

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – December 5, 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: Van Deursen, Woykowski, Glaser, Oakley, Housel – Present.
Turner arrived – 9:00 p.m.

Also Present: Richard J. Sheola, Borough Manager
Richard P. Cushing Esq., Borough Attorney
Kristine D. Blanchard, RMC, Borough Clerk

The flag salute was led by Mayor Van Deursen.

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

Victor Cioni - Board of Adjustment Chairman

Mr. Cioni gave a brief update on the cases heard by the Board of Adjustment for the year 2006. The Board of Adjustment has heard a total of twenty five cases this year. Of the twenty five cases, seventeen were bulk variances, eight were use variances. Two of the cases heard by the board this year were denied. The board heard cases for additions, decks, and one cell tower.

Mayor Van Deursen asked Mr. Cioni if the Board has seen an increase in cases in any one particular area. Mr. Cioni reported that basically the cases coming before the Board of Adjustment are the standard cases, for example variances for decks at Washington Meadows.

Councilwoman Woykowski asked Mr. Cioni how long the average Board of Adjustment meeting lasts. Mr. Cioni stated that on average the meetings last about two hours.

MINUTES:

Regular Meeting – November 21, 2006

Mayor Van Deursen entertained additions or corrections to the minutes of the regular meeting of November 21, 2006, executive session of October 17, 2006, executive session of November 6, 2006, and executive session of November 21, 2006.

Councilwoman Woykowski motioned that the executive session minutes from October 17, 2006 be tabled until executive session, seconded by Councilman Housel.

Councilwoman Oakley requested a change to the last paragraph under council comments of the minutes from November 21, 2006 minutes to reflect that Councilwoman Woykowski observed other towns disposing of leaves in the street.

Hearing no further corrections or changes, it was moved by Glaser, seconded by Oakley that the minutes of November 21, 2006, executive session of November 6, 2006, and executive session of November 21, 2006 be approved with changes.

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

Ayes: 5, Nays: 0.

Abstain: Glaser (November 21, 2006) Housel (executive of November 6, 2006)

Motion Carried.

COMMUNICATIONS:

The following communications were entered into the Record:

Hearing no comments it was moved by Housel, seconded by Oakley that the communications numbered #1 thru #14 be acknowledged, received and filed.

1. Comcast Re: Rate Changes
2. Studer and McEldowney, P.A. Re: Merger with Hatch Mott McDonald Information and Brochure
3. NJLM Re: Report of Joint Legislative Committee on Public Employee Benefits Reform
4. NJLM Re: Recommendations of the Joint Legislative Committee on Government Consolidations and Shared Services.
5. NJLM Re: Health Benefit Enhancement
6. NJLM Re: Congressional 'Lame Duck' Issues
7. NJLM Re: League Policy Summit
8. NJLM Re: Verizon Application for System-Wide Cable Television Franchise
9. Comcast Re: Sports Programming
10. Assemblywoman Marcia Karrow Re: Information Regarding Meeting Thursday December 7, 2006

11. NJLM Re: Proposed Bills Expansion of Health Benefits and Restriction on Days to Open Bids.
12. NJLM Re: Local Update of Census Address
13. Township of Washington Ordinance 2006-30 Development Regulations/Fees and Deposits
14. Notice of Highlands Draft Master Plan

Ayes: 5, Nays: 0.
Motion carried.

Mayor Van Deursen read a letter from Assemblywoman Marcia Karrow into the record in regards to the limited availability of funding for renovating the recently acquired Borough property into a park. The letter further stated that funding should be available in the future based on a proposed law voted on by the voters this past election.

Councilman Housel suggested that the Borough Manager write a letter to Comcast and the Board of Public Utilities in regards to the constant rate increases by Comcast. Council concurred.

AUDIENCE:

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

Ed Little – 80 S. Lincoln Avenue –

Mr. Little asked if there was a survey to property owners going out in reference to the traffic on South Lincoln Ave. Manager Sheola stated that in the next several days a letter would be going out to the residents on S. Lincoln and on Willow Street in order to obtain their input and hopefully alleviate some of the traffic problems. Manager Sheola also stated that in regards to the letter to the railroad company that Mr. Little had inquired about, the original was misplaced; however a new letter would be going out along with a copy to Mr. Little.

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

Ayes: 5, Nays: 0.
Motion carried.

ORDINANCES:

Ordinance 19-2006 - An Ordinance of the Borough of Washington Amending the Land Development Ordinance to Facilitate the Collection of Development Fees.

Ordinance 19-2006 to Amend the Land Development Ordinance was introduced by Councilman Housel.

It was further moved by Housel, seconded by Glaser that the Clerk read Ordinance #19-2006 by title only.

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

Ayes: 5, Nays: 0
Motion carried.

The Clerk read Ordinance #19-2006 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 upon request from the Clerk's office.

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

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

Ayes: 5, Nays: 0.
Motion carried.

Council Discussion: None

It was therefore moved by Glaser, seconded by Oakley that Ordinance #19-2006 be adopted on final passage and that final publication be made as prescribed by law.

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

Ayes: 5, Nays: 0.
Motion carried.

BOROUGH OF WASHINGTON
ORDINANCE NO. 19-2006

AN ORDINANCE OF THE BOROUGH OF WASHINGTON AMENDING THE
LAND DEVELOPMENT ORDINANCE OF THE BOROUGH OF WASHINGTON TO
FACILITATE THE COLLECTION OF DEVELOPMENT FEES

1. Purpose

- a) **In Holmdel Builder's Association V. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that**

mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules. This ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's rules. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate-income housing. This ordinance shall be interpreted within the framework of COAH's rules on development fees.

2. Basic requirements

- a) Borough of Washington shall not spend development fees until COAH has approved a plan for spending such fees and Borough of Washington has received third round substantive certification from COAH or a judgment of compliance.

3. Definitions

- a) The following terms, as used in this ordinance, shall have the following meanings:
 - i. "Affordable housing development" means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.
 - ii. "COAH" means the New Jersey Council on Affordable Housing.
 - iii. "Development fee" means funds paid by an individual, person, partnership, association, company or corporation for the improvement of property as permitted in COAH's rules.
 - iv. "Equalized assessed value" means the value of a property determined by the municipal tax assessor through a process designed to ensure that all property in the municipality is assessed at the same assessment ratio or ratios required by law. Estimates at the time of issuance of a building permit may be obtained utilizing estimates for construction cost. Final equalized assessed value will be determined at project completion by the municipal tax assessor.

4. Residential Development fees

- a) Residential developers shall pay a fee of one percent (1%) of the equalized assessed value for residential development provided no increased density is permitted.
- b) When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a “d” variance) has been permitted, developers will incur to pay a development fee of **six percent** (6%) of the equalized assessed value for each additional unit that may be realized.

Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal one percent of either the equalized assessed value on the first two units; and six percent of either the equalized assessed value for the two additional units. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

5. Non-residential Development fees

- a) Non-residential developers shall pay a fee of two percent (2%) of the equalized assessed value for non-residential development.
- b) If an increase in floor area ratio is approved pursuant to N.J.S.A. 40:55D-70d(4), then the additional floor area realized (above what is permitted by right under the existing zoning) will incur a bonus development fee of six percent (6%) of the equalized assessed value for non-residential development. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base floor area for the purposes of calculating the bonus development fee shall be the highest floor area permitted by right during the two-year period preceding the filing of the variance application.

6. Eligible exactions, ineligible exactions and exemptions

- a) Affordable housing developments and developments subject to the Growth Share Ordinance, as per Ordinance 21-2005, shall be exempt from development fees. All other forms of new construction shall be subject to development fees.
- b) Developments that have received preliminary or final approval prior to the imposition of a municipal development fee shall be exempt from development fees unless the developer seeks a substantial change in the approval.

- c) Development fees shall be imposed and collected when an existing structure is expanded or undergoes a change to a more intense use. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
- d) Developers of educational facilities shall be exempt from paying a development fee.

7. Collection of fees

- a) Fifty percent of the development fee will be collected at the time of issuance of the building permit. The remaining portion will be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.

8. Contested fees

- a) Imposed and collected development fees that are challenged shall be placed in an interest bearing escrow account by Borough of Washington. If all or a portion of the contested fees are returned to the developer, the accrued interest on the returned amount shall also be returned.

9. Affordable Housing trust fund

- a) There is hereby created a separate, interest-bearing housing trust fund in PNC Bank for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls. All development fees paid by developers pursuant to this ordinance shall be deposited into this fund.
 - b) Within seven days from the opening of the trust fund account, Borough of Washington shall provide COAH with written authorization, in the form of a three-party escrow agreement between the municipality, *PNC Bank* and COAH to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:94-6.16(b).
 - c) No funds shall be expended from the affordable housing trust fund unless the expenditure conforms to a spending plan approved by COAH. All

interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by COAH.

10. Use of funds

- a) Funds deposited in the housing trust fund may be used for any activity approved by COAH to address the municipal fair share. Such activities include, but are not limited to: rehabilitation, new construction, RCAs subject to the provisions of N.J.A.C. 5:94-4.4(d), ECHO housing, purchase of land for affordable housing, improvement of land to be used for affordable housing, purchase of housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, or administration necessary for implementation of the Housing Element and Fair Share Plan. The expenditure of all funds shall conform to a spending plan approved by COAH.
- b) Funds shall not be expended to reimburse Borough of Washington for past housing activities.
- c) After subtracting development fees collected to finance an RCA, a rehabilitation program or a new construction project that are necessary to address the Borough of Washington affordable housing obligation, at least 30 percent of the balance remaining shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30 percent or less of median income by region.
 - i. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, and rental assistance.
 - ii. Affordability assistance to households earning 30 percent or less of median income may include buying down the cost of low or moderate income units in the third round municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income. The use of development fees in this manner shall entitle Borough of Washington to bonus credits pursuant to N.J.A.C. 5:94-4.22.
 - iii. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.

- d) Borough of Washington may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:94-7.
- e) No more than 20 percent of the revenues collected from development fees each year, exclusive of the fees used to fund an RCA, shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20 percent of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Development fee administrative costs are calculated and may be expended at the end of each year or upon receipt of the fees.

11. Monitoring

- a) Borough of Washington shall complete and return to COAH all monitoring forms included in the annual monitoring report related to the collection of development fees from residential and non-residential developers, payments in lieu of constructing affordable units on site, and funds from the sale of units with extinguished controls, and the expenditure of revenues and implementation of the plan certified by COAH. All monitoring reports shall be completed on forms designed by COAH.

12. Ongoing collection of fees

- a) The ability for Borough of Washington to impose, collect and expend development fees shall expire with its substantive certification in December 2015 unless Borough of Washington has filed an adopted Housing Element and Fair Share Plan with COAH, has petitioned for substantive certification, and has received COAH's approval of its development fee ordinance. If Borough of Washington fails to renew its ability to impose and collect development fees prior to December 2015, it may resume the imposition and collection of development fees only by complying with the requirements of N.J.A.C. 5:94-6. Borough of Washington shall not impose a development fee on a development that receives preliminary or final approval after the expiration of its substantive certification or judgment of compliance on December 2015 nor will Borough of Washington retroactively impose a development fee on such a development. Borough of Washington will not expend development fees after the expiration of its substantive certification or judgment of compliance on December 2015.

Ordinance 20-2006 – An Ordinance to Amend, Revise, and Supplement the Code of the Borough of Washington, Chapter 85 “Vehicles and Traffic.”

Ordinance 20-2006 to Amend, Revise, and Supplement the Code of the Borough of Washington, Chapter 85 “Vehicles and Traffic” was introduced by Councilwoman Glaser.

It was further moved by Glaser, seconded by Oakley that the Clerk read Ordinance #20-2006 by title only.

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

Ayes: 5, Nays: 0
Motion carried.

The Clerk read Ordinance #20-2006 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 upon request from the Clerk’s office.

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

John Wesberg - 44 East. Stewart Street –

Mr. Wesberg expressed his concern with the passing of this Ordinance. He does not understand where the people who live on East Stewart Street will be allowed to park. Borough Manager Richard Sheola explained to Mr. Wesberg that the no parking area will run from the School Street curbs across to East Stewart Street for 25 feet (which is a D.O.T. requirement.) This Ordinance that the Borough Council is considering adds an additional 25 feet to the D.O.T. requirement. Manager Sheola explained to Mr. Wesberg that he does not think he will loose any parking nor gain any parking on that East. Stewart St.

Mr. Wesberg again expressed his concern about no parking on East Stewart Street, many families who have lived there for generations will no longer be able to park on the street.

Councilman Housel asked if the purpose of this Ordinance is only to reinforce the painting of the curb and if 75 ft. of the curb will now be painted yellow. Manager Sheola indicated yes; that 25 feet going East and West on Stewart Street is mandatory. This Ordinance will simply add 25 ft. more in either direction.

Councilman Housel stated that he believes passing this Ordinance will eliminate parking behind the school on Beaver Street.

Councilwoman Glaser suggested to table this Ordinance until the December 19, 2006 Council Meeting. She requested a drawing of the area showing exactly what the

parking on the street looks like. Council concurred to table this Ordinance until December 19, 2006.

Ordinance 21-2006 – An Ordinance to Amend Chapter 85 of the Code of the Borough of Washington to Create Off Street Handicapped Parking Spaces.

Ordinance 21-2006 to Amend Chapter 85 of the Code of the Borough of Washington to Create Off Street Handicapped Parking Spaces was introduced by Councilwoman Glaser.

It was further moved by Glaser, seconded by Oakley that the Clerk read Ordinance #21-2006 by title only.

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

Ayes: 5, Nays: 0
Motion carried.

The Clerk read Ordinance #21-2006 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 upon request from the Clerk's office.

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

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

Ayes: 5, Nays: 0.
Motion carried.

Council Discussion: None

It was therefore moved by Glaser, seconded by Oakley that Ordinance #21-2006 be adopted on final passage and that final publication be made as prescribed by law.

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

Ayes: 5, Nays: 0.
Motion carried.

ORDINANCE # 21-2006

AN ORDINANCE TO AMEND CHAPTER 85 OF THE CODE OF THE BOROUGH OF WASHINGTON TO CREATE OFF-STREET HANDICAPPED PARKING

SPACES

WHEREAS, there is a need at Washington Borough Park for Handicapped Parking spaces; and

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

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

SECTION I. By adding the following section:

“Borough Park shall have a space clearly marked for handicapped parking at the northerly side of Borough Park, adjacent to Lower Park Drive in the parking area reserved for the Park Pavilion.”

SECTION II. In accordance with Chapter 3, Article II, Section 15, Subsection E of the Code of the Borough of Washington, this Ordinance shall become effective 20 days after final passage unless the Council, by an affirmative vote of five (5) Council Members, shall adopt a resolution declaring the Ordinance to be an emergency upon which said Ordinance will take effect upon final passage.

REPORTS

It was moved by Glaser, seconded by Oakley that the Borough Manager's Report, Borough Clerk's Report, Zoning Report, Treasurer/Collector Report, Veolia Sewer Report, and the Appropriation Control Summary Report be accepted as presented and filed.

Council Discussion:

Councilwoman Woykowski noted that there was a Resolution on the agenda approving the Park/Pool Drainage Project. Councilwoman Woykowski asked if this project was supposed to coincide with the pool renovation project.

Manager Sheola stated that the Park/Pool Drainage Project could occur either before or during the renovation project. Since the Recreation Commission has decided not to move forward with the pool renovations at this time; the park/pool drainage should be fixed since it was only a temporary solution in the first place.

Mayor Van Deursen asked audience member Rick Feldman if the Recreation Commission had discussed this project. Mr. Feldman explained that originally the intent

of the Recreation Commission was to do both projects at once. Mr. Feldman stated that he does not believe the Recreation Commission has seen the drawings of exactly where the pipe is going to be placed.

Mayor Van Deursen requested that the plans and drawings be sent to the Recreation Commission in order to obtain their opinion on this and to get their input prior to the Council passing this Resolution. Mr. Feldman said that the Recreation Commission would be meeting the next evening and would be able to discuss this topic.

Councilwoman Glaser made a motion to table Resolution 262-2006 until the December 19, 2006 when the Recreation Commission has had a chance to review the information. Councilwoman Oakley seconded the motion.

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

Ayes: 6, Nays: 0

Motion Carried.

Mayor Van Deursen asked Manager Sheola for an update on the DPW garage. Manager Sheola stated he is waiting for pricing from two contractors at this time.

Councilman Housel asked for an update on the extraneous flow problem occurring at Gardner's Court. Manager Sheola informed Council that he talked to the engineer who designed the project and also sent him a copy of the letter from the homeowner and informed him he wanted an answer in a week as to a solution.

Councilman Housel stated he had concerns over this originally. Manager Sheola indicated that this systems backs up during periods of high flow.

Councilman Housel expressed his concern over the contractor starting the work on Cornish Street when Council had decided at the last meeting to hold off on this project until spring. Manager Sheola clarified that he was going to discuss with the contractor the possibility of holding off until the spring.

Mayor Van Deursen requested that Manager Sheola inform the contractor that it is Council's preference to hold off on this project until spring due to winter approaching.

Councilman Housel also asked if the letters to the legislators in regards to the traffic light on South Prospect had been sent out. Manager Sheola stated the letters had not been mailed out as of yet. Mayor Van Deursen asked for an update on the traffic light from the Borough Engineer at the next meeting.

Councilman Housel stated his concern over the amount of information coming from the Attorney's office via e-mail. Mayor Van Deursen stated that previously it had been decided by Council that these items be sent electronic versus being sent over the fax machine. Councilwoman Oakley expressed her concerns over this information be subject to OPRA. Attorney Cushing stated that any communication from his office privileged information; it is only when Council circulates the email amongst themselves with comments that there is a potential problem.

Mayor Van Deursen suggested that all information should be sent to the Borough Clerk and she will print a hard copy out for all Council members.

Councilwoman Woykowski stated that there would be a timing issue with that policy. Some of the most recent emails would not have made it into the Council packets. Attorney Cushing stated that there would be nothing sent out from his office between Thursday afternoon and Tuesday evening of a meeting week that is intended to be placed on the agenda.

Mayor Van Deursen polled Council as to their preference of receiving communications from the Attorney's office. The general consensus is email. Mayor Van Deursen stated that Attorney Cushing's office can continue to email documents to Council members; the Borough Clerks office will print a hard copy for Council members as well.

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

Ayes: 6, Nays 0

Motion Carried

VOUCHERS:

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

Hearing no comments or questions it was moved by Glaser, seconded by Oakley that the vouchers and claims be approved for payment in the amount of \$315,361.71 as reflected in the debit/credit memorandum on file in the Collector/Treasurer's office.

Council Discussion:

Councilman Housel questioned the bill/email from Attorney Cushing from Hatch Mott McDonald. Attorney Cushing explained that this pertains to the Baker case. In order for Clark, Caton, and Hintz to clarify that there is limited sewage capacity it was necessary to attach Russ Johnson's original report to the Clark, Caton, Hintz report. Russ Johnson is acting as an expert witness and will be offering testimony. There is no bill from Hatch Mott McDonald.

Councilman Turner asked why Veolia is unable to produce numbers as far as what the sewage plant is treating. Attorney Cushing explained that Veolia basically takes the sewage in, treats it, and then releases it. They are monitoring the inflow and the outflow. Attorney Cushing explained, that number only represents 50% of the equation. The other part is in determining waste-flow for the Borough. Attorney Cushing stated the actual question is, "is the capacity enough to service all of the un-serviced needs of the Borough; that is the question that Hatch Mott McDonald answered."

Councilwoman Woykowski asked Attorney Cushing if the Borough intends on doing a new Master Plan as it states in the report from Hatch Mott McDonald. Attorney

Cushing stated that Council previously discussed and decided not to do a new Master Plan at this time.

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

Ayes: 6, Nays: 0.

Motion Carried.

OLD BUSINESS

Vacation of Paper Street Near Mozart – Update.

Attorney Cushing explained that this street is a landlocked paper street and the Borough wishes to turn over the property to the adjacent property owners. The vacation of the street will automatically turn the street over to these property owners. Attorney Cushing requested permission from Council to begin preparation of the Vacation Ordinance once the title work is back from the title search company. Council agreed that a Vacation Ordinance should be prepared.

Councilman Housel asked who will be responsible for the rubbish cleanup that exists right now on the property. Council concurred that the Borough will be responsible for the rubbish cleanup.

Senior Services Committee – Update.

Mayor Van Deursen asked Councilman Turner and Councilwoman Oakley for an update on the process of the Senior Services Committee. Councilman Turner explained that the meeting needed to be rescheduled due to a conflict in schedules.

Curfew Ordinance

Councilman Turner asked if because the original Ordinance was defeated, does Council need to re-introduce the nighttime Curfew Ordinance to have it passed. Mayor Van Deursen stated yes; the Ordinance would have to be introduced again with another public hearing.

Councilman Turner stated he has given to Council for their review an example of a redacted Ordinance. Councilman Turner asked why this was not done within a day or two of the original meeting in July.

Attorney Cushing explained that after the public hearing in July there was a discussion with Council. Council stated they wanted the Ordinance re-drafted. As per these instructions, the Ordinance was re-done and sent to Council on September 14, 2006.

Councilwoman Oakley explained that she recalls that several people stated that if any type of Curfew Ordinance was to be passed they wanted to be a part of a community committee to discuss the issue. Members of the Council did agree to this. Councilwoman Oakley stated that a committee has been formed with herself and Councilman Housel along with members of the community. Councilwoman Oakley stated that both

Ordinances will be considered and reviewed by the committee. Councilman Housel stated that the committee was not formed until the workshop meeting in October.

Mayor Van Deursen suggested that Councilwoman Oakley and Councilman Housel should find a time to meet between now and the end of the year so that something can come before the governing body in early 2007.

Councilman Turner stated he does not want to see this Ordinance get lost.

Pedophile Free Zone

Councilman Turner asked for clarification on the procedures of having this Ordinance enforced. Attorney Cushing stated the police are in charge of enforcing this Ordinance. Manager Sheola explained that once a pedophile relocates into the Borough; under Meghan's Law they have thirty days to register with the local police department. Once they register with the police department, they should be given a copy of the map and local ordinance.

NEW BUSINESS

Resolution 251-2006

This Resolution was moved on a motion made by Councilwoman Glaser, seconded by Councilwoman Oakley and adopted.

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

Ayes: 6, Nays: 0.

Motion Carried.

Resolution 251-2006

CANCEL SMALL BALANCES FOR 2005-2006 AS PER N.J.S.A 40A:5-17.1

WHEREAS, the State of New Jersey allows a Municipal employee to process the cancellation of any municipal charges including overpayments or delinquencies of \$10.00 or less; and

WHEREAS, the Municipal employee allowed to process the cancellations shall be the Tax Collector.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey, hereby authorizes the Tax Collector of the Borough of Washington to process the cancellation of municipal charges of \$10.00 or less.

Resolution 252-2006

Resolution 252-2006 was moved on a motion made by Councilwoman Glaser, seconded by Councilwoman Oakley and adopted.

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

Ayes: 6, Nays: 0
Motion Carried.

RESOLUTION # 252-2006
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/</u>	<u>AMOUNT</u>
2.12/6	Isak & Irene Dobkin 90 Alvin Sloan Avenue	\$ 45.00

The former owner made an overpayment during the closing procedures on the above property location. A refund of \$45.00 should be mailed to:

Isak & Irene Dobkin
2908 Commons at Kingwood Station
East Brunswick, NJ 08816

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.

Resolution 253-2006

Resolution 253-2006 was moved on a motion made by Councilwoman Glaser, seconded by Councilwoman Oakley and adopted.

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

Ayes: 6, Nays 0
Motion Carried.

RESOLUTION # 253-2006
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/</u>	<u>AMOUNT</u>
35/33	Donald Rumpf 16 East Warren Street	\$ 45.00

The former owner made an overpayment during the closing procedures on the above property location. A refund of \$45.00 should be mailed to:

Donald Rumpf
55 Washburn Avenue
Washington, NJ 07882

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.

Resolution 254-2006

Resolution 254-2006 was moved on a motion made by Councilwoman Glaser, seconded by Councilwoman Oakley and adopted.

A RESOLUTION AUTHORIZING THE TRANSFER OF APPROPRIATIONS

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

WHEREAS, the Borough Manager and CFO 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>
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Natural Gas	Telephone	\$3,200.00
Other Expenses	Other Expenses	
Natural Gas	Electricity	\$1,500.00
Other Expenses	Other Expenses	
Water	Traffic Lights	\$1,360.00
Other Expenses	Other Expenses	
Fire Hydrants	Traffic Lights	\$2,582.00
Other Expenses	Other Expenses	
Planning Board	Traffic Lights	\$1,058.00
Other Expenses	Other Expenses	
Shade Tree Commission	Traffic Lights	\$1,000.00
Other Expenses	Other Expenses	
Water	Heating Oil	\$500.00
Other Expenses	Other Expenses	
Water	Revenue Administration	\$1,000.00
Other Expenses	Other Expenses	
	Total	\$12,200.00

Resolution 255-2006

Resolution 255-2006 was moved on a motion made by Councilman Turner, seconded by Councilwoman Oakley and adopted.

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

Ayes: 6, Nays: 0
Motion Carried.

RESOLUTION #255-2006

**A RESOLUTION AUTHORIZING A REFUND
OF 2006 TAX OVERPAYMENT**

WHEREAS, the Tax Collector's records show a payment of \$1,390.84 on October 27th, 2006 for fourth quarter 2006 taxes by Citimortgage, on behalf of Mr. William Trillich, Block 006 Lot 005, known as 39 Kinnaman Avenue, Washington, NJ, and

WHEREAS, this duplicated an earlier overpayment in the same amount, made on October 18th, 2006 by Attorney Robin O'Brien-Lichenstein on behalf of the new owners, Roxanne and Francis Zatika, and

WHEREAS, the Tax Collector's office has received a written request that the above amount should be refunded to First American Real Estate Tax Service , and mailed to:

First American Real Estate Tax Service
95 Methodist Hill Road Suite 100
Rochester, NY 14623

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 Treasurer is authorized to refund the above duplicate payment amount as directed.

Resolution 256-2006

Resolution 256-2006 was moved on a motion made by Councilwoman Glaser, seconded by Councilwoman Oakley and adopted.

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

Ayes: 6, Nays: 0
Motion Carried

RESOLUTION #256-2006

**A RESOLUTION AUTHORIZING A REFUND
OF 2006 TAX OVERPAYMENT**

WHEREAS, the Tax Collector's records show a payment of \$1,500.27 on October 27th, 2006 for fourth quarter 2006 taxes by Huntington Mortgage, on behalf of Mr. Thomas Polito, Block 058 Lot 001, known as 21 Gibson Place, Washington, NJ, and

WHEREAS, this duplicated an earlier overpayment in the same amount, made on October 18th, 2006 by Stonebridge Title on behalf of Thomas Polito , as part of his re-finance, and

WHEREAS, the Tax Collector's office has received a written request that the above amount should be refunded to First American Real Estate Tax Service , and mailed to:

First American Real Estate Tax Service
95 Methodist Hill Road Suite 100
Rochester, NY 14623

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 Treasurer is authorized to refund the above duplicate payment amount as directed.

Resolution 257-2006

Resolution 257-2006 was moved on a motion made by Councilwoman Glaser, seconded by Councilwoman Oakley and adopted.

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

Ayes: 6, Nays: 0

Motion Carried.

RESOLUTION #257-2006

**A RESOLUTION AUTHORIZING A REFUND
OF 2006 TAX OVERPAYMENT**

WHEREAS, the Tax Collector's records show a payment of \$1,406.94 on October 27th, 2006 for fourth quarter 2006 taxes by Washington Mutual, on behalf of Mr. Pierson, Block 071 Lot 011, known as 107 Wilson Terrace, Washington, NJ, and

WHEREAS, this duplicated an earlier overpayment in the same amount , received on October 23rd, made by Attorney Alan Lowcher, on behalf of new homeowners Nelson and Ann Mercado, and

WHEREAS, the Tax Collector's office has received a written request that the above amount should be refunded to First American Real Estate Tax Service , and mailed to:

First American Real Estate Tax Service
95 Methodist Hill Road Suite 100
Rochester, NY 14623

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 Treasurer is authorized to refund the above duplicate payment amount as directed.

Resolution 258-2006

Resolution 258-2006 was moved on a motion made by Councilman Turner, seconded by Councilwoman Oakley and adopted.

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

Ayes: 6, Nays: 0

Motion Carried.

RESOLUTION #258-2006

**A RESOLUTION AUTHORIZING A REFUND
OF 2006 TAX OVERPAYMENT**

WHEREAS, the Tax Collector's records show a payment of \$1,590.66 on October 27th, 2006 for fourth quarter 2006 taxes by GMAC Mortgage, on behalf of Mr. David Klotzbach, Block 079 Lot 014, known as 124 Park Avenue, Washington, NJ, and

WHEREAS, this duplicated an earlier overpayment in the same amount, which was moved to the fourth quarter, on authorization of First American, on September 25th, 2006, and

WHEREAS, the Tax Collector's office has received a written request that the above amount should be refunded to First American Real Estate Tax Service, and mailed to:

First American Real Estate Tax Service
95 Methodist Hill Road Suite 100
Rochester, NY 14623

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 Treasurer is authorized to refund the above duplicate payment amount as directed.

Resolution 259-2006

Resolution 259-2006 was moved on a motion made by Councilwoman Glaser, seconded by Councilwoman Oakley and adopted.

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

Ayes: 6, Nays: 0

Motion Carried.

RESOLUTION #259-2006

**A RESOLUTION AUTHORIZING A REFUND
OF 2006 TAX OVERPAYMENT**

WHEREAS, the Tax Collector's records show a payment of \$120.36 on October 27th, 2006 for fourth quarter 2006 taxes by Aurora Loan Services, on behalf of Mr. Sergio Gonzales, Block 098 Lot 042, known as 53-55 South Wandling Avenue, Washington, NJ, and

WHEREAS, this duplicated an earlier overpayment in the same amount which was moved to the fourth quarter on authorization of First American, on September 25th also for Mr. Gonzales, and

WHEREAS, the Tax Collector's office has received a written request that the above amount should be refunded to First American Real Estate Tax Service , and mailed to:

First American Real Estate Tax Service
95 Methodist Hill Road Suite 100
Rochester, NY 14623

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 Treasurer is authorized to refund the above duplicate payment amount as directed.

Resolution 260-2006

Resolution 260-2006 was moved by Councilman Housel, seconded by Councilwoman Oakley and adopted.

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

Ayes: 6, Nays: 0

Motion Carried.

RESOLUTION #260-2006

**A RESOLUTION AUTHORIZING SIGNING OF A
DEVELOPERS AGREEMENT WITH REGENCY AT
WASHINGTON**

WHEREAS, the Planning Board of the Borough of Washington has approved a

Final Site Plan known as Regency at Washington on November 13, 2006; and

WHEREAS, the approval of a Developers Agreement is an integral part of the approval process; and

WHEREAS, the Borough Engineer has provided appropriate estimates with respect to the bonding for improvements and appropriate letters of credit; 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 that the Mayor and Borough Clerk are authorized to execute the Developer's Agreement with Regency.

Resolution 261-2006

Resolution 261-2006 was moved on a motion made Councilwoman Oakley, seconded by Councilwoman Oakley and adopted.

Council Discussion:

Councilwoman Woykowski stated she would prefer to see more information on this grant in the Resolution or to have the actual grant application attached to the Resolution in the future.

Councilwoman Glaser suggested approving this Resolution contingent upon Council receiving the Grant Application for review. Council concurred.

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

Ayes: 6, Nays: 0

Motion Carried.

RESOLUTION #261-2006

A RESOLUTION OF THE BOROUGH OF WASHINGTON AUTHORIZING APPLICATION FOR A SAFE ROUTES TO SCHOOL GRANT FOR THE BOROUGH OF WASHINGTON, COUNTY OF WARREN

Whereas, the Borough of Washington desires to apply for a grant from the New Jersey Department of Transportation, Division of Local Aid and Economic Development for a Safe Routes to School Grant Program to provide for sidewalk improvements and extension of period street lights on Belvidere Avenue and;

NOW THEREFORE BE IT RESOLVED,

1) that the Borough of Washington does hereby authorize the application for such a grant; and,

2) recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of

Transportation, does further authorize the execution of the grant agreement; and, also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of said agreement between the Borough of Washington and the New Jersey Department of Transportation.

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement and any other documents necessary in connection therewith:

_____ (Signature)	_____ (Signature)
<u>Marianne Van Deursen</u> (Type or Print Name)	<u>Richard J. Sheola</u> (Type or Print Name)
<u>Mayor</u> (Title)	<u>Borough Manager</u> (Title)

Resolution 263-2006

Resolution 263-2006 was moved on a motion made by Councilman Turner, seconded by Councilman Housel and adopted.

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

Ayes: 6, Nays: 0
Motion Carried.

**BOROUGH OF WASHINGTON
WARREN COUNTY, NEW JERSEY**

RESOLUTION # 263-2006

**RESOLUTION TO AUTHORIZE ACCESS TO VIKON TILE MONITORING
WELLS FOR SUPERFUND INVESTIGATION**

WHEREAS, the Borough of Washington (“Borough”) is the owner of property known as Block 35, Lot 15 on the Tax Map of the Borough, also known as 125 Taylor Street, Washington, New Jersey (“Property”), which is the location of the former Vikon Tile facility; and

WHEREAS, the United States Environmental Protection Agency (“EPA”) is conducting an investigation of the Pohatcong Valley Superfund site pursuant to its response and enforcement responsibilities under CERCLA; and

WHEREAS, the EPA has required Pechiney Plastic Packaging, Inc.(“PPPI”) to access the Property in order to conduct its superfund investigation; and

WHEREAS, the Borough Manager and Borough Attorney are negotiating with the PPPI through its attorney, Karaganis, White and Magel, Ltd. for a consent for access to the Property; and

WHEREAS, Karaganis, White and Magel, Ltd have offered to provide copies of the test results to the Borough of Washington at no cost to the Borough and the Borough wishes to receive that information on a timely basis;

NOW THEREFORE, it is hereby resolved that Borough Manager, Richard Sheola, is authorized to execute, on behalf of the Borough of Washington, a consent for access to property agreement in the form approved by the Borough Attorney.

COUNCIL REMARKS:

Councilwoman Oakley - None

Councilwoman Woykowski - Councilwoman Woykowski motioned that all pertinent information relative to Resolutions placed before Council should be included in the Resolution. Seconded by Councilman Turner. Council agreed.

Councilman Buoye - None

Councilman Housel – Councilman Housel wished everyone a Merry Christmas as he will not be at the next Council meeting.

Mayor Van Deursen - Mayor Van Deursen informed Council that she was invited to and will be attending an Eagle Scout Ceremony on January 6, 2007.

Councilman Turner – Councilman Turner apologized for being late to the meeting.

Councilwoman Glaser – Councilwoman Glaser extended her congratulations to the Dave Higgins and Victor Cioni for winning in the past election. She is sure it will be a wonderful Council and she will miss everyone.

RECAP

Manager Sheola will remind the Code Enforcement Officer to send a list of Zoning issues to the Board of Adjustment. Manager Sheola will also draft a letter to Comcast in regards to the increasing rates for service. Manager Sheola will also draft a letter to the legislators in regards to the traffic light at South Prospect Street. Manager Sheola will provide a map of the area affected by proposed Ordinance 20-2006. He will also provide a copy of the grant application for the Safe Routes to School application.

Councilwoman Woykowski also requested an update on what the other municipalities are doing with their leaf pickup. She also reminded Manager Sheola to write a new letter to the Railroad Company and copy Mr. Little on the letter.

EXECUTIVE SESSION:

It was moved by Councilwoman Oakley, seconded by Councilman Housel that Council go into Executive Session.

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

Ayes: 6, Nays: 0.
Motion Carried.

RESOLUTION 264-2006

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the exclusion of the public from a meeting under certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

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

1. The public shall be excluded from the remaining portion of this meeting.
2. The general nature of the subject matter to be discussed is as follows:
 - Personnel
 - Negotiations
 - Litigation

It was moved by Housel, seconded by Oakley that Council go out of Executive Session and back into open session.

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

Kristine Blanchard, RMC
Borough Clerk