

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – September 2, 2008**

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: Cioni, Turner, Housel, Van Deursen, Higgins, Woykowski, - Present
Oakley - Absent

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.

PROCLAMATIONS

Mayor Van Deursen presented a Proclamation of the Borough of Washington to Andrea Romano for Ovarian Cancer Awareness Month.

***PROCLAMATION
OVARIAN CANCER AWARENESS MONTH***

WHEREAS, Ovarian cancer is called the “silent killer” because its symptoms are often vague or subtle; and

WHEREAS, Ovarian cancer is the fourth leading cause of cancer death among women and the leading cause of gynecologic cancer death in the United States; and

WHEREAS, Each year, more than 22,000 Americans are diagnosed with the disease and approximately 16,000 die from it; and

WHEREAS, If detected in its early stages, survival from ovarian cancer is 90-95 percent. Yet the five-year survival rate for the disease is only 28 percent, because it is so difficult to detect early; and

WHEREAS, The Kaleidoscope of Hope Foundation (KOH), a local non-profit group co-founded by ovarian cancer survivors Gail MacNeil of Chatham Township and Lois Myers and Patricia Stewart of Harding Township, raises funds for ovarian cancer research and to increase awareness of the disease and its symptoms and wishes to remind the public that September is Ovarian Cancer Awareness Month; and

WHEREAS, KOH will be holding its annual Walkathons in September this year in Morristown, Avon- by- the- Sea, and Lyndhurst.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and of the Borough of Washington do hereby proclaim the month of September as Ovarian Cancer Awareness month.

Mayor Van Deursen presented a Proclamation to Police Chief Cortellesi in honor of twenty-five years of service.

***A PROCLAMATION OF THE BOROUGH OF WASHINGTON
EXPRESSING APPRECIATION TO POLICE CHIEF GEORGE CORTELLESI FOR
HIS TWENTY-FIVE YEARS OF DEDICATED SERVICE TO THE BOROUGH
OF WASHINGTON***

WHEREAS, the citizens and the Governing Body of the Borough of Washington would like to recognize Police Chief George Cortellesi for his contributions to the Borough of Washington; and

WHEREAS, Chief Cortellesi has honorably served the citizens of the Borough of Washington in the capacity as a dedicated member and leader of the Washington Borough Police Department; and

*WHEREAS, Chief Cortellesi became a Police Officer on August 1, 1983;
and*

WHEREAS, Chief Cortellesi was promoted to Sergeant on February 27, 1990; and

WHEREAS, Chief Cortellesi was promoted to Lieutenant on January 1, 1999; and

WHEREAS, Chief Cortellesi was promoted to Police Chief on March 27, 2003; and

WHEREAS, as the elected representatives of the Borough of Washington, the Mayor and Council, desire to formally express the heartfelt appreciation of the entire community to Chief Cortellesi for his twenty-five years of outstanding and dedicated service to the Borough of Washington.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council, of the Borough of Washington, in the County of Warren, State of New Jersey, that the appreciation of the community is hereby expressed to Chief Cortellesi, for his twenty-five years of honorable service to the citizens of the Borough of Washington and our sincerest best wishes are expressed to him now and in the future.

BE IT FURTHER RESOLVED that the Borough Clerk be directed to have a certified copy of this proclamation recorded in the permanent minutes of the Borough of Washington in perpetuity.

At this time, Mayor Van Deursen entertained a motion to enter executive session to discuss property acquisition, potential litigation and personnel.

Motion made by Turner, seconded by Housel and adopted.

Roll Call: Van Deursen, Higgins, Oakley, Housel, Turner, Cioni, Woykowski – Yes

Ayes: 6, Nays: 0

Motion Carried

RESOLUTION 186-2008

RESOLUTION AUTHORIZING EXECUTIVE SESSION

WHEREAS, the Open Public Meetings Act; *N.J.S.A. 10:4-6 et seq.*, declares it to be the public policy of the State to insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

WHEREAS, the Open Public Meetings Act also recognizes exceptions to the right of the public to attend portions of such meetings; and

WHEREAS, the Mayor and Council find it necessary to conduct an executive session closed to the public as permitted by the *N.J.S.A. 40:4-12*; and

WHEREAS, the Mayor and Council will reconvene in public session at the conclusion of the executive session;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey that they will conduct an executive session to discuss the following topic(s) as permitted by *N.J.S.A. 40:4-12*:

_____A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public (Provision relied upon: _____);

_____A matter where the release of information would impair a right to receive funds from the federal government;

_____A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

_____A collective bargaining agreement, or the terms and conditions thereof (Specify contract: _____);

A matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed; Khourie Property

_____Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

_____Investigations of violations or possible violations of the law;

Pending or anticipated litigation or contract negotiation in which the public body is or may become a party; (The general nature of the litigation or contract negotiations is: Stew's Auto Body _____ OR _____ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position in the litigation or negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

_____Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: _____ OR _____ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.);

X Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is: CFO Position

OR _____ the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

_____ Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit;

BE IT FURTHER RESOLVED that the Mayor and Council hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Borough Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Borough or any other entity with respect to said discussion. That time is currently estimated to be: SIX MONTHS (estimated length of time) OR upon the occurrence of _____

_____;

BE IT FURTHER RESOLVED that the Mayor and Council, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

Council returned from Executive Session at 10:15 p.m. and recessed for a five minute break.

Council reconvened at 10:25 p.m. Councilman Turner and Housel left the meeting at this time.

A motion was made by Councilman Cioni to invite Paramount Properties Manager Richard Dunn to the next Council meeting to discuss an overall building status update. This motion was seconded by Higgins.

Ayes: 4, Nays: 0
Motion Carried

Councilman Higgins asked for a transcript of the previous meeting attended by Mr. Dunn be forwarded to him along with his handout to Council.

COUNCIL APPEARANCE

None

MINUTES:

Mayor Van Deursen entertained additions or corrections to the minutes of the Executive Session of August 5, 2008, and the Regular Meeting of August 19, 2008.

Councilwoman Woykowski noted that Resolution 180-2008 adopted by the Mayor and Council at the last meeting is inconsistent with the Borough Codebook. The Codebook calls for the Mayor, Deputy Mayor, Borough Clerk, and Treasurer be the signatories on all Borough checks.

Motion made by Woykowski, seconded by Higgins to rescind Resolution 180-2008.

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

Ayes: 4, Nays: 0
Motion Carried

Hearing no further comments it was moved by Higgins, seconded by Cioni that the minutes be approved.

Roll Call: Cioni, Woykowski, Van Deursen, Higgins.

Motion Carried

COMMUNICATIONS:

The following communications were entered into the record:

1. Warren County Board of Chosen Freeholders Re: Opposing States Imposition of Charges for New Jersey State Police Coverage.

Councilman Higgins requested a letter of support be sent to the Freeholders regarding the State Police charges. After discussion; Council agreed to send a letter of support to the Freeholders.

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

Ayes: 4, Nays: 0.
Motion carried.

AUDIENCE:

Hearing no comments from the audience a motion was made by Higgins, seconded by Cioni to close the audience portion of the meeting.

Ayes: 4, Nays: 0
Motion Carried

ORDINANCES:

ORDINANCE 8-2008 AN ORDINANCE AMENDING CHAPTER 94 OF THE CODE OF THE BOROUGH OF WASHINGTON TO AMEND THE USES PERMITTED IN THE B-2 CENTRAL BUSINESS DISTRICT. (Adoption)

Mayor Van Deursen entertained a motion to introduce **Ordinance #8-2008**.

Ordinance 8-2008 was moved by Councilman Higgins, seconded by Councilman Cioni.

It was further moved by Higgins, seconded by Cioni that the Clerk read Ordinance #8-2008 by title only.

The Clerk read Ordinance #8-2008 by title only and stated that this ordinance had been published in the Star Gazette as required by law; a copy was posted on the bulletin board and copies available upon request from the Clerk's office.

Roll Call: Woykowski, Cioni, Higgins, Van Deursen

Ayes: 4, Nays: 0.
Motion carried.

Public Hearing:

Hearing no comments from the public Councilman Higgins motioned to close the public hearing seconded by Councilman Cioni.

Ayes: 4, Nays: 0
Motion Carried

Council Discussion:

Councilman Cioni requested the NJ State listing of Business Codes be on file in the office for verification purposes.

Mayor Van Deursen entertained a motion to adopt Ordinance 8-2008 on final adoption.

Motion made by Higgins, seconded by Cioni to adopt Ordinance 8- 2008 on final reading.

Roll Call: Woykowski, Higgins, Van Deursen, Cioni

Ayes: 4, Nays: 0

Motion Carried

ORDINANCE # 8-2008

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

**AN ORDINANCE AMENDING CHAPTER 94 OF THE CODE OF THE BOROUGH OF
WASHINGTON TO AMEND THE USES PERMITTED IN THE B-2 CENTRAL
BUSINESS DISTRICT**

WHEREAS, the Borough finds that Section 94 of the Development Regulations Ordinance of the Borough of Washington needs to be revised to memorialize the provisions of the 2002 Downtown Revitalization Plan.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and the Council of the Borough of Washington that Section 94 of the Code of the Borough of Washington is hereby amended as follows:

Section 1. Section 94-81A of the Code of Washington is amended to read as follows:

A. **Permitted Principal Uses.** In the B-2 Central Business District, no lot shall be used and no structure shall be erected, altered or occupied for any purposes except as herein described. Commercial uses shall be defined in accordance with their **North American Industry Classification System (NAICS) Code** number where shown with a number in parentheses (thus). The following establishments or uses shall be permitted.

Permitted Principal Uses:

1. Residential units on second and upper floors.
2. Non-residential uses in accordance with the following schedule:

Retail Trade (44-45)

- Furniture Stores (442110)
- Window Treatment Stores (442291)
- Floor Covering Stores (442210)
- All other home furnishing Stores (442229)
- Household Appliance Stores (443111)
- Radio, Television, and other Electronics Stores (443112)
- Computer and Software Stores (443120)
- Camera and Photographic Supplies Stores (443130)
- Paint and Wallpaper Stores (444120)
- Hardware Stores (444130)
- Food and Beverage Stores (445)
- Supermarkets and other Grocery Stores (445110)
- Convenience Stores (445120)
- Meat Markets (445210)
- Fish and Seafood Markets (445220)
- Fruit and Vegetable Markets (445230)
- Baked Goods Stores (445291)
- Confectionery and Nut Stores (445292)
- All other specialty food Stores (445299)
- Beer, Wine and Liquor Stores (445310)
- Pharmacies and Drug Stores (446110)
- Cosmetics, Beauty Supplies and Perfume Stores (446120)
- Optical Goods Stores (446130)
- Food (health) Supplement Stores (446191)
- All other health and personal care Stores (446199)
- Men's Clothing Stores (448110)
- Women's clothing Stores (448120)
- Children's and Infants Clothing Stores (448130)
- Family Clothing Stores (448140)
- Clothing Accessories Stores (448150)
- Other Clothing Stores (448190)
- Shoe Stores (448210)
- Jewelry Stores (448310)
- Luggage and Leather Goods Stores (448320)
- Sporting Goods Stores (451110)
- Hobby, Toy and Game Stores (451120)
- Sewing, Needlework and Piece Goods Stores (451130)
- Musical Instrument and Supplies Stores (451140)
- Book Stores (451211)
- News Dealers and Newsstands (451212)
- Prerecorded Tape, Compact Disc and Record Stores (451220)
- Department Stores (452111)
- All other General Merchandise Stores (452990)
- Florists (453110)

- Office Supplies and Stationary Stores (453210)
- Gift, Novelty and Souvenir Stores (453220)
- Pet and Pet Supplies Stores (453910)
- Art Dealers (453920)
- Tobacco Stores (453991)

Transportation and Warehousing (48-49)

- Taxi Service (485310)
- Limousine Service (485320)
- Postal Service (491110)
- Couriers (492110)

Publishing Industries (511)

- Newspaper Publishers (511110)
- Periodical Publishers (511120)
- Book Publishers (511130)
- Directory and Mailing List Publishers (511140)
- Software Publishers (511210)
- Tele-Production and other Post-Production Services (512191)
- Music Publishers (512230)
- Internet Publishing and Broadcasting (516110)
- Internet Service Providers (518111)
- Data Processing, Hosting and related Services (518210)
- Libraries and Archives (519120)

Finances and Insurance (52) [All Categories]

Real Estate and Rental And Leasing (53) [All Categories]

Professional, Scientific and Technical Services (54) [All Categories]

Management of Companies and Enterprises (55)

[Inclusive of the following categories only:]

- Offices of Bank Holding Companies (551111)
through
- All other Support Services (561990)

Education Services (61) [All Categories]

Health Care and Social Assistance

- Offices of Physicians (6211)

- Offices of Dentists (6212)
- Offices of other Health Practitioners (6213)
- Outpatient Care Centers (6214)
- Medical and Diagnostic Laboratories (6215)
- Home Health Care Services (6216)
- Individual and Family Services (6241)
- Vocational Rehabilitation Services (6243)
- Child Day are Services (6244)

Arts, Entertainment and Recreation (71)

- Theater Companies and Dinner Theaters (711110)
- Dance Companies (711120)
- Musical Groups and Artists (711130)
- Other Performing Arts Companies (711190)
- Fitness and Recreational Sports Centers (713940)

Accommodation and Food Services (72)

- Bed and Breakfast Inns (721191)
- Full Service Restaurants (722110)
- Limited Service Restaurants (722211)
- Cafeterias (722212)
- Snack and Non-Alcoholic Beverage Bars (722213)
- Drinking Places (Alcoholic Beverages) (722410)

Other Services (except Public Administration) (81)

- Consumer Electronics Repair and Maintenance (811211)
- Computer and Office Machine Repair and Maintenance (811212)
- Communication Equipment Repair and Maintenance (811213)
- Other Electronic and Precision Equipment Repair and Maintenance (811219)
- Re-Upholstery and Furniture Repair (811420)
- Footwear and Leather Goods Repair (811430)
- Other Personal and Household Goods Repair and Maintenance (811490)
- Barber Shops (812111)
- Beauty Salons (812112)
- Nail Salons (812113)
- Diet And Weight Reducing Centers (812191)
- Other Personal Care Services (812199)
- Funeral Homes and Funeral Services (812210)
- Coin-operated Laundries and Dry Cleaners (812310)
- Dry Cleaning and Laundry Services (812320)
- Photofinishing Laboratories (812921) & (812922)

- Parking Lots and Garages (812930)
- Religious Organizations (813110)
- Civic and Social Organizations (813410)
- Business Organizations (813910)
- Professional Organizations (813920)
- Political Organizations (813940)

Public Administration (92) [All Categories]

Section 2. This ordinance shall take effect upon passage in accordance with the law.

ORDINANCE #9-2008 AMENDING CHAPTER 85 TO ESTABLISH FEES FOR OVERNIGHT ON-STREET PARKING, AMENDING FEES FOR OFF-STREET PARKING AND AMENDING PARKING DURING SNOW EMERGENCIES. (Introduction)

Mayor Van Deursen entertained a motion to introduce Ordinance #9-2008.

Ordinance 9-2008 was introduced by Councilman Higgins, seconded by Councilman Cioni.

It was further moved by Higgins, seconded by Cioni that the Clerk read Ordinance #9-2008 by title only.

Roll Call: Higgins, Woykowski, Van Deursen, and Cioni

Ayes: 4, Nays: 0
Motion Carried

The Clerk read Ordinance #9-2008 entitled, “An Ordinance to Amend Chapter 85 to Establish Fees for Overnight On-Street Parking, Amending Fees for Off-Street Parking and Amending Parking During Snow Emergencies.”

Council Discussion: Councilwoman Woykowski asked how an over-night parking permit is approved. Borough Clerk, Kristine Blanchard explained the applicant provides copies of their vehicle registration and a survey of the property. It is then forwarded to the Chief of Police and the Zoning Officer for approval.

Mayor Van Deursen entertained a motion to introduce Ordinance 9-2008 on first reading.

Ordinance 9-2008 was moved by Councilman Higgins, seconded by Councilman Cioni to be introduced on first reading.

Roll Call: Higgins, Cioni, Van Deursen, Woykowski.

Ayes: 4, Nays: 0
Motion Carried

It was further moved by Higgins, seconded by Cioni that Ordinance #9-2008 be published in the Star Gazette on September 11, 2008 as required by law and that the public hearing be scheduled for October 7, 2008.

ORDINANCE # 9-2008

AN ORDINANCE AMENDING CHAPTER 85 TO ESTABLISH FEES FOR OVERNIGHT ON-STREET PARKING, AMENDING FEES FOR OFF-STREET PARKING AND AMENDING PARKING DURING SNOW EMERGENCIES

WHEREAS, the Mayor and council believe it is beneficial for the municipality to encourage parking in Municipal Parking Lots during day time hours; and

WHEREAS, it is beneficial to the community to discourage overnight parking on the Borough streets and to provide faster emergency response and to provide for more efficient snow removal.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Washington, in the County of Warren and State of New Jersey, that Chapter 85 entitled “Vehicles and Traffic” of the Code of the Borough of Washington be amended as follows:

Section 1. Sections 39 and 42 of Chapter 85 shall be deleted in their entirety. Section 40 of Chapter 85 is hereby replaced in its entirety as follows:

§85-40. Parking restrictions during snow removal periods.

Whenever snow has fallen and the accumulation is such that it covers the street or highway where the Road Department has to plow, no parking will be allowed on any street, road, alley or thoroughfare within the Borough of Washington until such time as said street, road, alley or thoroughfare has been cleared and snow has stopped falling.

Section 2. Subsection B. of Section 41 entitled “Removal and impoundment of vehicles” of Chapter 85 is hereby amended to remove the phrase “after a two-hour period after the declaration of a snow emergency” and replace it with the phrase “after snow has fallen and the accumulation is such that it covers the street or alley.”

Section 3. Section 59 entitled “Names and locations of lots; hours; charges” of Article XIV entitled “Municipal Parking Lots” of Chapter 85 is hereby amended as follows:

A. Subsection A is amended to remove “Commission sponsored” and to insert “Department approved”.

B. Subsections , B, C, D, E, G, H, I, J are hereby deleted in their entirety.

- C. A new subsection B. is hereby created as follows:
- B. Borough Hall Parking Lots. Parking is permitted in parking lots adjacent to the municipal building for Borough Hall business and for business at Taylor Street School. Overnight parking is prohibited from 3:00 a.m. to 6:00 a.m. except for borough employees.
- D. A new subsection C is hereby created as follows:
- C. Other Lots. Parking is permitted by permit purchased from the Borough of Washington for overnight parking between the hours of 8:00 p.m. and 8:00 a.m. only in the following municipal parking lots:
1. Southern Plaza, located at the eastern end of Allegar Street.
 2. Western Plaza, located on the eastern side of South Lincoln Avenue, south of West Washington Avenue.
 3. South Central Plaza, located on the driveway between East Washington Avenue and Allegar Street.
 4. East Church Street Plaza, located on the south side of East Church Street, west of 25 East Church Street.
 5. Broad Street Plaza, located on the west side of Broad Street, south of the former Public Library building.
 6. North Central Plaza, located at 46-52 East Washington Avenue
- No permit is required to park in the above lots between the hours of 8 a.m. and 8 p.m.

Section 4. Section 70 of Article XIV entitled “Municipal Parking Lots” of Chapter 85 is replaced in its entirety as follows:

§85-70. Parking stickers for municipal lots.

Parking stickers in a form, shape and color to be designated by the Borough of Washington shall be available for purchase from the Borough Clerk for the sum of \$12 per month or \$144 for the entire year for overnight parking in municipal parking lots designated in Section 85-59 C. An overnight sticker for municipal lots shall be effective from 8:00 p.m. to 8:00 a.m. the following morning. Any vehicle parking in an area requiring stickers that does not have a sticker shall be towed away at the owner’s expense and risk.

Section 5. Section 93 of Article XVII entitled “On-Street Overnight Parking Permits” of Chapter 85 is replaced in its entirety as follows:

§85-93. Fees.

Parking stickers in a form, shape and color to be designated by the Borough of Washington shall be available for purchase from the Borough Clerk for the sum of \$15 per month or \$180 for the entire year for overnight parking on municipal streets. An overnight sticker for on street parking shall be effective from 3:00 a.m. to 6:00 a.m.

Section 6. Section 24 entitled “Schedule II: No Parking Certain Hours” of Chapter 85 is amended so that the phrase under the heading “Name of Street” reads as follows: “All streets within borough limits unless pursuant to a valid permit as provided in §85-90 with the exception of the following streets:”.

Section 7. Section 96 entitled “Parking during snow emergencies” of Chapter 85 is hereby deleted in its entirety and replaced by the following new section 96 as follows

§85-96. Parking when streets are snow-covered.

In the event the Borough suspends on-street parking during a snow storm pursuant to §85-40, permit holders must move their cars off the streets to permit snow removal. Failure to comply may result in a fine or towing of the vehicle, or both, without regard to whether the vehicle displayed a valid on-street parking permit.

Section 8. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.

Section 9. If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.

Section 10. This Ordinance shall become effective on January 1, 2009.

Ordinance 10-2008 AN ORDINANCE AUTHORIZING OFF SITE SIGNS FOR GARAGE SALES. (Introduction)

Mayor Van Deursen entertained a motion to introduce Ordinance #10-2008.

Ordinance 10-2008 was introduced by Councilman Higgins, seconded by Councilman Cioni.

It was further moved by Higgins, seconded by Cioni that the Clerk read Ordinance #10-2008 by title only.

Roll Call: Higgins, Woykowski, Van Deursen, and Cioni

Ayes: 4, Nays: 0
Motion Carried

The Clerk read Ordinance #10-2008 entitled, “An Ordinance Authorizing Off Site Signs for Garage Sales.”

Council Discussion: None

Mayor Van Deursen entertained a motion to introduce Ordinance 10-2008 on first reading.

Ordinance 10-2008 was moved by Councilman Higgins, seconded by Councilman Cioni to be introduced on first reading.

Roll Call: Higgins, Cioni, Van Deursen, Woykowski.

Ayes: 4, Nays: 0
Motion Carried

It was further moved by Higgins, seconded by Cioni that Ordinance #10-2008 be published in the Star Gazette on September 11, 2008 as required by law and that the public hearing be scheduled for October 7, 2008.

ORDINANCE # 10-2008

AN ORDINANCE AUTHORIZING OFF-SITE SIGNS FOR GARAGE SALES

WHEREAS, current provisions of the Borough Code prohibit off-site directional garage sale signs; and

WHEREAS, the Mayor and council believe it is appropriate to allow a limited number of off-site signs providing directions to licensed garage sales within the Borough;

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

Section 1. Section 54-25.B is replaced in its entirety by the following

B. Garage sale signs shall comply with the provisions of Section 94-62.D.7.

Section 2. A new subsection 7 is added to Section 94-62.D. as follows:

7. Garage and yard sale directional signs:

(a) Temporary directional signs shall be permitted providing directions to a garage or yard sale licensed pursuant to Section 54-21. No permit shall be required for such signs.

(b) Garage and yard sale signs shall not exceed 12 by 12 inches in size and shall include the name and address of the resident holding the sale. Such signs shall be displayed no earlier than 1 week prior to the sale and removed by 7:00 p.m. of the day of the sale..

(c) There shall be no more than three (3) off-site directional signs and two (2) signs at the garage or yard sale, or property locations.

(d) Garage sale signs must be free-standing and located on the property of persons who authorize same, or in the municipal right-of-way. No signs shall be posted on telephone poles, street signs, trees or fences.

Section 3. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.

Section 4. If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.

Section 5. 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:

1. Zoning

It was moved by Cioni, seconded by Higgins, to receive and file the reports.

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

Ayes: 4, Nays: 0
Motion Carried

COMMITTEE REPORTS:

Redevelopment Committee: No Report

DPW Garage: No Report

Sewer Committee: Councilman Higgins noted that the Borough has not heard back from the property owners on Gardners Court regarding the installation of a valve to try and eliminate their sewer problems. He noted that rainy season is coming. He suggested writing another letter to the property owners as a follow up.

Streets Committee: No Report

Finance Committee: No Report

Shared Services Committee: No Report

Senior Services: Councilman Higgins provided the Borough Clerk with information for posting on the website and the bulletin board.

Website Committee: Councilman Cioni stated he is working with City Connections to add a DPW page to the website. This will show status updates on the progress being made with the Borough Garage.

Curfew Committee: No Report

Pedophile Ordinance Committee: No Report

BID: No Report

Recreation Report – Councilman Turner provided Council with a report from the previous Recreation Committee meeting. This will be placed on the agenda and discussed at the next meeting.

VOUCHERS AND CLAIMS

Mayor Van Deursen entertained questions or additions to the vouchers and claims for payments that were not previously addressed before the meeting. Motion made by Cioni, seconded by Woykowski to pay the vouchers and claims in the amount of \$320,497.86

Roll Call: Woykowski, Cioni, Housel, Van Deursen.

Ayes: 4, Nays: 0
Motion carried.

OLD BUSINESS:

None

NEW BUSINESS

Suburban Consulting DEP Parking Lots

Manager Corica stated there is a proposal from Suburban Consulting regarding having the contamination removed as part of the construction of the parking lot. The estimate is \$31,750 to finalize the report to the DEP and for remediation oversight. Council agreed to have the Engineer attend the next Council meeting to discuss. A Resolution will also be prepared for the

next meeting. Councilman Higgins requested a summary of what Suburban Engineering has been paid to date.

Approval of Raffle Application

Motion made by Higgins, seconded by Cioni to approve the Friends of the Blue Streaks raffle application.

Roll Call: Higgins, Cioni, Woykowski, Van Deursen

Ayes: 4, Nays: 0

Motion Carried

Approval of ABC Permit for the Washington Borough Fire Department – Festival in the Borough

Motion made by Woykowski, seconded by Cioni and approved.

Roll Call: Cioni, Woykowski, Van Deursen - Yes

Higgins – Abstain

Resolution 177-2008 Authorizing the Issuance of \$493,300 in Bond Anticipation Notes

Resolution 177-2008 was moved on a motion made by Cioni, seconded by Woykowski and adopted.

Roll Call: Cioni, Woykowski, Van Deursen – Yes

Higgins – No

RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$493,300 BOND ANTICIPATION NOTES OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY.

BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY, AS FOLLOWS:

Pursuant to a bond ordinance of the Borough of Washington, in the County of Warren (herein called the “local unit”) entitled: “Bond ordinance providing for expenses related to certain redevelopment projects in and by the Borough of Washington, in the County of Warren, New Jersey appropriating \$100,000 therefore, and authorizing the issuance of \$100,000

bonds or notes of the Borough to finance part of the cost thereof”, finally adopted on April 15, 2008 (#2-2008), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$100,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefore.

Pursuant to a bond ordinance of the local unit entitled: “Bond ordinance appropriating \$414,000, and authorizing the issuance of \$393,300 bonds or notes of the Borough, for various improvements or purposes authorized to be undertaken by the Borough of Washington, in the County of Warren, New Jersey”, finally adopted on July 1, 2008 (#5-2008), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$393,300 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefore.

Pursuant to the provisions of Section 40A:2-26 of the Local Bond Law of New Jersey, particularly paragraph (f) thereof and in lieu of the sale of more than one issue of bonds as provided for in said Local Bond Law, the several issues of bonds of this local unit authorized pursuant to bond ordinances of the local unit hereinabove in Sections 1 and 2 described, shall be combined into a single and combined issue of bonds in the principal amount of \$493,300.

The following matters in connection with said Bond Anticipation Notes are hereby determined:

All notes issued hereunder shall mature at such times as may be determined by the chief financial officer, the temporary chief financial officer or the collector-treasurer of the local unit (the “chief financial officer”), provided that no note issued pursuant to Sections 1 and 2

hereof shall mature later than (i) one year from the date of the first note issued pursuant to the respective ordinances referred to in said Section, and (ii) three years from the date of the first note issued pursuant to each such respective ordinance unless the local unit shall have paid and retired amounts of such notes sufficient to allow it, in accordance with provisions of Section 40A:2-8 of the Local Bond Law, to renew a portion thereof beyond the third anniversary date of the first of such notes;

All notes issued hereunder shall bear interest at such rate or rates as may be determined by the chief financial officer of the local unit; and

The notes shall be in the form prescribed by resolution heretofore adopted by the governing body of this local unit determining the form of Bond Anticipation Notes issued pursuant to the Local Bond Law, and any such notes may be signed or sealed by officers of the local unit in any manner permitted by Section 40A:2-25 of said Local Bond Law notwithstanding that said form or resolution may otherwise provide.

The chief financial officer of the local unit is hereby authorized and directed to determine all matters in connection with said notes not determined by this or a subsequent resolution, and the signature of the chief financial officer upon said notes shall be conclusive as to such determinations.

The chief financial officer of the local unit is hereby authorized to sell said Bond Anticipation Notes from time to time at public or private sale in such amounts as the chief financial officer may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefore.

Any instrument issued pursuant to this resolution shall be a general obligation of the local unit, and the local unit's faith and credit are hereby pledged to the punctual payment of the principal of and interest on said obligations and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

The chief financial officer of the local unit is authorized and directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of notes pursuant to this resolution is made, such report to include the amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser.

The chief financial officer of the local unit is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of said notes to the purchasers thereof as promptly as possible, including (i) the preparation, execution and dissemination of a Preliminary Official Statement and Final Official Statement with respect to said notes, (ii) preparation, distribution and publication, if necessary, of a Notice of Sale with respect to said notes, (iii) execution of a Continuing Disclosure Undertaking, with respect to said notes in accordance with Rule 15c2-12 promulgated by the Securities and Exchange Commission and (iv) execution of an arbitrage and use of proceeds certificate certifying that, among other things, the local unit, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on said notes is not included in gross income under Section 103 of the Internal Revenue Code of 1986, as amended.

This resolution shall take effect immediately.

Resolution 187-2008 Urging Legislature to Enact Legislation Allowing Municipalities to Opt out of the Civil Service System

Resolution 187-2008 was moved on a motion made by Higgins, seconded by Cioni and adopted.

Roll Call: Higgins, Cioni, Van Deursen, Woykowski

Ayes: 4, Nays: 0
Motion Carried

RESOLUTION # 187-2008

**A RESOLUTION URGING THE NEW JERSEY STATE LEGISLATURE TO ENACT
LEGISLATION ALLOWING MUNICIPALITIES TO OPT OUT OF THE CIVIL
SERVICE SYSTEM**

WHEREAS, for many years, the New Jersey Civil Service System has determined how local government employees are hired and managed; and

WHEREAS, many municipalities find that the Civil Service System does not provide the ability to select the most qualified candidates or provide for accountability of employees who fail to perform adequately, which is needed to manage the municipal work force and deliver government services effectively; and

WHEREAS, numerous local governments that participate in New Jersey's Civil Service System have asked to opt out of such System; and

WHEREAS, a municipality may not opt of such Civil Service System without special enabling legislation, as there is currently no statutory provision allowing municipalities to opt out of such Civil Service System; and

WHEREAS, the Council of the Borough of Washington believes that it would be in the best interest of efficiency and employee management if municipalities were able to choose to remain in or opt out of the Civil Service System.

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 urges the New Jersey State Legislature to enact legislation which would allow New Jersey's municipalities to opt out of the Civil Service System; and

BE IT FURTHER RESOLVED, that in the event the New Jersey Legislature is unwilling to enact legislation to allow all municipalities to opt out of the Civil Service System, the Mayor and Council of the Borough of Washington urge the New Jersey Legislature to enact special legislation which will allow the Borough of Washington, New Jersey to opt out of the Civil Service System; and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be certified and forwarded to Senator Leonard Lance, Assemblyman Michael J. Doherty, Assemblywoman Marcia A. Karrow and all municipalities who currently participate in the Civil Service System.

Resolution 188-2008 Void and Replace Check

Resolution 188-2008 was moved on a motion made by Higgins, seconded by Cioni and adopted.

Roll Call: Higgins, Cioni, Van Deursen, Woykowski

Ayes: 4, Nays: 0
Motion Carried

RESOLUTION #188-2008

A RESOLUTION TO VOID AND REPLACE A CHECK

WHEREAS, check #052509 was written 3/19/08 on Washington Borough's Operating Fund # 8102360230 in the amount of \$70.00 and made payable to Marc Burns, 15 Fillmore Street, Washington, NJ 07882; and

WHEREAS, the Treasurer's office was made aware that this check has been judged to be stale-dated, and a written request has been received for a replacement check.

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 void and replace check #052509.

Resolution 189-2008 Recreation Committee Appointment

Resolution 189-2008 was moved on a motion made by Woykowski, seconded by Cioni and adopted.

Roll Call: Cioni, Van Deursen, Woykowski
Higgins - No

Ayes: 3, Nays: 1
Motion Carried

RESOLUTION 189-2008
RECREATION COMMITTEE

NOW, THEREFORE, BE IT RESOLVED, that the above mentioned appointment shall take effect immediately.

Resolution 191-2008 Rejecting Bids for DPW Garage Site

Resolution 191-2008 was moved on a motion made by Cioni, seconded by Woykowski and adopted.

Roll Call: Cioni, Woykowski, Higgins, Van Deursen

Ayes: 4, Nays: 0
Motion Carried

Council Discussion: Manager Corica explained that this was for the additional site work that is required at the DPW Garage site. Unfortunately the bids were higher than the engineer's estimate. Manager Corica stated that the Engineer will be able to give the council more information during his presentation at the next council meeting. Councilman Higgins noted this new garage has cost the borough 3.3 million dollars.

**RESOLUTION # 191 -2008
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
WASHINGTON, WARREN COUNTY, NJ**

WHEREAS, bids were duly advertised and opened on 14 August 2008 for DPW Garage Site Improvements; and

WHEREAS, the low bid of \$300,879 substantially exceeded the engineer's estimate of \$231,816; and

WHEREAS, the Borough Manager has determined that the low bi substantially exceeded the funds appropriated for the purpose of \$236,000; and

WHEREAS, Andrew Holt, the Borough Engineer, recommends the Council reject all of the bids because "the lowest bid substantially exceeds the cost estimates" as provided by N.J.S.A 40A:11-13.2(a); and

WHEREAS, John Corica, the Borough Manager recommends the Council reject all of the bids because the "the lowest bid substantially exceeds the ... appropriation" balance available for the purpose as provided by N.J.S.A 40A:11-13.2(b).

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 all bids be rejected for the DPW Garage Site Improvements as provided under N.J.S.A 40A:11-13.2(a) and (b).

BE IT FURTHER RESOLVED that the Borough Clerk is directed to notify all of the bidders that the bids have been rejected and return and surety or bonds submitted with the bid proposal.

Resolution 192- 2008 and 193-2008

Resolutions 192-2008 and 193-2008 were tabled until the next meeting.

Resolution 194-2008 Center of Place Grant Applications

Resolution 194-2008 was moved on a motion made by Cioni seconded by Higgins and adopted.

Council Discussion: Councilman Higgins stated he does not know why we are applying for a grant if the BID is doing the work. Councilman Cioni stated that the Borough may not receive the money. If the Borough receives the grant; a decision can be made at that time.

Roll Call: Higgins, Cioni, Van Deursen – Yes
Woykowski – No

RESOLUTION # 194 -2008
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
WASHINGTON, WARREN COUNTY, NJ TO APPROVE A CENTER OF
PLACE GRANT APPLICATION AND EXECUTE A GRANT
AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF
TRANSPORTATION FOR PARKING LOT IMPROVEMENTS

WHEREAS, the Borough of Washington, Warren County, New Jersey desires to advance its parking lot improvement capital projects; and

WHEREAS, the Borough of Washington is limited in its ability to fund these improvements; and

NOW, THEREFORE, BE IT RESOLVED, that Mayor and Council of the Borough of Washington formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Suburban Consulting Engineers, Inc., the Borough consulting engineers, and the Borough Clerk are hereby authorized to submit an electronic grant application identified as (COP-2009-Washington Borough-00060) to the New Jersey Department of Transportation on behalf of the Borough of Washington.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement after acceptance and approval from a majority vote of the Mayor and Council.

MEETING RECAP

Manager Corica will review the communications regarding Stew's Auto Body. He will invite Richard Dunne of Paramount and the Borough Engineer to the next meeting. He will also send a letter of support to the Freeholders regarding the State Police and will send a follow up letter to the residents of Gardner's Court.

COUNCIL REMARKS

Councilman Higgins motioned that the Fire Department be allowed to send the damaged fire truck out for repair to the Company that is qualified to do the repairs. The Borough can deal with the Insurance Company later. The fire truck needs to be fixed as soon as possible. Motion seconded by Councilman Cioni. Council concurred. He also asked that John Burd report back to Council on what intersections need to be fixed for the children now that school is in session.

Councilman Cioni noted for Council that the DCA is requiring four handicapped spots next to Mr. Van Cleef's building. It was suggested that the DPW paint the handicapped spots. Council agreed.

Hearing no further business to come before Council, it was moved by Higgins, seconded by Cioni that the meeting be adjourned at 11:45 p.m.

Ayes: 4, Nays: 0.
Motion carried.

Mayor Marianne Van Deursen

Kristine Blanchard, RMC Borough Clerk