

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – October 2, 2007**

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: Higgins, Woykowski, Cioni, Van Deursen, Housel, and Oakley
Turner – 9:15 p.m.

Also Present: John Corica, Borough Manager
Richard Cushing, Esq. Municipal Attorney
Kristine Blanchard, RMC Borough Clerk

Mayor Van Deursen led everyone in the flag salute.

Mayor Van Deursen read the following Statement into the Record:

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

COUNCIL APPEARANCE

Don Eller – Board of Adjustment

Mr. Eller gave the Mayor and Council an update on the Board of Adjustment. Mr. Eller stated that the Board is very happy with Ann Kilduff, the Board of Adjustment secretary. Mr. Eller stated that the Board of Adjustment would also like to see an ordinance in place addressing impervious coverage. The Board of Adjustment also would like to suggest to Council to review the applicant’s fees. The board does not feel the Borough charges enough.

Mr. Eller stated that the Board of adjustment is busier than last year. The board currently has a full board with two alternates.

Mayor Van Deursen asked Mr. Eller if all of the current members have taken the state certification course. Mr. Eller stated that the new members have not taken the course. They will be signed up for the course when it is offered again.

Mayor Van Deursen thanked Mr. Eller for his time and is service to the community.

MINUTES:

Mayor Van Deursen entertained additions or corrections to the minutes of the regular meeting held September 18, 2007 and the executive session held September 18, 2007.

Hearing no comments it was moved by Woykowski, seconded by Oakley that the minutes of the regular meeting held September 18, 2007 and the executive session held September 18, 2007 be approved.

Roll Call: Woykowski, Higgins, Van Deursen, Cioni, Oakley and Housel.

Ayes: 6, Nays: 0
Motion Carried.

COMMUNICATIONS:

The following communications were entered into the Record:

1. NJLM Re: The Green Acres, Farmland, Blue Acres and Historic Preservation Bond Act of 2007.
2. Comcast Re: FCC FEE
3. NJLM Re: Immigration Survey Results
4. NJLM Re: Local Realty Transfer/Assembly Flood Panel Schedules Hearing
5. Warren County Planning Department Re: Warren County Solid Waste Management Plan
6. NJLM Re: Information from DLGS
7. NJLM Re: Pay to Play Requirements
8. NJLM Re: DEP Site Remediation Public Notice Rule Proposal and Mayors' Roundtable
9. NJLM Re: Regulation of Solid Waste Facilities at Rail Yards – Congressional Hearing
10. NJLM Re: NJ Supreme Court Rules that “Administrative Ordinances” Not Exempt from Faulkner Act Referendum
11. Business Improvement District Re: Dr. Mangravite Proposal

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

It was suggested by Councilwoman Woykowski that communication number eleven be tabled for discussion at the next Council meeting when the BID Executive Director would be present. Council concurred.

It was moved by Higgins, seconded by Oakley that the communications be acknowledged, received and filed.

Ayes: 6, Nays: 0.
Motion carried.

AUDIENCE:

Mayor Van Deursen entertained remarks from the audience on items that were not on the agenda.

Gina Appleby – 28 Willow Street

Ms. Appleby stated for the record that she is here expressing her concerns as a resident of the Borough and not representing any agency. She stated she wants to discuss her concerns over the fire at the St. Cloud Hotel and how she wanted to point out to Council the deficiencies of the evening. She said the St. Cloud was not a dumping ground; many people lived there because they chose to live there. Many other residents were Easter Seal recipients.

Ms. Appleby explained that the people who were displaced the evening of the fire were told that the Red Cross was going to be there to assist them. The Red Cross showed up after 2:00 a.m. There was no water, no help for these people. Some of these people do not have family members to rely on. She stated if the Borough is going to rely on the Red Cross we need a contingency plan.

Mayor Van Deursen stated that there were twenty five transported to the emergency squad building.

Ms. Appleby stated that she is concerned that no one seemed to pay attention to these people who lost their homes. The Borough needs a contingency plan to deal with these types of situations.

Motion made by Housel, seconded by Oakley to close the public portion of the meeting.

Ayes: 6, Nays: 0
Motion Carried

ORDINANCES:

None

REPORTS:

It was moved by Housel, seconded by Oakley that the Council acknowledge, receive and file the Treasurer Report – Recreation Commission, Issues/Details Report, Borough Clerk’s Report, Recreation Report, and the Zoning Code Enforcement Report.

Roll Call: Housel, Higgins, Oakley, Cioni, Van Deursen, and Woykowski.

Ayes: 6, Nays: 0
Motion Carried.

COMMITTEE REPORTS:

Redevelopment Committee: No report

DPW Garage: No Report

Sewer Committee: No Report

Streets Committee: No Report

Finance Committee: No report

Shared Services Committee: Mayor Van Deursen informed Council that a letter has been sent to the Mayor of Washington Township to open up communication in regards to possible shared services. Mayor Van Deursen suggested that Councilman Turner and Councilwoman Woykowski sit on this committee along with the Mayor and the Borough Manager. Council agreed.

Senior Services: No Report

Website Committee: The committee reported that the website should be updated within a week. The committee is going to take some additional pictures and is working out minor details. The website will be more inviting and more user friendly.

Curfew Committee: No Report

Pedophile Committee: No Report

Bid – No Report

VOUCHERS AND CLAIMS

Mayor Van Deursen entertained questions or additions to the vouchers and claims for payment that were not previously addressed before the meeting.

Hearing no comments or questions the vouchers and claims were approved for payment in the amount of \$ 706,498.81

Roll Call: Higgins, Woykowski, Oakley, Van Deursen, and Cioni.
Housel - Absent

Ayes: 5, Nays: 0.
Motion carried.

OLD BUSINESS:

Councilman Turner arrived at 9:10 p.m.

Halloween (Trick or Treat) Times

Mayor Van Deursen stated the Borough's current trick or treat time is 4:00 p.m. – 7:00 p.m. Councilwoman Oakley suggested having the time extended to 8:00 p.m. Council reviewed the times of the neighboring towns provided by the Borough Clerk.

Councilman Housel made a motion to have the Borough's Halloween hours set at 4:00 p.m. to 8:00 p.m., seconded by Councilwoman Oakley.

Ayes: 7, Nays: 0
Motion Carried

Mayor Van Deursen suggested advertising the hours for Halloween; reminding people to turn off their lights if they no longer wish to participate.

Tax Re-Assessment

Borough Manager, John Corica explained to Council that he had reached out to the County Tax Board. There are no plans right now to do a revaluation in the Borough. The County Tax Board will begin to look at towns for revaluation in November. He stated that he also spoke to the Borough Tax Assessor; unfortunately he was not able to make this Council meeting due to a family emergency however he will be available at the next Council meeting. Manager Corica recommended tabling this discussion until the next meeting. Council agreed.

John Unorksi – 123 North Prospect Street

Unorksi informed Council that a good portion of the members of his group are here this evening to begin showing Council the number of citizens who have concerns regarding property taxes in the Borough. He stated that he would love to see this topic listed on the agenda monthly. He also stated that he did communicate with the Borough Manager and understand that the re-assessments or revaluation may not happen right away however; he would still like to discuss the property tax rates.

Mayor Van Deursen asked Mr. Unorksi if he would like the Borough Manager to arrange a meeting with the Borough Tax Assessor and his group. Mr. Unorksi stated that yes he would like to arrange that type of meeting.

Virginia Hammel – 26 Alvin Sloan

Ms. Hammel stated that she is a real estate broker and is shocked by the taxes in Washington Meadows. She explained that currently there are sixteen homes for sale in the development. She stated in 2004 her taxes were \$8,500 and currently the taxes are \$11,200. She asked how these property taxes have become so high; that is a tremendous tax increase.

Mayor Van Deursen stated she sympathizes with the group. She explained that the municipal portion of the property tax bill is the smallest portion of taxes.

Councilman Higgins noted that it is great to see the community coming together over this issue. This community needs to address the entire problem. The issue of property taxes needs to be addressed with the school board as well. The Borough Council has no control over the school budget. The residents of this community can pass or reject a school budget. It should be noted that in the last school board election only three hundred people voted.

Councilman Higgins further stated that we do advertise our budget workshops and the public is welcome to attend these sessions. This group would be able to see how the process works.

Mayor Van Deursen noted that most of the Borough's expenses are contractual in nature. Councilwoman Woykowski stated that this Council always has the budget in the forefront every time we vote on an issue.

Mayor Van Deursen requested the Borough Manager arrange a meeting between Mr. Unorksi's group and the assessor. She also noted for the record that she has not spoken to anyone in her development on this issue and has not attended any of the group's meetings.

Office of Emergency Management Coordinator

Mayor Van Deursen reviewed the requirements for the Office of Emergency Management Coordinator sent to Council from Attorney Cushing. The OEM Coordinator must be a Borough resident; the Deputy OEM Coordinator does not have to be a Borough resident. Manager Corica indicated the he has received only one application so far. The item will be placed on the next Council agenda.

Engineering Presentation

Manager Corica explained a request from Clay McEldowny to present the present activities and responsibilities of the Borough Engineer to Council. Manager Corica asked Council if they were interested in a presentation such as this. Councilman Housel stated that the request for proposals are being advertised right now for Borough professionals and the Council should not allow a professional to give a presentation to Council until all of the proposals are received. Council concurred.

Vacation of Alley (Wheeler)

Attorney Cushing explained to Council that he and Manager Corica have discussed the vacation of the alley proposed by the Wheelers. The alley does show up on the Borough tax maps as property of the Borough. The sensible way to handle this situation is to assume that it is an easement. Attorney Cushing stated that his office could prepare an Ordinance to vacate the easement; the Borough would then have a public hearing. If the Borough does decide to vacate the easement; the land is split between the property owners on either side. The appropriate approach is to ask the property owners to pay \$750.00 each and any legal publications.

Mayor Van Deursen suggested initiating the process with the property owners. She suggested the Manager send the property owners a letter explaining the situation and the process to them.

NEW BUSINESS

Approval of Washington Woman's Club Raffle Application

Motion to approve the Washington Woman's Club Raffle Application was moved by Housel, seconded by Higgins and adopted.

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

Ayes: 7, Nays: 0
Motion Carried

Resolution 235-2007 Authorizing the Release of a Performance Bond for Helgesen Site Plan held by the Borough of Washington.

RESOLUTION # 235-2007

A RESOLUTION AUTHORIZING THE RELEASE OF A PERFORMANCE BOND FOR HELGESEN SITE PLAN AND HELD BY THE BOROUGH OF WASHINGTON

WHEREAS, John Helgesen III applied for and received site plan approval for site improvements on Block 025.01 Lot 003, located at 102 E. Washington Avenue; and

WHEREAS, a performance bond was posted to cover the cost of site improvements; and

WHEREAS, Municipal Engineer Robert Miller, C.M.E., P.E. has determined that all site work required under the site plan approval **has** been completed in a satisfactory manner.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey, that the Municipal Clerk is hereby authorized to release Helgesen's Performance Bond held by the Borough for the project above.

Resolution 236-2007 To Void Public Assistance Checks which have become Stale-Dated.

RESOLUTION #236-2007

A RESOLUTION TO VOID PUBLIC ASSISTANCE II CHECKS WHICH HAVE BECOME STALE-DATED

WHEREAS, the following checks were issued from the Public Assistance II Account # 81-0300-8933 of the Borough of Washington, and

WHEREAS, these checks, totaling \$2,156.00 were issued in the year 2005 and have never been cashed, and

WHEREAS, the Borough Treasurer has determined that the checks have become stale-dated, and invalid;

04/01/05	#1068	\$49.00	11/20/05	#1260	\$49.00
06/02/05	#1117	49.00	12/01/05	1263	49.00
10/20/05	#1214	500.00	12/14/05	1286	750.00
11/02/05	#1244	210.00	12/14/05	1287	500.00

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey, that the Municipal Treasurer is hereby authorized to void these checks. No replacement checks are necessary.

Resolution 237-2007 Executive Session

RESOLUTION 237 -2007

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:**

Contract Negotiations

RECAP

Manager Corica stated he will work with Attorney Cushing on the vacation of the easement for the Wheelers. He will also make arrangements for Mr. Unorski's group to meet with the Borough Assessor.

COUNCIL REMARKS

Mayor Van Deursen asked Manager Corica if the demolition permit for the house on South Lincoln had been approved. Manager Corica indicated it was approved and they should be starting the work shortly. Mayor Van Deursen also asked Manager Corica to follow up with Jersey Central Power and Light to get the electricity in place for the new traffic light. She also reminded Council of the ribbon cutting ceremony at 5:45 p.m. on Friday afternoon.

Councilman Turner – No comments.

Councilman Higgins stated that the Borough of Washington is very fortunate to have the volunteers that we have including the help and support of the surrounding communities. The incident at the St. Cloud Hotel was very unfortunate. The Borough is very lucky that no one perished during the fire. He stated the Washington Fire Department is the best trained Fire Department in the County. Manager Corica stated he had an opportunity of being an administrator in several communities during many disasters. He was impressed with the response and the coordination he saw that evening. Councilman Higgins suggested a letter recognizing Officer Koch and Officer Jones be sent to the Police Department. Manager Corica stated he is working on letters to all of the agencies that responded that evening.

Councilwoman Oakley thanked the retired fire fighters who came out to help during the fire. She also addressed the issue of the Red Cross. She stated that the disaster coordinator for this area was here within 90 minutes of being notified. She agreed with Ms. Appleby that the Borough should have a contingency plan.

Councilwoman Woykowski echoed the comments of Councilman Higgins. She stated she is very impressed with the Fire Department and the Emergency Squad.

Councilman Housel gave kudos to the Fire Department, Rescue Squad, and all of the responding agencies. He noted that Fire Chief Klausfelder did an excellent job and it is a thing of beauty to see all of them working together

EXECUTIVE SESSION

Councilman Higgins motioned to enter executive session after a five minute recess; this motion was seconded by Councilman Turner.

Ayes: 7, Nays: 0
Motion Carried

Councilman Housel excused himself from the remainder of the meeting.

Council returned to open session at 10:15 p.m.

Resolution 238-2007 Resolution Rejecting all Bids for the Construction of the Borough Garage

Resolution 238-2007 was moved on a motion made by Oakley, seconded by Cioni and adopted.

Roll Call: Oakley, Cioni, Woykowski, Higgins, Turner, and Van Deursen.

Ayes: 6, Nays: 0

Motion Carried

BOROUGH OF WASHINGTON
WARREN COUNTY, NEW JERSEY

RESOLUTION # 238-2007

**RESOLUTION REJECTING ALL BIDS FOR CONSTRUCTION
OF BOROUGH GARAGE**

WHEREAS, the Borough went out for bids in connection with the Borough Garage; and

WHEREAS, bids were received from the following bidders:

Security Structures, Inc.

Intermark Building and Design, LLC.

DeSapio Construction; and

WHEREAS, it appeared that the lowest responsible bidder was Intermark Building and Design, LLC (AIntermark@). However, a question was raised by the Engineer as to whether the bid by Intermark was conforming because of a question as to whether a subcontractor for Intermark had submitted a proper form of Public Works Contractor=s Registration Act Certificate; and

WHEREAS, on September 18 , 2007 the Mayor and Council awarded the bid to Intermark Building and Design, LLC., subject to review by the Borough Attorney of the Intermark bid; and

WHEREAS, the Borough Attorney has determined that the bid submitted by Intermark did not comply with the Contractor=s Registration Act Certificate due to the fact that the subcontractor did not have a valid Certificate as of the time that the bids were submitted, as more fully set forth in the Attorney=s opinion letter; and

WHEREAS, the second low bidder, Security Structures, Inc., only submitted a bid on a pole barn type of building which was an alternate bid; and

WHEREAS, the Mayor and Council were only interested the pole barn if the bid price was substantially below the amount for a metal building, which was the primary bid; and

WHEREAS, the third bid from DeSapio Construction was substantially above the Engineer=s estimate for the project for a metal building.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Clerk of the Borough of Washington, Warren County, New Jersey, reject all bids for the Borough Garage and direct the Borough Manager and the Engineer to prepare and advertise for new bids on the Borough Garage project.

BE IT FURTHER RESOLVED, that the Borough Manager and Engineer are directed to redo the specifications to eliminate the bid category alternative for a pole barn type of structure and to limit the bids to a metal type of building.

Hearing no further business to come before Council, it was moved by Higgins, seconded by Turner that the meeting be adjourned at 10:30 p.m.

Ayes: 6, Nays: 0.
Motion carried.

Mayor Marianne Van Deursen

Kristine Blanchard, RMC Borough Clerk