policy shall supersede any previous Policy on this issue and if adopted, shall repeal any previously adopted Policy.

This Policy will become effective immediately upon adoption by the Mayor and Common Council of the Borough of Washington, Warren County, New Jersey.

Roll Call: Turner, Oakley, Woykowski, Housel, Buoye and Van Deursen.

Ayes: 6, Nays: 0.
Motion carried.

Resolution #215-2005 – Modifying Policy on Insurance Quotes

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

Note: Changes to the Policy are highlighted in Bold Print.

RESOLUTION #215-2005

A RESOLUTION MODIFYING A POLICY ON INSURANCE QUOTES.

WHEREAS, the BOROUGH OF WASHINGTON, Warren County, New Jersey desires to increase the competitive nature of insurance solicitation in order to assure adequate coverage at a competitive price; and

WHEREAS, the Borough of Washington desires to keep the solicitation process simplified and thereby less costly to the Borough; and

WHEREAS, the Borough seeks to retain its rights to select an insurance agent or Risk Manager and company based upon consideration other than cost; and

NOW, THEREFORE BE IT RESOLVED:

1. All quotes from insurance agents/risk managers and companies not currently holding the Borough's coverage on the insurance policy under consideration by the quoting company or agent, shall submit his or her proposal no later than thirty (30) **sixty (60)** days from the date of expiration of the policy if at all possible.
2. The quoting company or agent/risk manager must provide for the same or greater coverage as found in the existing policy and any and all deletions, exclusions or additions must be noted in detail in the quote.
3. Financial information on all insurance companies must be provided in order for the Borough to evaluate financial condition.
4. The servicing agency shall be identified and the location noted for claims handling general service and other related insurance matters. Agents submitting proposals shall include statements of their experiences with similar accounts and ability to provide advice and recommendations to municipal entities as to insurance needs.
5. All existing insurance carriers may review quotations submitted, except for price, and submit their quote not later than ten (10) **thirty (30)** days prior to expiration of the policy.
6. The current agent/risk manager shall have exclusive right to quote for the Insurance Company through which current coverage is placed.

7. An agent may provide a quote on the entire package of insurance services or on any policy either in effect or for which coverage is currently not provided.
8. **Since the Borough has been a member of an insurance fund for many years, its preference is to remain with a viable insurance fund made up of similar municipalities and other public entities.**

The Borough is under no obligation to accept any quote and may reject any and all quotes. The Borough reserves its right to select an insurance agent/risk manager and company based upon considerations other than cost, which includes, but is not limited to service, knowledge of municipal needs; and settlement of claims on an equitable basis.

All existing insurance policies are kept on file in the Borough Clerk's Office and may be examined during normal business hours of 9 AM to 12 Noon and 1 PM to 5 PM **8:30 AM to 12:00 Noon and 1:00 PM to 4:30 PM.**, Monday through Friday, excluding holidays.

This Policy will become effective immediately upon adoption by the Mayor and Common Council of the Borough of Washington, Warren County, New Jersey.

Roll Call: Turner, Van Deursen, Buoye, Housel, Woykowski and Oakley.

Ayes: 6, Nays: 0.

Motion carried.

Resolution #216-2005 – Modifying Policy on Leaf Collection

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

Note: Changes in policy added are highlighted in bold print and wording removed is in Italic.

RESOLUTION #216-2005

A RESOLUTION MODIFYING A POLICY ON LEAF COLLECTION

WHEREAS, a written policy is needed in order to define the nature of the "Leaf Collection Program" to be undertaken yearly by the Borough; and

WHEREAS, the Borough of Washington desires to provide a "Leaf Collection Program during selected weeks in the Fall in order to assist the inhabitants of the Borough with yard clean-up and provide safe and clean streets and alley ways; and

WHEREAS, the Borough has limited manpower and equipment and must efficiently schedule its workload in order to meet the demand for said service.

NOW, THEREFORE, BE IT RESOLVED:

That the Common Council of the Borough of Washington, Warren County New Jersey does hereby enact the following policy:

COUNCIL POLICY ON THE COLLECTION OF LEAVES BY BOROUGH EMPLOYEES

Leaf Collection will be provided five (5) days a week during weeks selected by the Borough Manager and advertised in newspapers with widespread local circulation. The program will provide minimum of six (6) weeks of pick-up during the Fall. The program may be extended by the Manager, based upon the progress of the leaf fall and the demand for service.

During the period when the Leaf Program is being implemented, the section of the Rubbish Ordinance restricting the depositing of leaves in the street shall *not* be enforced. The public shall place leaves in *the street* **brown, disposable kraft bags** alongside the curb for collection during the weeks so designated by the Manager and at no other time. *Leaves may be placed in piles or may be bagged in disposable bags.*

The streets selected for clean-up on any given day shall be at the discretion of the Borough Manager and Street Superintendent, with due consideration given to the amount of leaves on the street and the proximity of the other streets of lower priority in the immediate work area. In all cases prior to resuming work, the streets deemed highest priority shall be attended to. Streets priority will be based on the amount of leaves on the ground, the nature of the traffic handled by the street and any particular hazards. *That might be present if leaves remain on the road.* Arterial streets shall have the highest priority, with collector streets having the second highest priority and local streets the third highest priority.

Local residents should not call the Borough Hall for a work order for leaf pick-up. The “Leaf Collection Policy” does not, in any way, affect the rights of residents of the Borough from placing leaves out for collection by the Borough’s work force through the year in accordance with the provisions of the local Borough Ordinance known as “The Rubbish Ordinance of Washington Borough”.

This Policy shall supersede any previous Policy on this issue and if adopted, shall repeal any previously adopted Policy.

This Policy will become effective immediately upon adoption by the Mayor and Common Council of the Borough of Washington, Warren County, New Jersey.

Discussion: Councilman Turner suggested that perhaps the Borough should investigate the thought of going into composting with the Township.

A lot of thoughts were thrown out for disposal of leaves. Kraft disposal bags for leaves. A compactor truck was brought up. Roll-off containers? Parked trailers are also being looked into.

Councilman Housel suggested that the disposal of leaves be part of the garbage contract. Manager Sheola noted that this would have to be an addendum to the bid package.

The cost of the Kraft bags was a concern. Manager Sheola suggested that perhaps the Fire Department could sell them as a fund raiser. Councilman Buoye noted that if the Borough gives them away the citizens will still be paying for them through their tax dollars.

Councilman Housel also noted that a public safety issue will be apparent with all of the bags in the street to be picked up.

Roll Call: Woykowski, Turner, Oakley, Van Deursen, Buoye and Housel.

Ayes: 6, Nays: 0.
Motion carried.

Resolution #217-2005 – Rejecting Bids on Ballfield

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

RESOLUTION #217-2005

**A RESOLUTION REJECTING BID FOR THE REPAIR OF
BOROUGH PARK BALL FIELD LIGHTS.**

WHEREAS, the Borough of Washington advertised in the Star Gazette for qualified bidders for the above project; and

WHEREAS, the Borough received one (1) bid from a qualified contractor at the Bid Opening on October 31, 2005; and

Councilman Turner felt that if the bids specs were modified the bids could come in at least \$ 20,000.00 to \$ 30,000.00 less.

Roll Call Vote on Resolution : Housel, Buoye, Woykowski, Van Deursen,
Turner and Oakley – 6 Nays.

Motion Defeated.

**Resolution #219-2005 – Approving the Insertion of Revenue in the Budget –
Chapter 159- Stormwater Management Grant - \$ 5,000.00**

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

RESOLUTION #219-2005

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey, hereby request the Director of Local Government Services with the Department of Community Affairs to approve the insertion of an item of revenue in the budget of the year 2005 in the sum of \$ 5,000.00 which item is now available as a revenue from the State of New Jersey, Department of Environmental Protection for the Storm Water Management 2005 Grant Program.

BE IT FURTHER RESOLVED, that the like sum of \$ 5,000.00 is hereby appropriated under the caption “Storm Water Management Program” Other Expenses outside the CAP.

Roll Call: Woykowski, Housel, Buoye, Van Deursen, Turner and Oakley.

Ayes: 6, Nays: 0. – Motion carried.

Resolution #221-2005 – To authorize the application for Storm-water Management Grant

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

RESOLUTION #221-2005

**A RESOLUTION AUTHORIZING APPLICATION FOR
STORM WATER MANAGEMENT GRANT
BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY.**

WHEREAS, the Borough Council of the Borough of Washington desire to further the public interest by obtaining a grant for the State of New Jersey in the amount of \$ 5,000.00 to fund storm water activities as described in the Scope of Services.

NOW, THEREFORE, BE IT RESOLVED, that Richard J. Sheola, Borough Manager is authorized to make application for such grant and if awarded to execute a grant agreement with the State and to execute any amendment thereto. The Grantee agrees to comply with all applicable, federal, state and municipal laws, rules and regulations in its performance to the agreement.

Roll Call: Woykowski, Housel, Buoye, Van Deurssen, Turner and Oakley.

Ayes: 6, Nays: 0.
Motion carried.

Resolution #222-2005 – Rejecting the bids on the Pool Filtration System

The following Resolution was moved by Turner, seconded by Buoye and adopted:

RESOLUTION #222-2005

**A RESOLUTION REJECTING BIDS FOR THE
REPLACEMENT OF FILTRATION SYSTEM AT
BOROUGH PARK MEMORIAL POOL.**

WHEREAS, the Borough of Washington advertised in the Star Gazette for qualified bidders for the above project; and

WHEREAS, the Borough received two (2) bids from qualified contractors at the bid opening on November 30, 2005; and

WHEREAS, the bids received were:

Stoneridge, Inc. Feasterville, PA	\$ 111,800.00
RJR Engineering Co., Inc. Califon, NJ	91,500.00

WHEREAS, the bid of \$ 91,500 was higher than the Aquatic Consultant's estimate of \$ 50,000 for a contractor to perform the work; and

WHEREAS, the Mayor and Council of the Borough of Washington wish to reject the bid for this work and hereby authorizes a re-bid after appropriate changes to the bid documents.

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 reject the bids for replacement of the filtration system at the Borough Park Memorial Pool as received and authorize the Borough Manager, Recreation Commission and Aquatic Consultant to re-bid the project after reviewing the project with the Recreation Commission and modifications to the bid specifications.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to John van Dorpe, Utilities Engineer.

Roll Call: Turner, Oakley, Van Deursen, Buoye, Housel and Woykowski.

Ayes: 6, Nays: 0.
Motion carried.

Council Goal Report

An updated Council Goal report was submitted to Council for discussion.

Councilman Buoye reported that he went through the forty-one (41) streets which remain for further action and only twelve (12) of those streets are not already signed. All of the streets seems to be fairly easy to bring into compliance with the ordinance with the exception of E. Church Street which may present a problem for the residents to find alternative parking. He will be submitting a formal report to Council.

Councilwoman Woykowski noted that #17 seems to be more completed but is still being worked on. She also felt that #18 was also more completed as well but the committee is still working on an the evacuation plan. There is not a final plan in place.

Councilwoman Woykowski noted that #1 is on-going but she would like the different phases of this project broken down and re-defined.

No formal action was taken on the Council Goal Report.

Resolution #223-2005 – Adoption of Technology Master Plan

The following Resolution was moved by Oakley, seconded by Turner and adopted:

RESOLUTION #223-2005

**A RESOLUTION DEVELOPING A TECHNOLOGY MASTER PLAN
FOR THE BOROUGH OF WASHINGTON.**

WHEREAS, the Borough of Washington, Warren County, New Jersey desires to increase the use of technology in the workplace; and

WHEREAS, the Borough of Washington has developed a Technology Master Plan that addresses the use of technology in the workplace; and

WHEREAS, the Mayor and Council of the Borough periodically review the various policies in place; and

NOW, THEREFORE BE IT RESOLVED,

The Mayor and Council of the Borough of Washington, Warren County, New Jersey does hereby adopt a Technology Master Plan as attached to this Resolution.

This Policy will become effective immediately upon adoption by the Mayor and Common Council of the Borough of Washington, Warren County, New Jersey.

Discussion:

Councilwoman Woykowski questioned what the costs would be to implement this policy. She did not feel that she had enough facts to make a decision on this policy.

Extensive discussion followed at which time it was explained that this is an overall long range planning document that does not commit the governing to a set amount of money. It will be discussed each year during budget preparation as to what part of the plan will be implemented and how much money will be budgeted.

Councilman Buoye was concerned with the Borough's network data storage tape system and wanted to be sure that the Borough has adequate back-up systems for their computer files.

Roll Call: Woykowski, Housel, Buoye, Van Deursen, Turner and Oakley.

Ayes: 6, Nays: 0.
Motion carried.

Resolution #224-2005 – To Award a Contract for Shade Tree Inventory

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

Prior to its adoption the cost of the inventory was discussed. The initial cost is \$ 10,000.00. \$ 7,000.00 is being charged to the Shade Tree's budget this year and the balance will have to be budgeted in the 2006 budget. The original \$ 10,000.00, \$ 3,000.00 was expended on tree removals which were emergencies. The Council wanted both figures to be included in the context of the Resolution.

RESOLUTION #224-2005

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

WHEREAS, there exists a need for additional professional engineering services related to a comprehensive shade tree inventory; and

WHEREAS, funds are available in the 2005 Operating Budget/Shade Tree Commission 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, Robert F. Lee, New Providence, NJ has submitted a proposal to perform a shade tree inventory for the Borough of Washington; and

WHEREAS, the services to be provided by Robert F. Lee, constitutes professional services that need not be bid pursuant to the Public Contracts 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 Robert F. Lee, to provide professional arborist services to the Borough of Washington in matters pertaining to a shade tree inventory for the Borough of Washington in the amount of \$ 10,000.00 with \$7,000.00 to be appropriated from the 2005 Budget.
2. The Mayor and Clerk are hereby authorized and directed to enter into an agreement with Robert F. Lee, New Providence, 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 not to exceed \$25,000.00.
4. The necessary funds are available in the 2005 Operating Budget/Shade Tree Commission
5. The balance of the contract is contingent upon appropriate funding in the 2006 Operating Budget for Shade Tree Commission in the amount of \$ 3,000.00.
6. Notification of the contract award shall be printed in the Star Gazette.
7. 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 law.

Roll Call: Oakley, Turner, Van Deursen, Buoye, Housel and Woykowski.

Ayes: 6, Nays: 0.

Motion carried.

Resolutions #225-2005 # 226-2005 – Changes Orders #7 & #8 – Extraneous Flow Project

A motion was made by Housel, seconded by Oakley to adopt Resolutions #225-2005 and #2006-2005 for the extraneous flow project. The change orders are \$ 17,441.17 for changes in field conditions and \$ 3,921.13 reflecting a delay caused by another contractor.

Extensive discussion followed regarding these change orders and Councilman Turner questioned why they did not scope out these changes and take them into account during the bidding process.

Manager Sheola noted that there will be a substantial amount of money left in the account based on the amount bid on the project.

The general consensus was that Schoor DePalma is responsible for a lot of the problems that the Borough is experiencing with this contractor and that they should be responsible for these costs.

Councilwoman Woykowski expressed her dissatisfaction with the engineer's performance. She did not receive the information she requested when dealing with them. Who is protecting the Borough's interest?

Roll Call Vote on Resolutions: Woykowski, Housel, Buoye, Van Deursen,
Turner and Oakley – 6 Nays.

Defeated.

Resolution #227-2005 – Redemption of Tax Certificate, Blk. 6, Lot 70

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

RESOLUTION #227-2005

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

KNOW ALL MEN BY THESE PRESENCE, THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 24, 2003 to Crusader Servicing Corp., 179 Washington Lane, Jenkintown, PA 19046, in the amount of \$ 4,042.78 for taxes or other municipal liens assessed for the year 2002 in the name of Casanova, Humberto, as supposed owners, and in said assessment and sale were described as 160 N. Lincoln Avenue, Blk. 006, Lot 070, which sale was evidenced by Certificate #380-03, 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 12-07-05 and before the right to redeem was cut off, as provided by law, Attorney Kisha M. Hebbon representing Humberto Casanova, claiming to have an interest in said lands, did redeem said lands claimed by Crusader Servicing Corp., by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$ 18,191.82, which is the amount necessary to redeem Tax Sale Certificate #380-03.

NOW, THEREFORE, BE IT RESOLVED, on this 13th day of December, 2005 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Crusader Servicing Corp., 179 Washington Lane, Jenkintown, PA 19046 in the amount of \$ 18,591.82 (this amount consists of \$18,191.82 + \$ 400.00 premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 006, Lot 070 from the tax office records.

Roll Call: Turner, Woykowski, Housel, Buoye, Van Deursen and Oakley.

Ayes: 6, Nays: 0.
Motion carried.

Lynn Alleger, 37 Grand Ave.

Mrs. Lynn Alleger was recognized by the Mayor. Mrs. Alleger thanked the Council for the sidewalks that were constructed on W. Stewart Street on their property. She and her husband were very pleased. There are two signs in their yard that she would appreciate having moved as well as their neighbors.

Executive Session

It was moved by Turner, seconded by Oakley that the Council go into Executive Session to discuss matters of litigation, personnel and contracts at 10:45 PM.

Ayes 6, Nays: 0.
Motion carried.

Councilman Housel was excused from the Executive Session.

It was moved by Buoye, seconded by Oakley that Council back out into open session at 11:00 PM.

Ayes: 5, Nays: 0. – Motion carried.

Hearing no further business to come before Council, it was moved by Buoye, seconded by Oakley that the meeting be adjourned at 11:00 PM.

Ayes: 5, Nays: 0. – Motion carried.

Marianne Van Deursen, Mayor

Linda L. Hendershot, RMC/CMC - Clerk

