

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY  
WASHINGTON BOROUGH COUNCIL MINUTES – August 19, 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, Oakley – Present

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.

Mayor Van Deursen entertained a motion to enter executive session to discuss property acquisition.

Motion made by Van Deursen, seconded by Higgins.

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

Motion Failed

Councilman Housel noted that there was some concern regarding the original vote on the property acquisition matter being taken at a workshop meeting; the advertisement did not say that no official action would be taken. Councilwoman Oakley stated that formal action should be taken in a regular meeting of the governing body.

Mayor Van Deursen stated that it appears as though the governing body is not interested in renegotiating with Mr. and Mrs. Tilley on the property purchase. She stated she is a little disappointed and was uneasy the first time this was voted on. She noted that she feels the Borough entered into a good faith agreement with them in order to improve the downtown and for the betterment of the Borough. This is morally and ethically incorrect.

Councilman Housel stated that the Borough did not have a contract with the Tilley's. Councilman Turner stated that he respectfully disagrees with the Mayor. Councilwoman Woykowski noted that she has heard from community members regarding the issue. They have been surprised that only one side of the story was published. She also stated that her decisions are based with the entire community in mind, not a small group of the community.

Councilman Higgins asked why Council changed their minds. Councilman Housel noted this has been discussed many times. The decision was based on the issues that the Borough could very well face concerning environmental issues.

Mrs. Tilley commented that the Borough really wanted this property; and made them believe right up until the last minute that everything was progressing as planned. She stated that clearing the title had been very difficult. Councilman Housel noted that clearing the title would have needed to be done no matter when she sells her house.

### **COUNCIL APPEARANCE**

#### **Betty Wysocki – Animal Control**

Ms. Wysocki reported that the animal control department operates 24 hours a day. Evening call outs usually consist of calls regarding bats, loose dogs, and stray cats. She noted that the Clerk's office is using a new software program for animal licensing. The clerk and Ms. Wysocki will work on producing reports for the animal control department that contain all of the information Ms. Wysocki needs. She stated that rabies expiration information does not show up on the reports offered by the new software.

Councilman Higgins inquired as to how many calls regarding black bears the Borough receives. Ms. Wysocki stated that those types of calls are referred to the Dept. of Fish and Wildlife however there are not many in the Borough.

Mayor Van Deursen and Council thanked Mr. and Mrs. Wysocki for all that they do for the Borough.

### **MINUTES:**

Mayor Van Deursen entertained additions or corrections to the minutes of the Executive Session of July 22, 2008, and the Regular Meeting of August 5, 2008.

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

Roll Call: Turner, Cioni, Woykowski, Van Deursen, Oakley.  
Higgins – Abstain from July 22  
Housel – Abstain from August 5

Motion Carried

**COMMUNICATIONS:**

The following communications were entered into the record:

1. JCP&L Re: Annual Universal Service Fund Compliance Filing
2. Andrea Romano Re: Turning the Towns Teal Campaign
3. Elizabethtown Gas Re: Notice of Public Hearings

It was moved by Turner, seconded by Housel that the communications be acknowledged, received and filed.

Ayes: 7, Nays: 0.  
Motion carried.

Mayor Van Deursen asked Council if they would like to address the Turn the Towns Teal request from Andrea Romano.

Council concurred to allow Ms. Romano to conduct her campaign during the month of September and prepare a proclamation for the September 2 meeting.

**AUDIENCE:**

**Tom Stover, Esq.**

Mr. Stover addressed the Tilley property acquisition. He stated that all parties were in agreement that the money from Mr. Van Cleef was given towards this particular purpose. Council has put my clients in jeopardy with no tenants and no income. Neither the Tilley's or myself had control over when the judge signed the judgment. Mr. Stover stated the goal was to complete this deal and you have destroyed her life with this action

Councilwoman Woykowski read for the record from a portion of a letter written by Mr. Lowcher, Esq. on March 17 addressed to one of the other property owners in negotiation with the Borough. She noted that the public is allowed to say anything; Council is restricted as to what they can say. This story gets out into the public in a very one sided way. The portion of the letter reads as follows:

“ the language you have highlighted merely followed the provisions of the developers agreement, making clear, that even if the Borough did not complete the purchase of your clients property, for reasons permitted under the terms of the contract, that portion of my clients contribution in lieu of providing parking for his project would be retained by the Borough and used to enhance parking in the Borough.”

**Laura Open Full Financial Realty**

Ms. Open expressed her displeasure with Council's decision. Councilman Turner noted the payment from Mr. Van Cleef was in lieu of parking anywhere in the Borough. The only obligation the Borough had was to provide Mr. Van Cleef with parking medallions. The Council had to look at this from a business standpoint and consider the best interest of the Borough citizens. Ms. Open stated that she would like to know where the money was spent.

**Joe Campo Full Financial Realty**

Mr. Campo stated that Council and Mr. Van Cleef entered into a good faith agreement. He stated everyone knew that the title would be cleared shortly. This decision does affect the entire town; this town needs a parking lot. He also stated that this was a contractual obligation.

**Grace McGinnis 57 Grand Avenue**

Ms. McGinnis asked if the Borough was having a town wide yard sale this year. BID Director, Jim Sheldon explained to Council the BID had decided that they were not going to organize the event this year; however they have located a volunteer to who is willing to coordinate the event. The town wide yard sale will be held on Saturday, September 27.

Mr. Sheldon asked Council to consider waiving the \$2.00 permit fee for the town wide yard sale on September 27, 2008.

Motion made by Oakley, seconded by Housel to waive the \$2.00 permit fee for the town wide yard sale on September 27.

Ayes: 7, Nays: 0  
Motion Carried

**ORDINANCES:**

Mayor Van Deursen entertained a motion to introduce **Ordinance #7-2008**.

Ordinance 7-2008 was moved by Councilwoman Oakley, seconded by Councilman Turner.

It was further moved by Oakley, seconded by Turner that the Clerk read Ordinance #7-2008 by title only.

The Clerk read Ordinance #7-2008 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: Oakley, Turner, Woykowski, Cioni, Housel, Higgins, Van Deursen

Ayes: 7, Nays: 0.  
Motion carried.

Public Hearing:

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

Ayes: 7, Nays: 0  
Motion Carried

Council Discussion:

Councilman Higgins asked Manager Corica to explain the Ordinance.

Manager Corica explained that the state establishes a cap that the budget can increase each year. The cap is set at 2.5; if a municipality is going to go over that cap in the future. This Ordinance is the mechanism to carry a credit into future years.

Mayor Van Deursen entertained a motion to adopt Ordinance 7-2008 on final adoption.

Motion made by Housel, seconded by Turner to adopt Ordinance 7- 2008 on final adoption.

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

Ayes: 7, Nays: 0  
Motion Carried

**Ordinance 7-2008**

**CALENDAR YEAR 2008  
ORDINANCE TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J. S. 40A: 4-45.1 et.seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said final budget appropriations to 2.5% or the cost of living adjustment of 3.5% over the previous years final appropriations; and

**WHEREAS**, a municipality may, by ordinance, bank the difference between its final budget appropriations subject to the 2.5% cap and the 3.5% cost of living adjustment when said difference is not appropriated as part of the final budget; and

**WHEREAS**, the Borough Council of the Borough of Washington, County of Warren, hereby determines that this difference in the amount of \$46,719.69 that is not appropriated as part of the final budget shall be retained as an exception to the final appropriations in either of the next two succeeding years.

**NOW, THEREFORE, BE IT ORDAINED**, that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

### **Budget Hearing**

Manager Corica explained the 2008 budget process to Council and members of the audience.

Manager Corica explained that the 2008 Budget is at \$6,641,000. This is an increase over the 2007 budget of \$540,000. A big portion of that increase is represented by a \$400,000 grant that is included in the budget. This was awarded through the state and federal government to the Warren ARC. It's not an operating expense of the municipality; but we act as a conduit to the ARC.

Manager Corica stated that if the Borough looks at the budget without the grants, the budget is \$6,219,000. This represents an increase in the operating budget for 2008 of \$159,000.00 that is a 2.6 % increase over last year's budget.

Manager Corica reported that in February of this year, Council was ready to introduce the budget, but was notified by the state that we were losing \$266,000 of state aid. Hard decisions were made at that point, cuts were made across the board and 2 million dollars of capital projects were removed. The state ultimately notified the Borough that state aid was restored to \$42,920.00.

Council introduced a budget in July with a municipal increase of 4.95 cents. The net loss from state aid was \$176,000. Without the actions by the state this would have been a flat line budget between 2007 and 2008.

Manager Corica concluded that this budget will have an increase for the average homeowner, with an assessed value of \$140,000, of \$69.00 a year. A home assessed at \$200,000 will have an increase of \$99.00, and home assessed at \$300,000 would see an increase of \$148.00. Manager Corica recommends that the Mayor and Council adopt the 2008 budget.

Council discussion:

Councilman Higgins stated that the increase was minimal this year and there was a lot of hard work that went into the budget preparation. He stated that just because council raised the money with a 4.95 tax rate that does not mean it has to be spent.

Councilwoman Woykowski asked the Borough Manager to caution all of the department heads to stay within budget. She stated she will not be in favor if seeing any transfers at the end of the year.

Councilman Cioni stated that this exercise proves that this is a fiscally responsible Council and that we do have the ability to cut the budget greatly. He stated he would like to see the capital projects restored for next year.

Mayor Van Deursen stated it is important for people to understand that with the state cutting funding to the Borough, we had to cut projects that mean quality of life to the Borough residents.

Councilman Turner stated that he is proud to have worked with this Council on this budget. He stated that he doesn't believe that \$266,000.00 of state aid could cripple a six million dollar budget.

Councilman Higgins asked when the new CFO will begin. Manager Corica stated that it will probably be sometime around November. Councilman Higgins asked if this position was budgeted for and will we have the money for it. Manager Corica stated it was not budgeted for specifically, but through the savings of the restructuring of the department, money should be available to cover that position. Councilman Higgins asked if the Borough knew what the other tax rates would be from the school and the county. Manager Corica stated he did not.

Councilwoman Oakley stated that she is disappointed in what the state had done with state aid. There are many projects we wanted to see completed this year, that Council has been putting off due to financial restraints.

Manager Corica explained to Council that there is an additional Resolution to amend the 2008 budget. This is a request from the State; it has nothing to do with the bottom line of the budget. It is merely a movement of an item that was a component of the PERS number. This was moved out of CAP.

Motion made by Housel, seconded by Turner to adopt the budget amendment.

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

Ayes: 7, Nays: 0

Motion Carried

Mayor Van Deursen entertained a motion to adopt the 2008 Budget.

Motion made by Housel, seconded by Cioni.

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

Ayes: 6, Nays: 1

Motion Carried

**Resolution 182-2008**

Resolution 182-2008 was moved on a motion made by Turner, seconded by Oakley and adopted.

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

Ayes: 7, Nays: 0

Motion Carried

**RESOLUTION 182-2008**

**WHEREAS**, N.J.S. 40A:4-8 provides that the budget may be read by title only at the time of the public hearing if a resolution is passed by not less than majority of the full Governing Body, provided that at least one week prior to the date of hearing a complete copy of the approved budget as advertised has been posted in the Borough Hall and copies have been made available by the Clerk to persons requesting them; and

**WHEREAS**, these two conditions have been met;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Washington in the County of Warren and State of New Jersey, that the budget shall be read by title only.

**Resolution 183-2008 To Defer Local District School Taxes**

Resolution 183- 2008 was moved on a motion made by Turner, seconded by Cioni and adopted.

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

Ayes: 7, Nays: 0  
Motion Carried

**RESOLUTION # 183-2008 - TO DEFER LOCAL DISTRICT SCHOOL TAXES**

WHEREAS, the Local District School Tax for the year July 1, 2007 to June 30, 2008 was raised in the 2007 Tax Levy in the sum of \$3,714,305.00, and

WHEREAS, the statutes permit the deferral of such School Tax up to 50% of the School Tax Levy or \$1,857,152.50,

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Washington, County of Warren, that the Deferred School Tax for Local District School purpose be 50% of the Tax Levy or the sum of \$1,857,152.50 as of December 31, 2007.

**BE IT FURTHER RESOLVED**, that three certified copies of this resolution be filed in the Office of the Director of the Division of Local Government Services.

**Resolution # 184-2008 To Defer Regional District School Taxes**

Resolution 184-2008 was moved by Cioni, seconded by Housel and adopted.

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

Ayes: 7, Nays: 0  
Motion Carried

**RESOLUTION # 184-2008 - TO DEFER REGIONAL DISTRICT HIGH SCHOOL TAXES**

WHEREAS, the Regional District High School Tax for the year July 1, 2007 to June 30, 2008 was raised in the 2007 Tax Levy in the sum of \$4,314,982.60 and

WHEREAS, the statutes permit the deferral of such School Tax up to 50% of the School Tax Levy or \$2,157,491.30,

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Washington, County of Warren, that the Deferred School Tax for Regional District High School Purpose be 50% of the Tax Levy or the sum of \$2,157,491.30 as of December 31, 2007.

BE IT FURTHER RESOLVED, that three certified copies of this resolution be filed in the Office of the Director of the Division of Local Government Services.

**REPORTS:**

1. Highway Department
2. Issues and Details
3. Municipal Court
4. Fire Prevention
5. Police Activity
6. Engineers Report
7. Zoning/Code Enforcement

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

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

Ayes: 7, Nays: 0  
Motion Carried

**COMMITTEE REPORTS:**

**Redevelopment Committee:** Councilwoman Woykowski noted that the redevelopment plan should be discussed at the upcoming workshop of Council.

**DPW Garage:** Councilman Turner thanked everyone for attending the ground breaking ceremony. After eight years the project is finally getting started. Councilman Turner also noted he met with the Recreation Director and Recreation Secretary, along with the Borough Manager. There is a Recreation Committee meeting on August 27<sup>th</sup> and he will comment on that meeting at the next Council meeting.

**Sewer Committee:** No Report

**Streets Committee:** No Report

**Finance Committee:** Councilwoman Woykowski asked Council for a consensus to add a third member to the Finance Committee, Councilman Cioni. Council concurred.

She noted that Council agreed to the Edmunds Finance System for more efficiency. In addition to the potential merger of police departments; our work force could be reduced by 40%. She asked if it was possible to have a shared service for a CFO.

**Shared Services Committee:** No Report

**Senior Services:** No Report

**Website Committee:** Councilman Cioni reported he is working on new pictures for the website.

**Curfew Committee:** No Report

**Pedophile Ordinance Committee:** No Report

**BID:** No Report

### **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.

Councilman Higgins asked if the dates on the attorney's bills were the dates that they were submitted. Manager Corica stated that those are the dates the bills cover. Councilman Higgins about the \$5,680.00 charge from Hatch Mott, is that part of the \$16,000.00. Manager Corica stated yes. Councilwoman Woykowski stated she would like to hold off on paying Hatch Mott on this bill list. Manager Corica stated that a letter will be going out to Marvec, putting them on notice.

Motion made by Oakley, seconded by Woykowski to approve the vouchers and claims with the exception of Hatch Mott MacDonald.

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

Ayes: 7, Nays: 0  
Motion carried.

### **OLD BUSINESS:**

**Property Acquisition**

This topic was covered at the beginning of the meeting.

## **NEW BUSINESS**

### **Recording of Executive Session and Workshops**

Attorney Cushing explained that Executive Sessions are meant to be a collaborative process. What individual council members say during the session is not as important as how you make the decision. Councilman Turner noted that there is nothing to hide. Councilwoman Oakley stated that the purpose for executive sessions is to bounce ideas of each other.

Councilwoman Woykowski also noted that there should be nothing on a workshop agenda that requires a decision. She also suggested having an agenda for Executive Sessions.

Mayor Van Deursen entertained a motion to record executive sessions and workshops.

Motion made by Higgins, seconded by Turner.

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

Motion Failed

### **Approval of Tax/Limo License**

The Borough Clerk reported that all of the paper work is in order.

Motion made by Turner, seconded by Cioni and adopted.

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

Ayes: 7, Nays: 0  
Motion Carried

### **Resolution 171-2008 Supporting the Concept of a Scenic Byway (tabled from last meeting)**

Motion to remove Resolution 171-2008 made by Housel, seconded by Cioni.

Ayes: 7, Nays: 0  
Motion Carried

Resolution 171-2008 was moved on a motion made by Turner, seconded by Cioni and adopted.

Council Discussion:

Councilman Higgins noted that once the Borough participates in the program, it will be difficult to get out. Karen Williams from the New Jersey Heritage Commission explained that the first step is to do the application. The Heritage Commission will be doing the application on behalf of the Borough. The second step is to produce a Scenic Byway Management Plan. The Borough can take up to five years to establish this plan.

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

Ayes: 5, Nays: 2

Motion Carried

**RESOLUTION 171-2008**

**RESOLUTION OF THE BOROUGH OF WASHINGTON COUNCIL OF WARREN  
COUNTY SUPPORTING THE CONCEPT OF A SCENIC BYWAY**

**WHEREAS**, the State of New Jersey has established a New Jersey Scenic Byways Program to help municipalities identify, evaluate, designate and manage roadways that link scenic, natural, cultural, historic, archaeological and recreational resources; and

**WHEREAS**, the New Jersey Scenic Byways Program requires the submission of a Scenic Byway Nomination Application to request a New Jersey Scenic Byway designation for a roadway; and

**WHEREAS**, Heritage Conservancy has prepared, in collaboration with local, county, regional and state stakeholders, an application to nominate Route 57 in its entirety as a New Jersey Scenic Byway in recognition of the unique scenic, natural, cultural, historic, archaeological and recreational assets along this roadway; and

**WHEREAS**, obtaining a New Jersey Scenic Byway designation for Route 57 involves a coordinated effort among the municipalities through which Route 57 passes including the Township of Franklin, Township of Greenwich, Town of Hackettstown, Township of Lopatcong, Township of Mansfield, Borough of Washington and the Township of Washington, in addition to other local stakeholders and county, regional and state agencies; and

**WHEREAS**, the benefits of such coordination include an increased public appreciation of the resources along this roadway, tourism revenue, and access to federal funds that can be used to support the planning and implementation of economic development activities, resource conservation measures, recreational amenities, and roadway improvements related to enhancing the experience of traveling along Route 57; and

**WHEREAS**, by the Council of the Borough of Washington of the State of New Jersey that the Borough of Washington supports the nomination of Route 57 as a New Jersey Scenic Byway as described in the application; and

**WHEREAS**, that Heritage Conservancy may submit the nomination application on behalf of the Borough of Washington; and

**WHEREAS**, that the Council of the Borough of Washington is willing to continue its commitment to work with a variety of partners to maximize the benefits that can be derived from a property managed scenic byway.

**NOW, THEREFORE, BE IT RESOLVED** that the Borough of Washington will actively participate in the process associated with obtaining a scenic byway designation through the appointment of a representative from the Borough of Washington to work with local, county, regional and state administration and management of the Route 57 Scenic Byway.

Councilman Housel excused himself from the remainder of the meeting.

**Resolution 173-2008 Awarding a Contract to JCP&L Without Seeking Competitive Bids**

Resolution 173-2008 was moved on a motion made by Higgins, seconded by Cioni and adopted.

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

Ayes: 6, Nays: 0  
Motion Carried

**RESOLUTION # 173 - 2008**  
**A RESOLUTION AWARDED A CONTRACT TO JCP&L WITHOUT**  
**SEEKING COMPETITIVE BIDS.**

WHEREAS, there exists a need to provide electricity to the new public works garage;  
and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A: 11-4 requires that all contracts in excess of the bid threshold be award by the governing body; and

WHEREAS, N.J.S.A. 40A:11-5(f) provides an exception to the bidding requirement for public utilities; and

WHEREAS, N.J.S.A 40:11-1 requires that the resolution authorizing the award of contracts without competitive bids must be publicly advertised; and

WHEREAS, Jersey Central Power and Light is a public utility as described in the

statutes; and

WHEREAS, Jersey Central Power and Light has agreed to install poles and ancillary equipment needed to bring electricity to the new public works garage in the amount of \$23,303.53, as outlined in their proposal dated 7 August 2008; and

WHEREAS, the Chief Financial Officer has certified that funds are available for the purpose in Ordinance # 8-2005 (c-04-05-008-000-001) per the attached certification.

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

1. The Manager is hereby authorized and directed to enter into a contract with Jersey Central Power and Light to provide electrical service to the new public works garage per the proposal submitted on 7 August 2008 and annexed hereto in an amount not to exceed \$23,303.53;
2. That said contract is awarded without competitive bidding in accordance with N.J.S.A. 40A: 11-5(f); and
3. Notification of the contract award shall be printed in the Star Gazette.
4. That an executed copy of the contract between the parties be on file with the Office of the Clerk and be available for public inspection in accordance with the law.

**Resolution 174-2008 Awarding a Contract to Elizabeth Town Gas Without Seeking Competitive Bids**

Resolution 174-2008 was moved by Higgins, seconded by Cioni and adopted.

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

Ayes: 6, Nays: 0  
Motion Carried

**RESOLUTION # 174 - 2008**

**A RESOLUTION AWARDING A CONTRACT TO ELIZABETH TOWN GAS COMPANY WITHOUT SEEKING COMPETITIVE BIDS.**

WHEREAS, there exists a need to provide natural gas to the new public works garage;  
and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A: 11-4 requires that all contracts in excess of the bid threshold be award by the governing body; and

WHEREAS, N.J.S.A. 40A:11-5(f) provides an exception to the bidding requirement for public utilities; and

WHEREAS, N.J.S.A 40:11-1 requires that the resolution authorizing the award of contracts without competitive bids must be publicly advertised; and

WHEREAS, Elizabethtown Gas Company is a public utility as described in the statutes; and

WHEREAS, Elizabethtown Gas Company has agreed to natural gas service to the new public works garage in the amount of \$28,884.81, as outlined in their proposal dated 25 July 2008; and

WHEREAS, the Chief Financial Officer has certified that funds are available for the purpose in Ordinance # 8-2005 (c-04-05-008-000-001) per the attached certification.

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

1. The Manager is hereby authorized and directed to enter into a contract with Elizabethtown Gas Company to provide natural gas service to the new public works garage per the proposal submitted on 25 July 2008 and annexed hereto in an amount not to exceed \$28,884.81;
2. That said contract is awarded without competitive bidding in accordance with N.J.S.A. 40A: 11-5(f); and
3. Notification of the contract award shall be printed in the Star Gazette.
4. That an executed copy of the contract between the parties be on file with the Office of the Clerk and be available for public inspection in accordance with the law.

**Resolution of 176-2008 Approval of Corrective Action Plan**

Resolution 176-2008 was moved on a motion made by Turner, seconded by Oakley and adopted.

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

Ayes: 6, Nays: 0

Motion Carried

**RESOLUTION #176-2008**

**RESOLUTION AUTHORIZING SUBMISSION OF CORRECTIVE ACTION PLAN  
FOR THE BOROUGH OF WASHINGTON, COUNTY OF WARREN,  
STATE OF NEW JERSEY**

**WHEREAS**, the Borough of Washington has received the Audit of its financial condition for the year 2007; and

**WHEREAS**, one of the requirements of the Audit is the filing of a Corrective Action Plan that addresses the Comments and Recommendation contained within the Audit Report; and

**WHEREAS**, the CFO of the Borough of Washington has prepared a Corrective Action Plan in conformance with standard practices and the Borough Council hereby approves of the Corrective Action Plan and endorses the submittal of same to the Department of Community Affairs, Division of Local Government Services; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Washington, Warren County, New Jersey, that the CFO is hereby authorized to submit the Corrective Action Plan as noted and to ensure that all provisions are complied with by the deadlines so listed.

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

This resolution will be re-presented at the next Council meeting due to a typographical error.

**Resolution 178-2008 Resolution to Void Check**

Resolution 178-2008 was moved on a motion made by Oakley, seconded by Higgins and adopted.

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

Ayes: 6, Nays: 0

**RESOLUTION #178-2008**  
**A RESOLUTION TO VOID A CHECK**

**WHEREAS**, check #051835 was written October 17, 2007 on Washington Borough's Operating Fund #8102360230 in the amount of \$3,078.64, payable to Washington Borough Payroll Deduction Account for third quarter UI/DI payment; and

**WHEREAS**, the Treasurer had already been given a check for the payment on October 9, 2007 which was deposited to the payroll deduction account to cover the amount due for the Borough's share of UI's payment and then was given the above check to cover the amounts for both the Worker's and Borough's shares to cover the 3<sup>rd</sup> quarter UI/DI payment. Therefore, the earlier check was sufficient to cover the payment.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Washington that the Treasurer be authorized to void check #051972.

**Resolution 179-2008 Refund of Overpayment Sewer Charge**

Resolution 179-2008 was moved on a motion made by Oakley, seconded by Higgins and adopted.

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

Ayes: 6, Nays: 0

Motion Carried

**RESOLUTION #179-2008**

**A RESOLUTION AUTHORIZING THE REFUNDING OF SEWER SERVICE CHARGE**

**WHEREAS**, according to the Treasurer's records, there is an overpayment showing on the following property; and

<b><u>BLOCK/LOT</u></b>	<b><u>PROPERTY OWNER/ PROPERTY LOCATION</u></b>	<b><u>AMOUNT TO BE REFUNDED</u></b>
2.05/13	Ollhoff & Marian Schramm 6 Christine Place	\$ 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:

Ollhoff & Marian Schramm  
425 US Hwy 46 East Apt# 307  
Hackettstown, NJ 07840

**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 180-2008 Establishing Signature Requirements**

Resolution 180-2008 was moved on a motion made by Oakley, seconded by Turner and adopted.

Councilwoman Woykowski suggested changing the Resolution to reflect actual names and positions. She also stated that this should be done every year.

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

Ayes: 6, Nays: 0  
Motion Carried

**RESOLUTION # 180 -2008**  
**OF THE MAYOR AND COUNCIL OF THE BOROUGH OF**  
**WASHINGTON, WARREN COUNTY, NJ TO ESTABLISH**  
**SIGNATURE REQUIREMENTS**

BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the following borough officials shall have signature rights on all borough checks:

Mayor	Marianne Van Deursen
Manager	John Corica
Chief Financial Officer	Thomas Kane
Municipal Clerk	Kristine Blanchard

**COUNCIL REMARKS**

Councilman Turner requested a full accounting of the payment made to the Borough by Mr. Van Cleef.

Councilman Higgins stated he met with the auditor today. There was a lot of information that was reviewed. It would be a good idea to have him do a special class or workshop for the Council. He also asked if the not to exceed amount indicates that the professional is paid the entire amount. Manager Corica stated the professional can charge an hourly rate up to that amount. Councilman Higgins also asked for an update on the fire truck. Manager Corica stated that an adjuster came out from two different firms and the Borough is awaiting estimates.

**MANAGER REMARKS**

Manager Corica reported there was a request from the ARC for a handicapped spot on Broad Street. A resolution will be prepared for the next meeting.

Manager Corica also reported that there is a request from a Girl Scout working on her Gold Award who would like to do a community project to promote public awareness of the downtown crosswalk. Council approved.

Manager Corica indicated that the only proposal from an accounting firm to do the feasibility study for the police merger was Nisivoccia and Co. If Council approves of this firm and Washington Township is in agreement we could cancel the joint meeting tomorrow.

Motion made by Higgins, seconded by Turner to move forward with Nisivoccia and Co.

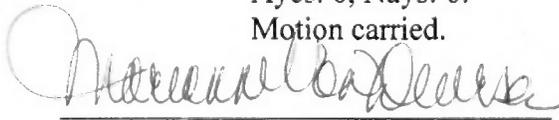
Ayes: 6, Nays: 0  
Motion Carried

Manager Corica stated he will send the proposal to the state. Once they approve the accounting firm the Borough will do a formal resolution.

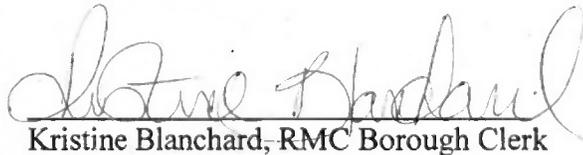
Mayor Van Deursen requested Executive Session be at the beginning of the meeting at the next council meeting to discuss Stue's Auto Body. Council concurred.

Hearing no further business to come before Council, it was moved by Higgins, seconded by Oakley that the meeting be adjourned at 10:45 p.m.

Ayes: 6, Nays: 0.  
Motion carried.



Mayor Marianne Van Deursen



Kristine Blanchard, RMC Borough Clerk