

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – June 6, 2006**

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: Woykowski, Buoye, Oakley, Van Deursen, Housel (8:15 p.m.),
Glaser and Turner – 7 Present.

Also Present: Richard J. Sheola, Borough Manager
Richard P. Cushing, Esq., Borough Attorney
Linda L. Hendershot, RMC/CMC, Borough Clerk
Kristine D. Blanchard, RMC, Acting Deputy Clerk

The flag salute was led by the Mayor.

Mayor Van Deursen read the following Statement into the Record:

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

COUNCIL APPEARANCE:

Animal Control – Betty and Gary Wysocki, Animal Control Officers

Animal Control Officer Betty Wysocki gave a summarization of the Animal Control activities for the year 2005. Sixty-five dogs were picked up during the year and returned to their owners or transported to the Animal Health Center. Fifty-five cats were also picked up during 2005.

Mrs. Wysocki reported that they also receive wildlife calls for sick and injured animals. These animals are transported to Rocky Springs in Franklin Township or Woodland Wildlife in Pittstown, New Jersey. She also reported that they receive many calls in reference to bats in homes. When bats are reported, they are captured and tested for rabies.

Councilman Buoye inquired as to raising the late fee for unlicensed animals. Mrs. Wysocki suggested a progressive late fee. Raising the late fee from a flat \$2.00 fee to \$2.00 for each month the animal remains unlicensed.

Mrs. Wysocki also suggested changing the due date for dog and cat licenses to coincide with the Borough’s rabies clinic. Currently the due date for dog and cat licenses is January 31. Mrs. Wysocki and the Clerk’s office suggest changing the due date to May 31. This way people will have had the opportunity to update their pet’s rabies shots prior to licensing.

Manager Sheola directed Acting Deputy Clerk, Kristine Blanchard to conduct a survey of the other municipalities in Warren County to find out what types of late fees other municipalities are charging for animal licensing. This topic will be re-visited in several months.

Mrs. Wysocki brought to the council's attention a new statute in New Jersey that prohibits the de-barking of dogs in New Jersey.

Councilwoman Glaser thanked Mr. and Mrs. Wysocki for their compassion and sincerity when working with the residents of the Borough. They are truly an asset to the community.

Mrs. Wysocki publicly thanked Dorothy Bowlby for volunteering her time to help conduct the dog census this year.

Mayor Van Deursen, on behalf of the governing body, thanked Betty Wysocki for her excellent report.

Ayes: 5, Nays: 0, Abstain: 2

Motion Carried

MINUTES:

Regular Meeting – May 16, 2006

Mayor Van Deursen entertained additions or corrections to the minutes of the regular meeting of May 16, 2006.

The following corrections were noted: Page 4 – “chairman” is misspelled. Also on page 4 - Washington Meadows should be changed to Centex Homes. Page 5 – the Ayes should be changed to 5. Page 11 – the Ayes should be changed to 5. Page 13 the Ayes should be changed to 5.

Hearing no additional corrections, it was moved by Turner, seconded by Oakley that the minutes of May 16, 2006 be accepted with corrections.

Ayes: 5, Nays: 0, Abstain: 2

Motion Carried

COMMUNICATIONS:

The following communications were entered into the Record:

1. Board of Chosen Freeholders – Notice of Public Hearing Re: Public Auctions
2. NJLM Re: A-3133 Reduction in Municipal Library Taxes
3. NJLM Re: Draft Resolution on Gang Deterrence
4. NJLM Re: Urgent Alert – Contract your Legislators on FY '07 Budget Provisions
5. R. Cushing, Esq. RE: “People of the Bar” Article
6. NJLM Re: Update on New NJDOT Policy Concerning Deer Carcasses on Roads (2)

7. Warren County Planning Department Re: Right to Farm Ordinance
 8. NJLM Re: Solid Waste Facilities at Rail Yards-Update
 9. Township of Washington Re: Amendments to their Zoning Regulations (3)
 10. Notification of NJ American Water Company Rate Increase
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11. NJLM Re: S-192 Cable Franchise
 12. Letter(s) Gina Appleby Commending the Animal Control Officers and Stop Sign – S. Lincoln Avenue

It was moved by Glaser, seconded by Oakley that the communications numbered #1 thru #12 be acknowledged, received and filed.

Ayes: 7, Nays: 0.

Motion carried.

AUDIENCE:

Mayor Van Deursen entertained remarks from the audience on items that do not appear on the meeting agenda.

Gina Appleby – 28 Willow Street requested an update on the progress of placing stop signs on South Lincoln Avenue and also the possibility of making South Lincoln Avenue a one way street from South Lincoln Avenue to the railroad tracks. She further alleged that the ordinance implementing the permit parking needed to be approved by the Department of Transportation.

Manager Sheola gave Mrs. Appleby an update on the ongoing meetings that are taking place with Warren County Officials, Washington Township Officials, and the Department of Transportation. The discussions pertain to the realignment of Cemetery Hill Road and South Lincoln Avenue in the Route 31 area. Manager Sheola also explained that emergency officials were not happy with the possibility of making South Lincoln Avenue a one way street.

Mrs. Appleby asked Council to direct the Borough Manager and Borough Engineer to contact the D.O.T. and look into making South Lincoln Avenue a one way street.

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

Ayes: 7, Nays: 0.

Motion carried.

ORDINANCES:

Ordinance #10-2006 – Amending the Land Development Ordinance of the Borough of Washington to Facilitate the Provision of the Third Round of Affordable Housing in Connection with the Residential and Nonresidential Growth and Development (Final Passage)

An ordinance amending the Land Development Ordinance regarding the third round of affordable housing was introduced by Councilwoman Oakley.

It was further moved by Oakley, seconded by Glaser that the Clerk read Ordinance #10-2006 by title only.

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

Ayes: 7, Nays: 0.
Motion carried.

The Clerk read Ordinance #10-2006 by title only and stated that this ordinance was published in the Star Gazette, 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 or comments.

Hearing none it was moved by Glaser, seconded by Oakley that the public hearing be closed.

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

Ayes: 7, Nays: 0
Motion carried.

Council Discussion: None

It was therefore moved by Glaser, seconded by Oakley that Ordinance #10- 2006 be adopted on final passage and that final publication be made as prescribed by law.

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

Ayes: 7, Nays: 0
Motion carried.

BOROUGH OF WASHINGTON
ORDINANCE #10-2006

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 Borough Council of the Borough of Washington adopted Ordinance 21-2005 establishing COAH Third Round criteria for the “growth share”; 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 Mount 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 Council 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 are hereby amended as follows:

SECTION 1. – Legislative Intent.

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

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

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 net lots or units shall set-aside 11.1 percent (11.1%) of said units (rounded down if .4 or less and 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 net lots or units shall pay an Affordable Housing Development Fee pursuant to the Borough’s Development Fee Ordinance 2005-21

B. Nonresidential Development.

(1). Except as otherwise provided below, any development application in any zoning district proposing net nonresidential floor area that generates an affordable housing obligation of at least one affordable unit (rounded down if .4 or less and 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".

C. Addressing Growth Share Obligation.

The applicant shall satisfy its affordable housing growth share obligation(s) through on-site housing production in connection with residential projects or non-residential development. Additionally, with the Planning Board's or Zoning Board of Adjustment's written permission, the applicant may also choose to: (a) purchase an existing market-rate home at another location in the community and convert it to an affordable price-restricted home in accordance with COAH's criteria, regulations and policies (b) provide a payment in lieu of construction and/or (c) any other compliance mechanism pursuant to COAH's rules per N.J.A.C. 5:94-et seq. Evidence of a compliance mechanism shall be produced to the Planning Board or 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 all approvals that must be satisfied in accordance with COAH's phasing requirements per N.J.A.C. 5:94 et seq.

D. Payments in Lieu of Construction

Payments in lieu of the construction of affordable housing shall be based upon a proportionate share of the total project cost embodied in one or more pro-forma statements (pro-forma(s)) for the construction of an affordable housing development elsewhere within the Borough of Washington), which shall be on file in the office of the Borough Clerk.

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 #11-2006 – Amending AR-7 Zone (Final Passage)

An ordinance amending the AR-7 Zone was introduced by Councilman Housel.

It was further moved by Housel, seconded by Glaser that the Clerk read Ordinance #11-2006 by title only.

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

Ayes: 7, Nays: 0.

Motion carried.

The Clerk read Ordinance #11-2006 by title only and stated that this ordinance was published in the Star Gazette, 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 or comments.

Hearing none it was moved by Glaser, seconded by Oakley that the public hearing be closed.

Council Discussion:

Manager Sheola noted that the word maximum was changed to minimum based on council's request. Upon forwarding the Ordinance to Attorney Dilts representing Candle Artisans the word should have remained as maximum. Therefore this Ordinance should be defeated and reintroduced as Ordinance 12-2006.

A motion was made by Housel, seconded by Glaser that Ordinance 11-2006 be defeated.

Roll Call: Woykowski, Buoye, Oakley, Van Deursen, Glaser, and Housel – Ayes: 6 – Turner – 1 Nay – Motion Carried.

Ordinance #12-2006 - Amending AR-7 Zone (First Reading)

An ordinance amending the AR-7 Zone was introduced by Councilman Housel.

It was further moved by Housel, seconded by Glaser, that the clerk read Ordinance #12-2006 by title only.

Roll Call: Woykowski, Buoye, Oakley, Van Deursen, Glaser, and Housel –
Ayes: 6 – Turner – 1 Nays – Motion Carried.

The Clerk read Ordinance #12 – 2006 entitled, “AN ORDINANCE TO AMEND SECTION 94-40 – BUFFERS – OF THE CODE OF THE BOROUGH OF WASHINGTON AS PERTAINING TO THE AR-7 ZONE.”

Council Discussion:

Manager Sheola explained why Attorney Dilts wanted the ordinance to read maximum rather than minimum. Councilman Turner explained the reason he voted no on the introduction of this ordinance. The ordinance, as written, with the word maximum would not require a buffer at all. Councilman Housel suggested removing the word maximum to have the ordinance read, “The buffer area shall be ten feet in width.”

It was moved by Turner, seconded by Oakley that Ordinance #12-2006 be approved on first reading with corrections noted by Councilman Housel.

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

Ayes: 7, Nays: 0.
Motion Carried.

It was further moved by Oakley, seconded by Housel that Ordinance #12-2006 be published in the Star Gazette on June 15, 2006 as required by law and that the public hearing be scheduled for July 5, 2006.

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

Ayes: 7, Nays: 0
Motion Carried.

Ordinance #13-2006 – An Ordinance to Acquire Property for Parking (First Reading)

Councilman Housel voiced his concerns about voting on an Ordinance that he just received a few minutes before the meeting.

Attorney Cushing explained that the negotiations between Mr. Van Cleef and the Borough have been ongoing. The delay in receiving this Ordinance was due to last minute negotiations. The final terms of the agreement were just agreed upon today.

Attorney Cushing also explained that the purpose of this Ordinance is to permit the Borough to acquire properties for parking for the midtown project.

Attorney Cushing stated that Mr. Allen Lowcher, attorney for Mr. Van Cleef, is in attendance this evening and would like to comment on this project on behalf of Mr. Van Cleef.

Mr. Lowcher explained that the midtown project requires Mr. Van Cleef to acquire four contiguous properties for parking. One of the properties is already acquired, but Mr. Van Cleef needs to solidify the terms with the Borough of Washington so that he can proceed and acquire the other three properties.

Councilman Housel inquired as to what the timeframe is for finalization. Mr. Lowcher stated that the Ordinance would need to be adopted as soon as possible so that Mr. Van Cleef was not in breach of contract.

Manager Sheola explained that the earliest the Ordinance would be adopted is July 5, 2006. A Resolution waiving the twenty day waiting period would need to be passed as well.

Mayor Van Deursen advised that if Council does not introduce the Ordinance this evening it will hinder the project.

Councilman Housel remarked that he would be more willing to look over the proposed Ordinance and come back for a special meeting rather than voting on the Ordinance this evening.

Councilman Turner questioned item number three of the Ordinance. Attorney Cushing stated that the language on item number three is a bit broader than needed and could be stricken from the Ordinance.

Councilwoman Oakley raised concerns on item number five of the Ordinance which includes a provision of being able to condemn land.

Attorney Cushing explained that it was important to have that provision included in the Ordinance. He went on to explain that the properties that Mr. Van Cleef has entered into contract with are subject to title searches. In addition, possible environmental issues exist on one of the properties. These properties are important to the redevelopment and revitalization of the downtown area. If the situation of title problems arises, it could present some type of intractable problems.

Attorney Cushing also noted that council is under no obligation to take the property. The Ordinance simply gives the municipality the right to acquire the property.

Councilman Turner suggested removing the third line in item number five.

Councilwoman Woykowski commended Councilman Turner for the changes in language in the Ordinance, but stated these changes reinforce the fact that this should have been read over and pondered upon.

Councilman Buoye commented that this Council has a commitment to downtown revitalization.

Mayor Van Deursen stated that this project was well thought out and assessed by the Planning Board. She stated she was confident with this Ordinance with the modifications.

Mayor Van Deursen entertained a motion to introduce #13-2006 - An Ordinance to Acquire Property for Parking with corrections.

An Ordinance to Acquire Property for Parking was introduced by Councilman Buoye, seconded by Glaser with corrections.

Roll Call:

Glaser, Turner, Van Deursen, and Buoye – 4 Ayes

Woykowski, Housel, and Oakley – 3 Nays.

Motion Carried.

It was further moved by Glaser, seconded by Turner, that the clerk read Ordinance #13-2006 by title only.

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

Ayes: 7, Nays: 0

Motion Carried

The Clerk read Ordinance #13 – 2006 entitled, “AN ORDINANCE TO ACQUIRE PROPERTY FOR PARKING.”

Council Discussion: The council discussion was already held on this Ordinance.

It was further moved by Glaser, seconded by Turner that Ordinance #13-2006 be published in the Star Gazette on June 15, 2006 as required by law and that the public hearing be scheduled for July 5, 2006.

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

Ayes: 7, Nays: 0

Motion Carried.

REPORTS:

It was moved by Oakley, seconded by Glaser that the Zoning/Code Enforcement, Fire Prevention, Borough Clerk’s, Trial Balance, and the Borough Manager’s reports be accepted as presented and filed.

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

Ayes: 7, Nays: 0.

Motion Carried.

VOUCHERS:

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

Council Discussion: None

It was moved by Glaser, seconded by Buoye that that the vouchers and claims be approved for payment in the amount of \$515,949.92 as reflected in the debit/credit memorandum on file in the Collector/Treasurer's office.

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

Ayes: 7, Nays: 0.

Motion carried.

OLD BUSINESS

School Time Curfew for Juveniles

Attorney Cushing discussed the proposed School Time Curfew Ordinance. Council discussion followed. Councilman Turner commented that this Ordinance could create an environment that creates a harassment issue.

Councilwoman Oakley questioned as to why we are re-visiting this topic again. Councilwoman Glaser asked audience member Dave Higgins to clarify the discussion from last year on this same topic. Mr. Higgins explained that this Ordinance was not adopted last year because it created too many challenges and could possibly be deemed as unconstitutional.

Attorney Cushing agreed that historically curfew ordinances are challenged around the nation.

Mayor Van Deursen explained that the request for this Ordinance came from Judge Palmer and Officer Magyar in order to have a tool to deal with the truancy issue in the Borough. Mayor Van Deursen suggested that the topic be tabled until the next Council meeting. Additionally, council would like to invite Officer Magyar to the next council meeting to discuss the issue again.

At this time Mayor Van Deursen requested that Council deviate from the order of business to consider Resolution #131-2006 – To Award the Contract of the Purchase of the Fire Truck. The Council concurred.

The following Resolution was moved on a motion made by Turner, seconded by Glaser and adopted.

RESOLUTION # 131-2006

A RESOLUTION AWARDING BID FOR THE PURCHASE OF A TRIPLE COMBINATION FIRE PUMPING APPARATUS FOR THE WASHINGTON BOROUGH FIRE DEPARTMENT

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

WHEREAS, the Borough received three (3) bids from contractors at the Bid Opening on May 5, 2006; and

WHEREAS, the bids received were as follows:

Rosenbauer Firefighting Technology	
Bidding a Central States Fire Apparatus	
Base Bid – Truck	\$334,868.00
Less Trade in 1978 Mack	(\$10,000.00)
Less Chassis Pre-Pay	(\$5,750.00)
NET BID	\$319,118.00
Pierce Manufacturing	
Base Bid	\$394,054.00
Less Trade in	(\$4,000.00)
Less Chassis Pre-pay	(\$6,461.00)
NET BID	\$383,593.00
KME Fire Apparatus	
Base Bid	\$392,971.00
Less Trade in	(\$00.00)
Less Chassis Pre-pay	(\$1,625.00)
NET BID	\$391,346.00

WHEREAS, the Borough had budgeted \$400,000.00; and

WHEREAS, the Mayor and Council of the Borough of Washington wishes to reject the lowest bid for this work, since the lowest bid, Central States Fire Apparatus, contains many “exceptions” to the Technical Requirements and therefore does not comply with the specifications as written and therefore it is in the best interest of the Borough of Washington to reject the bid.

WHEREAS, the bid submitted by Pierce Manufacturing does not have material exceptions to the Technical Specifications and therefore meets the requirements of the bid.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey award the bid for purchase of a Triple Combination Fire Pumping Apparatus to Pierce Manufacturing of Appleton, WI and authorize the Borough Manager to prepare the contract documents as soon as possible and for the Mayor and Borough Clerk and any other municipal official to execute the contracts. A Certification of Available Funds is attached and made part of this document; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to Richard J. Sheola, Borough Manager and the Washington Borough Fire Department.

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

Ayes: 7, Nays: 0
Motion Carried.

NEW BUSINESS:

Consideration of Request from Washington Township for Sewer Connection

Councilwoman Glaser noted that there was a policy in place that council was not allowing any more properties to connect to the Washington Borough sewer system. The only exception to this policy is the Port Colden Mall. The mall had special circumstances and was done with a special agreement between the Department of Environmental Protection and the Borough of Washington.

Councilwoman Woykowski stated that the borough should stick to the policy and decline Washington Township's request to connect to the borough sewer line.

Councilman Housel made a motion to respectfully decline the request from Washington Township and was seconded by Glaser.

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

Ayes: 7, Nays: 0
Motion Carried.

At this time Mayor Van Deursen made a request for a motion to recess for five minutes. It was moved by Glaser, and seconded by Oakley that the Council recess for five minutes at 9:45 p.m.

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

Ayes: 7, Nays: 0
Motion Carried.

Mayor Van Deursen called the meeting back to order at 9:50 p.m. with everyone present but Councilman Housel who was excused from the meeting at this time.

OLD BUSINESS

Managers Goals

Borough Manager, Richard Sheola gave a report on the manager's goals for the year 2006. The topics discussed are outlined in the Manager's Goals Report.

Mayor Van Deursen commented on the upgrade to the Borough Hall phone system. Manager Sheola stated that the upgrade would be to voicemail only so that all messages would be date and time stamped.

Several questions were asked by council regarding the Service Management System. Manager Sheola explained that this system is really a Complaint Tracking System. In addition to tracking complaints; it will have the ability to issue reports as well as generate form letters.

Councilman Turner commented on the goal: recruitment of quality businesses and developers for the entire borough. Councilman Turner noted that the Business Improvement District is responsible for recruitment on Washington Avenue. Councilwoman Glaser suggested excluding the BID properties from the goal list and have the manager focus on non-BID properties.

Mayor Van Deursen asked if there were any additional comments from the council regarding the Managers Goals. Councilwoman Woykowski commented that she was glad to see the Work Order Management System on the list of goals this year. Councilwoman Woykowski also asked Manager Sheola to add an orientation plan for new council members to the list of goals.

NEW BUSINESS

Discussion on Share Grant Process/Shared Services

Discussions ensued regarding the shared grant process/shared services. Councilwoman Woykowski questioned who decided that the manager would be the key lead? Manager Sheola stated that there was no one in the township that would have the time or expertise to take the lead in this project.

Councilwoman Woykowski questioned retaining Patriot Consulting without consulting council. Manager Sheola noted that both municipalities must adopt a Resolution in order to begin the process.

Councilwoman Glaser questioned what the grant covered. Councilwoman Woykowski indicated that it would provide for the feasibility study. Councilwoman Woykowski also advised that there is a free advisory service provided by the League of Municipalities. Councilwoman Woykowski also reported that the Division of Community Affairs indicated that each shared service required a separate grant application.

Council discussion followed, at which time a committee was formed consisting of Councilwoman Woykowski, Councilman Housel, Mayor Van Deursen, and Manager Sheola to meet and bring a recommendation back to Council.

Application for Catering Permit for Music Festival

An application was filed with the Borough Clerk for a catering permit for the Music Festival sponsored by the Business Improvement District on July 22, 2006.

Councilman Turner questioned if the application was in order. Municipal Clerk, Linda Hendershot stated that the application was in order.

It was moved by Glaser, seconded by Turner that the Application for Catering Permit for the Music Festival be approved.

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

Ayes: 6, Nays: 0

Motion Carried.

Resolutions #120 – 127 2006

The following Resolutions were moved on a motion made by Glaser, seconded by Turner and adopted.

RESOLUTION #120-2006

**RESOLUTION TO CLOSE AN ESCROW ACCOUNT FOR
STREET OPENING PERMIT FOR THE PURPOSE OF
CONNECTING TO THE BOROUGH'S SANITARY SEWER
AT PROPERTY K/A 12 BEETHOVEN AVENUE.**

WHEREAS, Ray Brown did apply to the Borough of Washington for a street opening permit to connect to the sanitary sewer at 12 Beethoven Avenue, and

WHEREAS, the Borough requires the filing of a surety bond or cash bond in the amount of \$ 1,000.00 to be filed with the Clerk and deposited with the Borough Treasurer; and

WHEREAS, Robert Miller, C.M.E., Borough Engineer has notified the Clerk that the work has been completed in satisfactory condition and that the cash bond can be released.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, that the Treasurer be authorized to refund the contractor, Ray Brown Jr. Services, 147 S. Main Street, Phillipsburg NJ 08865, the amount of \$ 1,000.00 drawn on the Street Opening – Security Escrow Account at Commerce Bank, Account #7200020864.

RESOLUTION #121-2006

**RESOLUTION TO CLOSE AN ESCROW ACCOUNT FOR
STREET OPENING PERMIT FOR THE PURPOSE OF
CONNECTING TO THE BOROUGH'S SANITARY SEWER
AT PROPERTY K/A 10 FLOWER AVENUE.**

WHEREAS, Henry Riewerts did apply to the Borough of Washington for a street opening permit to connect to the sanitary sewer at 10 Flower Avenue, Block 70, Lot 6, and

WHEREAS, the Borough requires the filing of a surety bond or cash bond in the amount of \$ 1,000.00 to be filed with the Clerk and deposited with the Borough Treasurer; and

WHEREAS, Robert Miller, C.M.E., Borough Engineer has notified the Clerk that the work has been completed in satisfactory condition and that the cash bond can be released.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, that the Treasurer be authorized to refund the contractor, Henry Riewerts, 508 Mountain View Road, Asbury NJ 08802 the amount of \$ 1,000.00 drawn on the Street Opening – Security Escrow Account at Commerce Bank, Account #7200020864.

RESOLUTION # 122-06

**A RESOLUTION TO CANCEL 2006 TAXES
DUE TO VETERAN EXEMPT STATUS**

WHEREAS, the Tax Collector has received an approved application for a 100% Permanent and Total Disabled Veteran from the Tax Assessor for Block 007 Lot 006; located at 200 W Warren Street and in the name of Hoffman, John V and Betty L; and

WHEREAS, the Tax Assessor has advised the Tax Collector that the application for the exemption was received and approved with an effective date of June 30, 2005; and

WHEREAS, the tax exemption does not show in the 2006 Tax Duplicate but the tax exemption is in effect for 2006 per the Tax Assessor.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Tax Collector is authorized to cancel the 2006 Real Estate Property Taxes due to the exempt status and refund the amount of \$3,385.00 to the mortgage company as the first two quarters were paid for 2006.

RESOLUTION # 123-06

A RESOLUTION TO CANCEL 2006 TAXES
DUE TO VETERAN EXEMPT STATUS

WHEREAS, the Tax Collector has received an approved application for a 100% Permanent and Total Disabled Veteran from the Tax Assessor for Block 022 Lot 005; located at 30-32 N Lincoln Avenue and in the name of Roseberry, Charles B; and

WHEREAS, the Tax Assessor has advised the Tax Collector that the application for the exemption was received and approved with an effective date of July 28, 2005; and

WHEREAS, the tax exemption does not show in the 2006 Tax Duplicate but the tax exemption is in effect per the Tax Assessor.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Tax Collector is authorized to cancel the 2006 Real Estate Property Taxes due to the exempt status.

RESOLUTION # 124-06

A RESOLUTION TO CANCEL 2006 TAXES
DUE TO VETERAN EXEMPT STATUS

WHEREAS, the Tax Collector has received an approved application for a 100% Permanent and Total Disabled Veteran from the Tax Assessor for Block 099 Lot 006.01; located at 127 W Washington Avenue and in the name of Trimmer, Jack R Sr and Larue A; and

WHEREAS, the Tax Assessor has advised the Tax Collector that the application for the exemption was received and approved with an effective date of March 16, 2005; and

WHEREAS, the tax exemption does not show in the 2006 Tax Duplicate but the tax exemption is in effect per the Tax Assessor.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Tax Collector is authorized to cancel the 2006 Real Estate Property Taxes due to the exempt status.

RESOLUTION # 125-06

A RESOLUTION TO CANCEL

2005 TAXES PER TAX COURT APPEAL

WHEREAS, the Tax Collector has received a Tax Court Judgment for the year 2004 for the property listed below:

<u>BLOCK</u>	<u>LOT</u>	<u>NAME OF OWNER/ PROPERTY LOCATION</u>	<u>YEAR</u>	<u>AMOUNT</u>
040	001	ABD Washington, Inc. c/o Bogatch N Pickel Avenue	2005 Taxes	1,200.00
			TOTAL	1,200.00

WHEREAS, due to the Tax Court Judgment the assessed value for the land has been reduced from 75,000 to 0 which cancelled the 2004 taxes and also includes the 1st and 2nd quarter 2005 taxes per a memo from the Tax Assessor. This judgment allowed the Tax Assessor to remove the Block/Lot from the 2005 Extended Tax Duplicate.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey, to hereby authorize the Tax Collector to cancel the 1st and 2nd quarter 2005 taxes in the amount above.

RESOLUTION # 126-06

**A RESOLUTION TO CANCEL 2006 TAXES
DUE TO VETERAN EXEMPT STATUS**

WHEREAS, the Tax Collector has received an approved application for a 100% Permanent and Total Disabled Veteran from the Tax Assessor for Block 066.01 Lot 015; located at 79 Flower Avenue and in the name of Adams, John D & Patricia A; and

WHEREAS, the Tax Assessor has advised the Tax Collector that the application for the exemption was received and approved with an effective date of April 26, 2005; and

WHEREAS, the tax exemption does show in the 2006 Tax Duplicate and is therefore in effect.

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

Collector is authorized to cancel the 2006 Real Estate Property Taxes due to the exempt status.

RESOLUTION # 127-06

**A RESOLUTION TO REFUND OVERPAYMENT
ON 2006 CURRENT YEAR REAL ESTATE TAXES**

WHEREAS, according to the Tax Collector's records, there is an overpayment of \$1,729.55 on 2006 1st Quarter Regular Taxes paid on property located at 82 Flower Avenue, also known as Block 044 Lot 012, and in the name of Bino, Donald Jr; and

WHEREAS, Attorney Bronson has paid 1st Quarter 2006 Regular Taxes for the new property owner, Mr. Bino and First American Real Estate Tax Service/Chase Home Finance has also paid the 1st quarter 2006 Regular Taxes for the former property owners', the Farthing's; and

WHEREAS, the Tax Collector has received a written request from First American Real Estate Tax Service to refund the tax 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 \$1,729.55 payable to:

Refund Department MS 300
First American Real Estate Tax Service
1201 Elm St, Suite 400
Dallas, TX 75270
Attn: Stephen Lewis (Contract #80857369)

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

Ayes: 6, Nays: 0
Motion Carried.

**RESOLUTION #128-2006 FOR FILING OF THE ANNUAL TONNAGE REPORT
AND GRANT APPLICATION**

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

RESOLUTION #128-2006

**A RESOLUTION OF THE BOROUGH OF WASHINGTON FOR THE FILING
OF THE ANNUAL TONNAGE REPORT AND GRANT APPLCATION**

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to
Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, A resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of (name of governing body) to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Washington hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Borough Manager Richard J. Sheola to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

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

Ayes: 6, Nays: 0

Motion Carried.

Resolution #129-2006 Supporting a No Passing Zone Traffic Regulation Order for State Highway 31

The following Resolution was moved by Turner, and seconded by Glaser and adopted.

RESOLUTION #129-2006

**A RESOLUTION SUPPORTING A NO PASSING ZONE TRAFFIC REGULATION
ORDER FOR STATE HIGHWAY 31**

WHEREAS, the Township Committee of Washington Township have expressed concerns about traffic safety along State Highway 31 from mileposts 39.4 – 42.0, pertaining to the center passing lane; and

WHEREAS, the Township Committee of the Township of Washington approved a request on May 17, 2005 to the New Jersey Department of Transportation to study this issue; and

NOW THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Washington requests that the New Jersey Department of Transportation remove the passing lanes on the section of Route 31 between mileposts 39.4 through 42.0 and install any appropriate markings and signage; and

BE IT FURTHER RESOLVED, that Washington Township will also have to agree to this request as portions of the passing lane are located within its municipal boundaries; and

BE IT FURTHER RESOLVED, that the Borough Clerk will forward copies of this resolution to:

Douglas R. Bartlett, Manager
Traffic Engineering & Investigations
NJ DOT
PO Box 613
Trenton, NJ 08625-0613

Mayor David Dempski
Washington Township
Municipal Building
350 Rt 57 West
Washington, NJ 07882-1426

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

Ayes: 6, Nays: 0.
Motion Carried.

Resolution #130-2006 Appoint/HCDS as Administrative Agent.

The following Resolution was moved by Oakley, seconded by Buoye, and adopted.

RESOLUTION #130-2006

**RESOLUTION OF THE BOROUGH OF WASHINGTON APPOINTING HOUSING AND
COMMUNITY DEVELOPMENT SERVICES AS ADMINISTRATIVE AGENT FOR
AFFORDABLE HOUSING**

WHEREAS, the Governing Body of Washington Borough, Warren County petitioned the Council on Affordable Housing (COAH) for substantive certification of its Housing Element and Fair Share Plan on December 16, 2005 and

WHEREAS, Washington Borough's Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.) and COAH's Third Round Substantive Rules (N.J.A.C. 5:94-1, et. seq.); and

WHEREAS, the Mayor and Council of the Washington Borough wish to enter into an agreement with Housing and Community Development Services (HCDS) for the purpose of administering and enforcing the affordability controls and the Affirmative Marketing Plan of Washington Borough, in accordance with the regulations of the Council on Affordable Housing pursuant to N.J.A.C. 5:94 et.seq. and the New Jersey Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26 et.seq.; and

WHEREAS, the agreement designates HCDS as the Administrative Agent for all the units in Washington Borough's affordable housing program.

NOW THEREFORE BE IT RESOLVED, that subject to COAH's approval of this agreement, the Mayor and Municipal Clerk are hereby authorized to sign this agreement dated June 6, 2006 ; and

BE IT FURTHER RESOLVED, Washington Borough hereby designates the Municipal Housing Liaison as the liaison to HCDS; and

BE IT FURTHER RESOLVED, this agreement is hereby attached to the original of this resolution.

Roll Call: Oakley, Van Deursen, Buoye, and Woykowski – 4 Ayes.
Glaser and Turner - 2 Abstain.

Motion Carried.

Resolution #132-2006 Rejecting Belvidere Avenue Bids

The following Resolution was moved by Glaser, seconded by Turner and adopted.

RESOLUTION # 132-2006

**A RESOLUTION REJECTING BID FOR THE
BELVIDERE AVENUE RECONSTRUCTION
PROJECT**

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

WHEREAS, the Borough received three (3) bids from qualified contractors at the Bid Opening on May 4, 2006; and

WHEREAS, the bids received were:

TILCON, Inc. New York, NY	\$923,981.75
Tomaro Const Rockaway, NJ	\$993,461.00.
Intercounty Paving Hackettstown, NJ	\$1,074,751.25

WHEREAS, the low bid of \$923,981.75 was lower than the Borough Engineer's estimate of 960,149.00 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 as the Borough has insufficient funding to award the project at this time; and

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 the Belvidere Avenue Reconstruction Project as received and authorize the Borough Manager and Engineer to re-design the project as expeditiously as possible so as to be within the budget for the project; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to Robert Miller, CME, Borough Engineer.

Roll Call: Oakley, Glaser, Turner, Van Deursen, Buoye, Woykowski.

Ayes: 6. Nays 0.
Motion Carried.

Resolution #133-2006 Appoint a Municipal Housing Liaison.

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

RESOLUTION #133-2006

**RESOLUTION OF THE BOROUGH OF WASHINGTON APPOINTING
MUNICIPAL HOUSING LIAISON**

WHEREAS, the Governing Body of Washington Borough petitioned the Council on Affordable Housing (COAH) for substantive certification of its Housing Element and Fair Share Plan on December 16, 2005; and

WHEREAS, Washington Borough's Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, *et. seq.*) and COAH's Third Round Substantive Rules (N.J.A.C. 5:94-1, *et. seq.*); and

WHEREAS, pursuant to N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 *et. seq.*, Washington Borough is required to appoint a Municipal Housing Liaison for the administration of Washington Borough's affordable housing program to enforce the requirements of N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 *et. seq.*; and

NOW THEREFORE BE IT RESOLVED, by the Governing Body of Washington Borough in the County of Warren, and the State of New Jersey that Richard Sheola, Borough Manager is hereby appointed by the Governing Body of Washington Borough as the Municipal Housing Liaison for the administration of the affordable housing program.

Roll Call: Turner, Oakley, Van Deursen, Buoye, and Woykowski. Ayes: 5
Abstain: 1, Glaser.

Motion Carried

Resolution #134-2006 To Appoint Acting Deputy Borough Clerk

The following Resolution was moved by Glaser and seconded by Turner, and adopted.

RESOLUTION #134-2006

**RESOLUTION OF THE BOURUGH OF WASHINGTON APPOINTING
ACTING DEPUTY BOROUGH CLERK**

WHEREAS, the Governing Body of Washington Borough has been informed by Linda Hendershot of her intent to retire from service to the Borough of Washington at the end of June 2006; and

WHEREAS, the Borough has conducted a search for a new Borough Clerk and has selected Kristine Blanchard to fill that position; and

WHEREAS, it is in the best interest of the Borough to provide for a transition within the office, it is necessary for both individuals to be employed at the same time; and

NOW THEREFORE BE IT RESOLVED, by the Governing Body of Washington Borough in the County of Warren, and the State of New Jersey that Kristine Blanchard is hereby appointed by the Governing Body of Washington Borough as Acting Deputy Borough Clerk at a salary set by contract, until July 1, 2006 at which time she shall be appointed Borough Clerk.

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

Ayes: 6, Nays: 0

Motion Carried.

COUNCIL REMARKS:

Mayor Van Deursen polled Council for their remarks.

Councilwoman Glaser requested that someone from the Road Department fix the large pothole at the corner of East Church Street and Belvidere Avenue.

Councilman Turner commented that he has some comments/questions on the new DPW garage and was going to have that item placed on the agenda for the next council meeting.

Councilwoman Woykowski asked Manager Sheola the status of the Borough Parks. Manager Sheola explained that the picnic tables were ordered, the broken jungle gym was removed from the park, and the stadium lights were going out to bid on June 28th, 2006.

Mayor Van Deursen stated that the emergency squad passed their state inspection. Mayor Van Deursen also requested that Manager Sheola have the DPW check the large hole in the sidewalk at 49 Carlton Avenue, and also commented on how beautiful Carlton Avenue looks after being repaved.

Councilwoman Oakley had no remarks.

Councilman Buoye had no remarks.

Executive Session

It was moved by Oakley, seconded by Glaser that Council go into Executive Session to discuss matters of litigation.

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

Ayes: 6, Nays: 0.

Motion carried.

It was moved by Glaser, seconded by Oakley that Council go out of Executive Session and back into open session at 11:00 PM.

Ayes: 6, Nays: 0.
Motion carried.

Hearing no further business to come before the governing body, it was moved by Oakley, seconded by Turner that the meeting be adjourned.

Marianne Van Deursen, Mayor

Linda L. Hendershot, RMC/CMC
Borough Clerk