

MINUTES OF REGULAR MEETING HELD MAY 17, 2005

The Regular Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 8:00 P.M.

Roll Call: Woykowski, Buoye, Oakley, Van Deursen and Turner – 5 Present.

Absent: Glaser and Housel – 2 Absent.

Also Present: Richard J. Sheola, Borough Manager
Richard P. Cushing, Esq., Municipal Attorney
Robert Miller, C.M.E., Borough Engineer
Linda L. Hendershot, RMC/CMC, Borough Clerk

Mayor Van Deursen noted that both Councilman Housel and Councilwoman Glaser called to advise her they would be unable to attend the meeting.

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.

MINUTES:

Regular Meeting – May 3, 2005

Mayor Van Deursen entertained additions or corrections to the minutes of the regular meeting held May 3, 2005.

One minor correction was noted on Page 4 of the minutes given to the Clerk prior to the meeting by Councilwoman Woykowski.

It was therefore moved by Turner, seconded by Woykowski that the minutes of the regular meeting held May 3, 2005 be approved as corrected.

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

Ayes: 5, Nays: 0.
Motion carried.

COMMUNICATIONS:

The following communications were entered into the record:

1. NJ Highlands Council Meeting Notice;
2. Board of Chosen Freeholders Re: Highlands Legislation Update;
3. Town of Newton Re: Tax Relief for Municipalities with a disproportionate number of tax exempt properties;
4. NJ State League Re: Legislation Information Services;
5. NJ Stat League RE: Seminar on the Nuts and Bolts of Revenue Allocation Districts;
6. NJ State League RE: A-3335, Changes to Business Retention Act;
7. NJ State League Re: Property Tax Reform;
8. Board of Chosen Freeholders RE: Fast Track Permitting Act;
9. NJ State League RE: Bureau of Municipal Information;
10. Township of Cranford RE: Christopher’s Law;
11. Members and Friends Series Course Re: NJ Jersey’s Development;
12. NJ State League RE: Expansion of Health Coverage;

13. NJ State League RE: Proposed Economics for 2006 for Local Government Participating in SHBP;
14. NJ State League RE: 2nd Annual Property Tax Summit;
15. Warren County Community College – 2005-2008 Strategic Plan;
16. NJ State League RE: Executive Order Protecting Homebuyers;
17. NJ State League RE: CDBG Letter;
18. NJ State League RE: League Seminar – Ethics ABC's;
19. NJ State League RE: Mayors – Lobby Staff in Trenton,
20. NJ State League RE: Property Tax Reform Convention

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

It was moved by Buoye, seconded by Turner that the communications numbered #1 thru #20 be acknowledged, received and filed.

Discussion: Councilman Turner noted that he planned on attending the Highlands Legislation update. The Manager and possibly the Mayor will be attending also.

Ayes: 5, Nays: 0.
Motion carried.

AUDIENCE:

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

Mr. Ed Little, 86 S. Lincoln Ave. addressed the S. Lincoln Avenue parking issue and stated that he was disappointed, saddened and annoyed with the fact that it looked like the citizens on S. Lincoln Avenue were going to lose equity in their homes. Taking away their parking is not going to solve the safety issues which stems from the fact that cars use this street for speeding. There are seven residents that do not have driveway that are going to be seriously inconvenienced as well as losing the equity in their homes.

He suggested that stop signs be considered as a way to slow down the traffic on this street. Mr. Little felt that S. Lincoln Avenue was being used as a test case for all the streets that are to be considered for removal of parking. He felt that there wERE other ways to solve the parking. One suggestion was to make the street one way and allow parking on one side of the street.

Councilman Buoye suggested that perhaps still investigating stop signs or any other options available that may slow down traffic on the street. Engineer Miller noted that D.O.T. approval would be required. He further stated that stop signs are not to be used for slowing down traffic as far as speeding. They can, however, be considered for safety issues. The engineer suggested that D.O.T. be invited out to view the sight for their recommendation.

Councilwoman Oakley suggested speed bumps.

Mr. Miller pointed out that the Council does have an ordinance in effect prohibiting parking and it has not been enforced. Mr. Miller pointed out that safety issues were not addressed in the original report.

Councilman Turner indicated he would like the one-way street investigated further. Up at the top of S. Lincoln Avenue the Township implemented a one way street. He also wanted to see parking remain on one side of the street as well.

It was pointed out that the Cemetery Hill intersection is a very dangerous intersection.

Manager Sheola noted that the Emergency Services did not want to see the street made a one way thoroughfare.

Ray Little, 82 S. Lincoln Avenue explained he had four small children and he did not want to lose his parking. It would be a severe inconvenience for his family. He has spent a lot of time repairing his home and will have to sell if no parking is instituted on the street.

D.O.T. will be contacted to view the sight with the engineer.

Michael Schlenk, 28 Lambert Street appeared to address the Council regarding his fencing issue and the drainage easement on his property.

Mayor Van Deursen and Councilman Buoye abstained and stepped down from taking part in this discussion as they are both neighbors to Mr. Schlenk's property.

Engineer Miller commented on the interesting approach to the issue of a fence on Mr. Schlenk's property with respect to the deeded easement. However, he could not change his recommendation to the governing body. The drainage easement indicates no usage in this area and was placed there by the Planning Board for a reason. There is a number of lots in this development that have the same deed restriction and it could become a bigger problem if you allow everyone to place a fence over these drainage easements.

Councilman Turner noted that Mr. Schlenk's fence as shown on the plan is 4" off the ground with wide slats that would allow water to flow across his property.

Engineer Miller noted that the easements were clearly marked on the site plan when approved and were put there for a purpose. They are deeded restrictions that clearly indicate that no encroachment in the drainage easements is allowed and that they would be left open. The language was approved by the attorney during the site plan process. Mr. Schlenk purchased his property after this decision was made by the Planning Board.

Mr. Schlenk noted that the development did not advise him at the time he purchased this lot that he could not put a fence on the easement? Mr. Schlenk again felt that the engineer's recommendation was absurd and very picky? He even offered to erect a gate that could be easily opened and moved for emergency access.

Mr. Miller took exception to Mr. Schlenk's remarks and noted that he is not being picky. His recommendation is based on looking at the entire development drainage issue overall. He is looking at the engineering issues. Council is responsible for setting policy and can over turn his recommendation if they see fit.

Councilwoman Oakley suggested perhaps getting some input from the Planning Board. Manager Sheola also felt that this issue should go back to the Planning Board.

Councilwoman Woykowski asked the question as to whether there was a difference between a fence or gate? Attorney Cushing noted that either option would violate the deed restriction. Councilwoman Woykowski also noted that at the last meeting Mr. Schlenk did indicate that he did have permission from JCP & Light to use the easement. This letter should also be brought to the attention of the Planning Board.

Mrs. Michaelle Schlenk addressed the drainage patterns, particularly on their property, noting that there has been considerable changes since they purchased their property. She touched upon title issues which also could pose some problems. The developer did place drains on their property which has alleviated the majority of the water problem.

The general consensus was that this matter be brought back to the Planning Board for further discussion and consideration.

Mr. Robert Mayer, N. Prospect Street inquired as to the schedule of when he could expect N. Prospect Street work to begin. The engineer noted that the contractor will begin construction in about four weeks and will begin on Oakwood Terrace. The entire project should be completed in two to three weeks.

Mr. Mayer also addressed the sewer charges and recommended that the charges be looked into further. Council chose the easy way to calculate the charges. He would like to now see the Council do it the right way be charging for usage per household.

He also was very concerned with the speeding on N. Prospect Street and going into Miller Street to get into the development. If something isn't done soon a small child is going to get seriously hurt. Portable speed bumps may be the answer. Peak times when the speeding is very evident are 2 – 3 PM in the afternoon and 5 – 7 PM in the evening. Borough Manager Sheola said he would have the police check it out. Mr. Mayer also offered his driveway to the police for radar checks.

Mr. Mayer also commended the Council on the excellent meeting that they had with the senior citizens of our community.

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

Ayes: 5, Nays: 0.
Motion carried.

ORDINANCES:

Ordinance #10-2005 – Establish Salary for Code Enforcement Official (Final Passage)

An ordinance providing the salary for the Code Enforcement Official was introduced by Councilman Buoye.

It was further moved by Buoye, seconded by Woykowski that the Clerk read Ordinance #10-2005 by title only.

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

Ayes: 5, Nays: 0.
Motion carried.

The Clerk read Ordinance #10-2005 by title only and stated that this ordinance was published in the Star Gazette as required by law, a copy was posted on the bulletin board and copies available upon request from the Clerk's office.

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

Mr. Robert Mayer asked if there was a dollar amount in the ordinance. The Manager noted that the salary range was \$ 32,178 to \$ 51,859.00.

Hearing no further remarks from the audience it was moved by Woykowski, seconded by Oakley that the public hearing portion of the ordinance be closed.

Ayes: 5, Nays: 0.
Motion carried.

Council Discussion: None.

It was therefore moved by Woykowski, seconded by Oakley that Ordinance #10-2005 be adopted on final passage and that final publication be done as prescribed by law.

Roll Call: Woykowski, Buoye, Van Deursen and Oakley – Ayes: 4,
Nays: Turner. Motion carried.

ORDINANCE #10-2005

**AN ORDINANCE FIXING THE SALARY AND WAGES
OF CERTAIN MUNICIPAL OFFICIALS AND REPEALING
PORTIONS OF PRIOR INCONSISTENT SALARY AND WAGE ORDINANCES.**

SECTION 1. The Annual salaries, wages and salary and wage ranges for the municipal officials and employees of the Borough of Washington hereinafter named shall be as follows:

SCHEDULE A – FULL-TIME CLASSIFIED

<u>POSITION TITLE</u>	<u>SALARY OR WAGE RANGE</u>
Code Enforcement Official	\$ 32,178 - \$ 51,859

SECTION 2. Salaries herein shall be payable at the rate fixed in equal bi-weekly installments. Wages shall be payable bi-weekly. Any and all fees received by officials and employees of the Borough of Washington shall be paid unto the municipality.

SECTION 3. Any salary and wage ordinance adopted prior to the adoption of this ordinance with provisions inconsistent with the provisions of Section 1 of this ordinance shall, to the extent of any inconsistency and only to the extent of the inconsistency, be repealed.

SECTION 4. In the event the position becomes vacant or no figure is listed, then the figures noted in the column with the heading “salary or wage range” shall be utilized by the appointing authority and any salary or wage paid within this range shall be deemed appropriate and valid.

SECTION 5. The rates contained herein shall become effective January 1, 2005.

SECTION 6. 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:

Councilman Turner addressed the engineer’s report and noted that Item #4 there was a typo. The word “regarded” should be “regraded”. He addressed the two fields in the Washington Meadows complex and asked whether they were in shape for playing baseball and soccer. Engineer Miller noted that they were used last fall for soccer and this spring for Little League. The soccer field needs more work yet.

Mayor Van Deursen noted that there is a lot of engineer projects on the move now and she commended Mr. Miller for all the work that has been done to date.

Hearing no further discussion on any of the other reports, it was moved by Turner, seconded by Oakley that the Collector-Treasurer's, A & E O.T., Police (3), Recreation Commission, Borough Engineer's and Borough Manager's reports be accepted as presented and filed. Ayes: 5, Nays: 0. – Motion carried.

VOUCHERS:

Mayor Van Deursen entertained any additions or questions in regard to payment of the vouchers and claims.

Hearing none, it was moved by Turner, seconded by Oakley that the vouchers and claims be paid in the amount of \$ 395,658.34 and the handwritten vouchers for March in the amount of \$ 396,178.29 as reflected in the debit/credit memorandum in the Collector-Treasurer's office.

Roll Call: Woykowski, Buoye, Van Duersen, Turner and Oakley.

Ayes: 5, Nays: 0.
Motion carried.

OLD BUSINESS:

Continued Discussion – Standing Committee (C.W.)

This topic was requested for an update by Councilwoman Woykowski. Councilwoman Woykowski suggested that a report of the progress on our standing committee's be done once a month and that the progress of the committee's be published on the web-site as to how their progressing. The policies were discussed that there has not been a lot of progress made to date.

The policies listed below were assigned to a Council person for further review and recommendation:

Personnel	-	Councilman Buoye
Complaints – Employees	-	Councilman Turner
Drug-Free Workplace	-	Councilman Houzel
Equal Opportunity	-	Councilwoman Oakley
Handicapped Discrimination	-	Councilwoman Oakley
Sexual Harassment	-	Mayor Van Deursen
Drug & Alcohol Testing	-	Councilwoman Woykowski
Police Department Policy	-	Mayor Van Deursen
Off-Duty Police Employment	-	Mayor Van Deursen
Cash Management	-	Councilwoman Glaser
Insurance Quotes	-	Councilwoman Glaser
Accountability of Checks	-	Councilwoman Oakley
Leaf Collection	-	Councilman Buoye
Sewer Mains	-	Councilman Turner
Snow Removal	-	Councilman Buoye
Vacation of Municipal Streets	-	Councilman Turner

The Committee that is studying the Swimming Pool Ordinance consisting of Councilman Turner, Councilwoman Oakley and Councilman Buoye should bring a report with some recommendations to the Council as soon as possible. Zoning applications for swimming pools will begin to be filed with the Code Enforcement Officer.

Engineer Miller also suggested that the Committee consisting of Councilman Turner, Councilman Houzel and Councilman Buoye begin to work with him on the Comprehensive Street Program.

NEW BUSINESS:

Application for Social Permits (2) – St Joseph’s Church and Raffle Applications (4)

Two applications for social permits for St. Joseph’s Church to be filed with the ABC were submitted for approval and four applications for raffle occasions. The applications were in order and the fees paid.

It was therefore moved by Woykowski, seconded by Turner that the applications for raffle be approved for issuance by the Clerk and that the two applications for social permit be approved for filing with the State ABC Commission.

Roll Call: Turner, Woykowski and Buoye – Ayes: 3, Nays: 0.
Abstained: Oakley and Van Deursen – 2.

Motion carried.

Discussion Re: Change in Cable Franchising Law (R.P.C.)

Attorney Cushing brought Council up-to-date on some proposed changes in the cable franchising law which could possibly eliminate the receipt of cable franchise receipts.

It was moved by Oakley, seconded by Woykowski that the attorney be authorized to write to our area legislators for further information regarding this piece of legislation and the potential loss of regulating cable franchises.

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

Ayes: 5, Nays: 0.
Motion carried.

Resolutions #88-2005 thru #93-2005 –

The following Resolutions were adopted on a motion made by Turner, seconded by Oakley and adopted:

RESOLUTION #88-2005

**A RESOLUTION AUTHORIZING THE REFUNDING OF
AN OVERPAYMENT OF THE BOROUGH’S
SEWER SERVICE CHARGE**

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

<u>BLOK/LOT</u>	<u>PROPERTY OWNER/ PROPERTY LOCATION</u>	<u>AMOUNT TO BE REFUNDED</u>
72/12	Weaver, Lois 17 Presidential Drive	\$ 43.00

The former owner made an overpayment during the closing procedures on the above property location. A refund of \$ 43.00 should be mailed to:

Lois Weaver
13535 Pimberton Drive
Hudson, Florida 34669

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.

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

Ayes: 5, Nays: 0.
Motion carried.

RESOLUTION #89-2005

**A RESOLUTION AUTHORIZING A REFUND OF
2005 DUPLICATE TAX PAYMENT**

WHEREAS, according to the Tax Collector's records, there has been a duplicate payment in the amount of \$ 1,056.00 for 2nd quarter 2005 taxes for Block 18.01, Lot 004; the result of US Bankcorp, thru First American Real Estate Tax Service, making payments on April 26th, 2005 on behalf of Shelly and Edward Furman. This duplicated a payment made on April 21st, 2005 by Attorney Nancy Flanagan on behalf of the new homeowners, Mr. and Mrs. Bevilaqua. Refund is due to Mr. and Mrs. Fuman.

WHEREAS, the Tax Collector has received written authorization from First American Real Estate Tax Service directing the duplicate payment be returned to:

Refund Department MS 300
First American Real Estate Tax Service
1201 Elm Street, Suite 400
Dallas, TX 75270

Attn.: Vanessa Brody (Contract #78544955)

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council for the Borough of Washington, in the County of Warren, State of New Jersey, that the Borough Treasurer is authorized to refund the duplicate payment in the amount of \$ 1,056.00 to First American Real Estate Tax Services as directed.

Roll Call: Woykowski, Turner, Van Deusen, Oakley and Buoye.

Ayes: 5, Nays: 0.
Motion carried.

RESOLUTION #90-2005

**A RESOLUTION AUTHORIZING A REFUND
OF 2005 DUPLICATE TAX PAYMENT**

WHEREAS, according to the Tax Collector's records, there has been a duplicate payment in the amount of \$ 1,282.40 for 2nd quarter 2005 taxes for Block 029, Lot 001; the result of Washington Mutual, thru First American Real Estate Tax Service, making payment on April 26th, 2005 on behalf of Debra Grasso. This duplicated a payment made on April 12th, 2005, by Attorney Courter, also on behalf of Ms. Grasso. Refund is due to Ms. Grasso.

WHEREAS, the Tax Collector has received written authorization from First American Real Estate Tax Service directing the duplicate payment be returned to:

Refund Department MS 300
First American Real Estate Tax Service
1201 Elm Street, Suite 400
Dallas, TX 75270

Attn.: Vanessa Brody (Contract #41971110)

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 duplicate payment in the amount of \$ 1,282.40 to First American Real Estate Tax Services as directed.

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

Ayes: 5, Nays: 0.
Motion carried.

RESOLUTION #91-2005

**A RESOLUTION AUTHORIZING A REFUND OF
2005 DUPLICATE TAX PAYMENT**

WHEREAS, according to the Tax Collector's records, there has been a duplicate payment in the amount of \$ 936.00 for 2nd quarter taxes for Block 95.01, Lot 007; the result of PHH Mortgage Corp.-Rochester, thru First American Real Estate Tax Service, making payment on April 26th, 2005 on behalf of Teresa Rauss. This duplicated a payment made on April 18, 2005, by Stonebridge Title Company, also on behalf of Teresa Rauss, Refund is due to Ms. Rauss.

WHEREAS, the Tax Collector has received written authorization from First American Real Estate Tax Service directing the duplicate payment be returned to:

Refund Department MS 300
First American Real Estate Tax Service
1201 Elm Street, Suite 400
Dallas, TX 75270

Attn.: Vanessa Brody (Contract #89583321)

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council for the Borough of Washington, in the County of Warren, State of New Jersey, that the Borough Treasurer is authorized to refund the duplicate payment in the amount of \$ 936.00 to First American Real Estate Tax Services as directed.

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

Ayes: 5, Nays: 0.
Motion carried.

RESOLUTION #92-2005

**A RESOLUTION AUTHORIZING A REFUND
OF 2005 DUPLICATE TAX PAYMENT**

WHEREAS, according to the Tax Collector's records, there has been a duplicate payment in the amount of \$ 1,003.20 or 2nd quarter 2005 taxes for Block 98, Lot 30.01; the result of First Trust Savings thru First American Real Estate Tax Service, making payment on April 22nd, 2005, by Certified Title Corp., also on behalf of Mr. Sillett. Refund is due to Mr. Sillett.

WHEREAS, the Tax Collector has received written authorization from First American Real Estate Tax Service directing duplicate payment be returned to:

Refund Department MS 300
First American Real Estate Tax Service
1201 Elm Street, Suite 400
Dallas, TX 75270

Attn.: Vanessa Brody (Contract # (9502841))

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council for the Borough of Washington, in the County of Warren, State of New Jersey, that the Borough Treasurer is authorized to refund the duplicate payment in the amount of \$ 1,003.20 to First American Real Estate Tax Services as directed.

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

Ayes: 5, Nays: 0.
Motion carried.

RESOLUTION #93-2005

**A RESOLUTION AUTHORIZING A REFUND
OF 2005 DUPLICATE TAX PAYMENT.**

WHEREAS, according to the Tax Collectors records, there has been a duplicate payment in the amount of \$ 911.20 for 2nd quarter 2005 taxes for Block 101.01, Lot 016; the result of Midland Mortgage, thru First American Real Estate Tax Service making payment on April 26th 2005 behalf of Charlotte Hoy. This duplicated a payment made on April 13th, 2005 by Attorney Alan Lowcher in the same amount, on behalf of new homeowners, Ferdinand and Estrellita Guanlao. Refund due to Charlotte Hoy.

WHEREAS, the Tax Collector has received written authorization from First American Real Estate Tax Service directing the duplicate payment be returned to:

Refund Department MS 300
First American Real Estate Tax Service
1201 Elm Street, Suite 400
Dallas, TX 75270\

Attn.: Vanessa Brody (Contract # (79745402))

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council for the Borough of Washington, in the County of Warren, State of New Jersey, that the Borough Treasurer is authorized to refund the duplicate payment in the amount of \$ 911.20 to First American Real Estate Tax Services as directed.

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

Ayes: 5, Nays: 0.
Motion carried.

Resolution #94-2005 – Requesting Approval of an Item of Revenue – Clean Communities Grant

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

RESOLUTION #94-2005

**A RESOLUTION OF THE BOROUGH OF WASHINGTON
REQUESTING APPROVAL OF AN ITEM OF REVENUE
AND APPROPRIATION UNDER N.J.S.A. 40:4-87**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey, hereby request the Director of Local Government Services with the Department of Community Affairs to approve the insertion of an item of revenue in the budget of the year 2005 in the sum of \$6,211.02, which item is now available as revenue from the State of New Jersey, Department of Environmental Protection, for the Clean Communities 2005 grant program.

BE IT FURTHER RESOLVED, that the like sum of \$ 6,211.02 is hereby appropriated under the caption "Clean Communities" Other Expenses outside the CAP.

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

Ayes: 5, Nays: 0.
Motion carried.

Resolution #95-2005 – Rejecting Bid for the Pershing Avenue Sewer Pump Station

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

RESOLUTION #95-2005

**A RESOLUTION REJECTING BID FOR THE PERSHING
AVENUE SANITARY SEWER PUMP STATION**

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

WHEREAS, the Borough received two (2) bids from qualified contractors at the bid opening on May 10, 2005; and

WHEREAS, the bids received were:

Electrical Design & Construction Shrewsbury, NJ	\$ 114,000
Penn-Bower, Inc. High Bridge, NJ	\$ 114,300

WHEREAS, the low of bid of \$ 114,000 was higher than the Sewer Engineer's estimate of \$ 50,000 for a contractor to perform the work; and

WHEREAS, the Mayor and Council of the Borough of Washington wish to reject the bids for this work and hereby authorizes a re-bid after appropriate changes to the bid documents.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey to reject the bids for the Pershing Avenue Sanitary Sewer Pump Station as received and authorize the Borough Manager and Sewer Engineer to re-bid the project after modification to the bid specifications.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to John van Dorpe, Utilities Engineer.

Discussion: Manager Sheola noted that Maser was shocked at the bid results. Their suggestion would be to re-bid the project out with the design being altered to utilize a grinder pumping station.

Councilwoman Woykowski posed the question as to the date when the estimate was determined? Manager Sheola did not know. Manager Sheola noted that the decision on the design pre-dated his being hired by the governing body and that the transition between Manager's was part of the problem.

Councilman Turner noted that this is the second problem that has arose since January in utilizing this firm as our sanitary sewer engineering firm. He wanted the Kimble's kept up-to-date on this project.

Councilman Buoye also was concerned as to how they could be this far off on their estimate of this project and questioned whether the estimate was outdated. He asked if any state contracts were available for this type of project? There are no state contracts on this type of work.

Councilman Turner noted that there has been a spike in the costs of materials lately that could have brought the project cost up.

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

Ayes: 5, Nays: 0.
Motion carried.

Resolution #96-2005 – Certification of Local Tax Levy for the Warren Hills Regional School District

The following Resolution was moved by Turner, seconded by Woykowski and adopted:

RESOLUTION #96-2005

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY IN REGARD TO CERTIFICATION OF THE LOCAL TAX LEVY FOR THE WARREN HILLS REGIONAL SCHOOL DISTRICT

WHEREAS, the Board of Education of the Warren Hills Regional School District presented to the voters, at the annual School Election held on April 9, 2005, a question concerning the tax levy requirements of the said Board of Education for current expenses and capital outlay, designated as the General Fund, in the amount of \$15,294,151; and

WHEREAS, the voters of Washington Borough rejected the current expense and capital outlay budget designated as the General Fund, by a vote of 197 Yes and 229 No votes; and

WHEREAS, the total votes cast of the four municipalities comprising the Warren Hills Regional School District rejected the current expense and capital outlay budget, designated as the General Fund by a total vote of 810 Yes votes and 932 No votes; and

WHEREAS, the same Warren Hills Regional School Board of Education transmitted an official copy of the rejected current expense and capita outlay budget designated as the General Fund and documentation to the Borough Council of the Borough by April 22, 2005; and

WHEREAS, the Mayor and Borough Council of the Borough of Washington have reviewed information on the current expense and capital outlay budget, designated as the General Fund as submitted by the said Board of Education; and

WHEREAS, a joint meeting of the mayors (or designated representatives) of the four municipalities was held on May 4, 2005, to discuss the current expense and capital outlay budget designated in the General Fund; and

WHEREAS, careful consideration has been given to the information received from the Board of Education, with a view toward providing a thorough and efficient system of education in the school system of the Warren Hills Regional School District.

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

1. The tax levy amount of \$ 15,294,151 on the ballot was rejected by the voters for the General Fund (base budget);

The Mayor and Borough Council has determined that the rejected General Fund is above the maximum T & E budget and that a reduction of \$102,011 will not adversely affect the Board of Education's ability to meet the thoroughness and efficiency standard as set forth in N.J.A.C. 6:19-5.5(a)(3). Therefore, the Mayor and Borough Council hereby reduce the General Fund tax levy by \$ 102,011. It is recommended that such reductions come from the following line-item accounts:

11-000-262-110	Custodial Overtime	\$10,000
11-000-262-100	Custodial Salaries (reimbursed by Food Serv. Fund.)	30,000
11-000-262-100	Resource Person Salaries	20,836
11-000-291-270	Employee Benefits/Medical	4,275
11-000-291-220	Employee Benefits/Social Security	1,900
11-000-290-730	District Office Equipment	5,000
11-000-222-600	HS Library Supplies	1,000
11-000-230-339	Board of Education Professional Services	5,000
11-000-219-592	Child Study Team- Misc.	4,000
11-190-100-106	Payroll-Instructional-Other (Curriculum/Summer Work)	6,000
10-1322	Increase Tuition Revenue (Additional Student)	14,000

In consideration of these reductions, the tax levy will be adjusted as follows:

\$15,294,151	presented to the voters
102,011	above reductions
\$15,192,1490	certified tax levy amount

2. The Mayor and Borough Council hereby certifies that the amount of the tax levy herein above certified by this Municipal Government for the General fund (base budget) is sufficient to provide a thorough and efficient system of education for the Warren Hills Regional School District.
3. The aforementioned tax levy herein certified by the Borough of Washington for the base budget exceeds the local share required by the Comprehensive Educational Improvement and Financing Act of 1996.

The Borough Clerk of the Borough of Washington is directed to certify no later than Thursday, May 19, 2005, to the Warren County Board of Taxation, the Warren County Superintendent of Schools, the Warren Hills Regional School District Board of Education, the Washington Borough Tax Assessor, the Division of Local Finance of the Department of Treasury of the State of New Jersey, and to any other parties required by law to receive such certification, that the amount of \$ 15,192,140 is necessary to be raised by taxation for General Fund revenues (District tax levy); a proportionate amount of which shall be included in the taxes to be raised, levied and collected in this Borough for current expense and capital outlay, designated as General Fund set forth herein, for the Warren Hills Regional School District; and copies of this Resolution to be executed by the Mayor and Borough Clerk, shall be forwarded by the Borough Clerk of the persons and/or departments named herein, for certification purposes.

Discussion: Mr. Giannis, who was in the audience, asked Council how much money was cut from the budget? A total of \$ 102,011 was cut from their budget.

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

Ayes: 5, Nays: 0.
Motion carried.

Resolution 397-2005 – Disclosure of Confidential Medical Information

The following Resolution was moved by Buoye, seconded by Turner and adopted:

RESOLUTION #92-2005

**RESOLUTION REGARDING DISCLOSURE OF
CONFIDENTIAL MEDICAL INFORMATION**

WHEREAS, the Borough of Washington, Warren County is a member of the Statewide Insurance Fund (SIF or Fund); and

WHEREAS, it is the objective of the Fund to discourage practices that may lead to claims against members so that the cost of providing insurance will be decreased for members; and

WHEREAS, it is necessary as part of claims handling for members to obtain and supply to the Fund or its servicing organizations medical information about employees or third parties; and

WHEREAS, the Fund has become aware of cases brought against public entities by virtue of inadvertent disclosure of medical information to persons not authorized to receive it; and

WHEREAS, the Fund has developed a policy that requires each member to develop a policy regarding disclosure of medical information.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, Warren County that its policies with respect to the disclosure of medical information will be as follows:

1. Municipality will designate a contact person or persons who are to receive confidential medical information. Designation will be limited to persons who have a direct need to know the information.
2. Each person designated to receive the information will be instructed about the need to keep the information confidential.
3. Confidential medical information will not be disclosed by persons designated to receive confidential information to others unless there is a need for the other person to receive the information. The person to whom the information is disclosed will be instructed the information is confidential and should not be disclosed to others without legitimate need to do so. A legitimate need would be for personnel reasons, loss control purposes and other legitimate governmental purposes. In connection with information supplied for loss control of other governmental purposes, all officials, agents or employees of the Municipality will at all times attempt to avoid identifying the name of the person referred to in the confidential medical records and will not disclose specific medical conditions unless there is a specific loss control, personnel or other legitimate governmental reason to do so.
4. Any officials or employees designated to receive confidential business information may contact the servicing organizations to request medical information. A service organization will not disclose any confidential medical information to any official or employee unless the official or employee has been specifically designated to receive confidential medical information.
5. The Borough Manager will designate a confidential fax number by which confidential medical information can be sent to the person designated to receive confidential medical information.

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

Ayes: 5, Nays: 0.
Motion carried.

Resolution #98-2005 – Requesting Approval of an Item of Revenue – “Click It or Ticket” Grant

The following Resolution was moved by Turner, seconded by Buoye:

RESOLUTION #98-2005

**A RESOLUTION OF THE BOROUGH OF WASHINGTON
REQUESTING APPROVAL OF AN ITEM OF REVENUE
AND APPROPRIATION UNDER N.J.S.A. 40:4-87.**

WHEREAS, N.J.S.A. 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey, hereby request the Director of Local Government Services with the Department of Community Affairs to approve the insertion of an item of revenue in the budget of the year 2005 in the sum of \$ 4,000.00, which item is now available as a revenue from the State of New Jersey, Department of Law and Public Safety, Division of Highway Traffic Safety for the Click It or Ticket 2005 grant program.

BE IT FURTHER RESOLVED, that the like sum of \$ 4,000.00 is hereby appropriated under the caption “Click It Or Ticket” Salary & Wages outside the CAP.

Discussion: Councilman Turner stated that it was his opinion that the police have better things to do than to implement this program. He felt that it was a slight violation of his civil rights. He did not know of other communities that are instituting this program?

Mayor Van Deursen stated that given her background in emergency services she was in favor of any kind of an effort it takes to ensure that people wear their seat belts. Wearing seat belts is a primary offense as well. This programs stresses safety in wearing seat belts.

Councilwoman Oakley did not feel that the program was well organized and the road blocks set up last year inconvenienced the motorist and created a safety issue. There are other things that the police could be doing with their time.

Councilman Turner questioned the utilization of road blocks and the fact that they could be deemed unconstitutional as well. Attorney Cushing noted that there is some restrictions in the use of road blocks.

Councilman Turner also felt that he did not see this project as creating a “Hometown Friendly” atmosphere in the community.

Councilman Buoye asked if there was any feed back from the Police Department? Mayor Van Deursen indicated that the police do want to do the program and they do feel that it is very worthwhile.

Discussion ensued at which time the Mayor called for the Roll Call.

Roll Call: Woykowski and Van Deursen – Ayes: 2,
Buoye, Turner and Oakley – Nays: 3.

Resolution was Defeated.

E-Mails – Open Public Meeting Act Issues (C.W.)

A very good piece of information was passed on to the governing body regarding e-mails and the role they could play in violating the Open Public Meeting Act issues. This was given to Council for guidance and information.

COUNCIL REMARKS:

Mayor Van Deursen entertained remarks from the Council.

Councilwoman Oakley was pleased with the response from the senior citizens for the first meeting conducted for their benefit.

Councilman Turner voiced his disappointment at the outcome of the Kimble sewer project. He was satisfied that the project will be expedited and placed out to bid again as soon as possible.

Councilman Buoye also voiced his disappointment with the Kimble situation but was confident that the Council was working towards an alternative bid proposal.

Councilman Buoye also reminded Council of the B.I.D. Dessert Reception coming up.

Councilwoman Woykowski was concerned with regard to the Kimble situation. It was most unfortunate that the bids came in over the engineer's estimate.

Councilwoman Woykowski wanted to thank all the people and staff in the borough offices for their assistance in distributing fliers and helping out to make their first meeting with the senior citizens a huge success. Also special thanks to all of the residents who helped, the Police Chief, Emergency Squad, Emergency Management and Fire Department who were in attendance. Particular thanks to Joseph Fox, Fire Chief who helped pull the event together.

Mayor Van Deursen voiced the same sentiments and was pleased with the turnout from the first meetings. There was at least thirty-five seniors present and there was a healthy exchange of ideas. The senior population of the community is very important to us. She also wanted to thank Marcie Hoover for taking the fliers around to all of the apartments complexes as well.

Mayor Van Deursen also expressed her disappointment over the Kimble situation. She suggested that Manager Sheola be in touch with the Kimble's attorney to bring them up to date with what the status of this project is.

Councilwoman Woykowski also wanted to thank Andrea from the Express Times for the wonderful coverage she gave on the Senior Citizen meeting.

Hearing no further Council remarks, it was moved by Woykowski, seconded by Turner that the Council take a short recess at 9:50 PM prior to going into Executive Session.

Ayes: 5, Nays: 0.
Motion carried.

Executive Session

It was moved by Turner, seconded by Buoye that the Council go into Executive Session to discuss negotiations and personnel at 10:10 PM.

Ayes: 5, Nays: 0.
Motion carried.

It was moved by Buoye, seconded by Turner that the Council go back into open session at 10:50 PM.

Ayes: 5, Nays: 0.
Motion carried.

Hearing no further business to come before Council, it was moved by Oakley, seconded by Turner that the meeting be adjourned at 10:50 PM.

Ayes: 5, Nays: 0.
Motion carried.

Marianne Van Deursen, Mayor

Linda L. Hendershot, RMC/CMC
Borough Clerk

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