

## **MINUTES OF REGULAR MEETING HELD JUNE 21, 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: Van Deursen, Oakley, Buoye, Housel, Turner and Woykowski –  
6 Present.

Absent: Glaser – 1 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 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.

### **PRESENTATION:**

#### **Honoring Theo Coleman – Resolution #107-2005 & Plaque**

The following Resolution was moved on a motion made by Housel, seconded by Buoye and adopted: This resolution was presented in the form of a plaque read by Mayor Van Deursen and accepted by Theo Coleman for his many years of dedicated service to the community on the Shade Tree Commission.

Jeremy Summitt, Chairman of the Shade Tree Commission presented Mr. Coleman with a plaque as well from the Shade Tree Commission for his many years of dedicated service to the Commission and this community.

#### **RESOLUTION #107-2005**

#### **A RESOLUTION OF APPRECIATION TO THEO COLEMAN FOR HIS CONTRIBUTION TO THE BOROUGH OF WASHINGTON SHADE TREE COMMISSION**

**WHEREAS**, Theo Coleman has been a long time resident of the Borough of Washington; and

**WHEREAS**, Theo Coleman had been a local business owner of **Flowers by Theo** for 35 years in the Borough of Washington; and

**WHEREAS**, Theo Coleman was involved with the Washington Cemetery Association for 30 years, the Washington Rotary for 38 years and had been an active participant in the Washington Youth Association in the 1960's; and

**WHEREAS**, Theo Coleman has served on the Borough of Washington Shade Tree Commission since 1965; and

**WHEREAS**, Theo Coleman has tendered his resignation from the Shade Tree Commission; and

**WHEREAS**, the Mayor and Council of the Borough of Washington desire to express their appreciation of the Borough of Washington and all its inhabitants are hereby expressed to Theo Coleman for his forty years of service to the community as a member of the Borough of Washington Shade Tree Commission.

**BE IT FURTHER RESOLVED**, that this resolution be duly embossed, signed by the Mayor and Clerk, publicly presented to Theo Coleman on the evening of Tuesday, June 21, 2005 and forever recorded in the official records of the Borough of Washington as an everlasting tribute to Theo Coleman by an appreciative and thankful community.

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

Ayes: 6, Nays: 0.  
Motion carried.

## **OATH OF OFFICE**

### **Joshua Masenior – Police Officer**

The **Oath of Office** was administered to **Joshua Masenior, Police Officer** by Attorney Richard P. Cushing, Esq., assisted by the Mayor while family and friends were present. Mayor Van Deursen stated it was an extreme honor to have Joshua join our Borough Police Department. She has known Joshua for long time and he is a long time resident born and raised in the community. She wished him well and welcomed him to the Police Department.

**MINUTES:**

**Regular Council Meeting – June 7, 2005**

Mayor Van Deursen entertained additions or corrections to the minutes of the regular meeting held June 7, 2005. Some minor corrections were noted by the Clerk for correction on Page 2, 3 and 19.

It was therefore moved by Housel, seconded by Woykowski that the minutes of the regularly scheduled meeting held June 7, 2005 be approved with the corrections so noted.

Roll call: Woykowski, Housel, Buoye, Van Deursen, Oakley and Turner.

Ayes: 6, Nays: 0.  
Motion carried.

**COMMUNICATIONS:**

The following communications were entered into the Record:

- 1) NJ State League RE: A-1820 Union Card Check (2);
- 2) NJ State League RE: State Budget Update;
- 3) NJ State League RE: Property Tax Reform;
- 4) NJ State League RE: NJ Municipalities Magazine;
- 5) NJ State League RE: Drinking Water Protection;
- 6) Public Notice – NJ Highland Council Meeting; and
- 7) NJ State League RE: Legislative Developments.

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

It was therefore moved by Housel, seconded by Oakley that the communications numbered #1 thru #7 be acknowledged, received and filed.

Discussion:

Councilwoman Woykowski asked Council if they would like to discuss the Property Tax Reform issue again.

Council discussion followed at which time it was the general consensus that each Council person should express their own individual thoughts and position on this issue.

Councilman Housel discussed Item #4 and felt that the Downtown Revitalization issue would be an excellent topic for the NJ Municipalities Magazine. The other program that would be excellent to publish would be the newly formed Senior Citizen Advisory Committee and the role they play in helping our Senior Citizens.

Hearing no further discussion on the communications the Mayor called for Roll Call:

Ayes: 6, Nays: 0.  
Motion carried.

**AUDIENCE:**

Mayor Van Deursen entertained remarks, petitions, statements and testimony on items that do not appear on the agenda.

**Gary Pohorely, Wayne Street** addressed several issues. He extended his thanks and appreciation on behalf of the Pohatcong Creek Watershed Association on the Borough's participation in the clean-up of the Shabbecong and Pohatcong Creeks. The Borough picked up all the refuse cleaned out of the creeks.

Mr. Pohorely was also concerned with the clean-out by the Shabbecong Creek on Rt. 57 by the Liquor Store. It is full of junk and should be cleaned out and secured better. The children play in this general vicinity and it is a dangerous situation. There should be some recreational facilities planned for the Shabbecong Village area.

Mr. Pohorely also addressed the Baker tract and the fact that it appears the suit is in the process of being settled? Attorney Cushing noted that the documents and maps will be available tomorrow in the Clerk's office for their review. The governing body is very interested in the public's comments. A public hearing on this whole project is scheduled for Wednesday, June 29<sup>th</sup>, 2005 at 8 PM here in the Municipal Building.

Mr. Pohorely was also interested in the status of the pavilion at the park. The Borough is in the process of resolving all of the problem issues and the project is closer to being completed.

Mr. Pohorely wanted to reserve his comments and questions for the Railroad Avenue Park project during the business portion of the meeting.

Bob Miller, Borough Engineer addressed some of the concerns Mr. Pohorely had with respect to the Rt. 57 land adjacent to the Liquor Store. This property is privately owned; it is not the Borough's property. The clean-up of this property is the responsibility of the landowner. Manager Sheola will send a letter to the property owner to correct this situation.

**Joe Kresser, 62 Carlton Avenue** experiencee some problems last year in conjunction with the carnival concerning trespassing on his property, health issues with people urinating on his property, parking and blocking his driveway, etc. He was concerned with security and how these issues would be handled this year?

Mr. Kresser indicated that the carnival and the powerball sweepstakes is getting out of hand each year. Parking in the neighborhood is a real problem.

Chief Cortellesi will be assigning two police officers in the evening hours to address any problems as they arise. St. Joseph's Church will be reimbursing the Borough for the services of the department. Traffic control will also be handled in conjunction with the church and the activities planned.

**Terrance Finnegan, 23 Youmans Avenue** pointed out a problem that the Gas Company created over a year ago. A gas line problem occurred at 21 Youmans Avenue and after the opening was made instead of making the necessary repairs with concrete they repaired it with asphalt. In the meantime they have destroyed the curbing. He questioned whether there was a different set of standards in dealing with the utility companies as opposed to a resident? They should be fined just as the residents are if they have a code violation.

Engineer Miller noted that they have experienced problems with the Utility Companies. Council discussed this issue and directed that a letter be sent to the utility companies putting them on notice. The deficiencies should be noted giving them a reasonable amount of time to complete the repairs.

Councilman Turner noted that the GPU trucks create a lot of wear and tear on our major roads in the Borough. Could they be made to utilize alternative routes? The Manager indicated you couldn't implement such a regulation but could perhaps suggest that they take alternate routes.

**Debra Franklin and Carla Bogli, 150 N. Lincoln Avenue** brought up issues with respect to the infestation of ground hogs in their neighborhood as a result of vacant houses that are in a state of disrepair. The ground hogs are making their homes underneath these houses. It is not only creating a safety issue for their children but a health issue as well. The two houses they are concerned with are #147 and #153 North Lincoln Avenue. There is also a lot of trash in the house and garage at #154 N. Lincoln Avenue.

They also pointed out that the 4<sup>th</sup> of July Celebration causes a lot of parking problems in their neighborhood. They suggested parking on only one side of the street.

Council noted that if they experience any problems such as blocking of their driveways they should contact the Police Department.

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

Ayes: 6, Nays: - Motion carried.

Mayor Van Deursen deviated from the order of business to hear the presentations on the **Park Pool Project and Railroad Avenue Park**

Terrance Finnegan, Chairman of the Recreation Commission and some of the Commission members were present to bring the Council up-to-date on the revised estimate of construction costs for the swimming pool renovations and improvements.

The total estimate of the entire project would be \$ 522,140.00. This covers the pool construction, alternate bids, electrical construction (pool lighting), a 10% contingency fund and professional fees. The alternate bid includes a new wading pool, new water features, new main pool heater, new water slide, new winterization covers, new deck, new grate for existing gutter and covering existing gutter surge wires.

The Recreation Commission has received to date a Green Acres 2% Loan in the amount of \$ 283,400.00.

Mr. Finnegan addressed the drainage issue at the Borough Park and noted that this issue must also be addressed and needs to be done at the same time as the pool design. The Borough's existing pool was designed and built in the 1980's. The Recreation Commission is looking at the trends for the future in providing the recreational needs for their patrons. These plans were recommended by their design consultant. The pool would also be ADA (American Disabilities Act) compliant as well.

The need to replace their existing filtration system was also noted at a cost of \$ 42,000.00. The Commission would like to see the filtration system replaced possibly this year for more efficient operation of the pool. They need direction from Council. Mayor Van Deursen questioned whether the existing pump house would accommodate a new filtration system? Chairman Finnegan noted that the pump house could be sealed? However, he had no costs available at this time.

Chairman Finnegan noted that the Recreation Commission is looking at a timeframe of September, 2006 to begin this project.

No upgrading or renovations to the bathhouse is proposed at this time.

Council discussed the proposal and questioned whether the improvements would be able to be recouped by the revenue taken in. Chairman Finnegan noted that the membership fees would increase once they had a better pool facility to offer its citizens. The daily fees would remain the same. Pool lighting would enable them to provide different programs and perhaps be open longer hours. More patrons would be encouraged to utilize the pool and groups would be entertained with additional programs to generate revenue, such as birthday parties, etc.

Councilwoman Woykowski questioned whether this figure is subject to change?

Manager Sheola clarified an important issue for Council. The \$ 522,000.00 figure is an estimate from Wade Associates as to what the pool renovations are projected to cost. This project would be placed out to bid. This figure is an estimate only.

Councilman Turner questioned what the membership was presently and what revenue is taken in? It was thought that the revenue brought in was \$ 25,000.00 with an estimated 250 families.

Mr. Prendergast, who is a member of the Commission, stated that the existing pool is 25 years old and that they are trying to plan for the next 25 years. We are providing senior housing to our older residents and this facility would also encourage seniors to join,

Terracing of the hill was also brought up for spectators to utilize for swim meets and other programs that the Recreation Commission hopes to generate.

Mayor Van Deursen noted that this idea appears to be icing on the cake. We have to see whether there is a need for this.

Councilwoman Oakley had no comments at the present as this was not an area she felt comfortable discussing right now.

Councilwoman Woykowski noted that this was a generalized presentation. Perhaps Council could come up with their own list of questions for the Commission to address and answer for their information.

Commission member Dawn Higgins agreed with Mr. Prendergast. The longer we wait the larger the amount is going to be. The Commission has done their homework and has assessed what the needs are. As far as costs and materials, they are relying on their professionals for this information. Each time Mr. Wade comes to a meeting it costs the Recreation Commission. She also indicated that the Commission is certainly going to try and apply for additional grants for funding. They do have other competition out there.

Commission member Joe Kresser noted that you get what you pay for. We could generate more revenue if we offer a wider variety of programs and we encourage seniors to use the park. One program he was in favor of having is volleyball. The Commission can earn more money at the park?

Commission member Rick Feldman noted that he is the only member on the Commission who is not in total agreement. He did not feel the consultant they utilized was very helpful.

Mr. Feldman was not sure that the proposed plan will generate enough revenue to support itself without any kind of feasibility study? However, he is in the minority.

Manager Sheola noted that he was not prepared to analyze the Recreation Commission's proposal or offer any recommendations at this time. He was not sure they have explored all avenues available to them.

Chairman Finnegan noted that Green Acres agreed with their proposal. There have never been any funds set aside for a study. The Commission is very aware of the fiscal constraints of our taxpayers.

Councilman Turner asked what the costs to operate the pool was? A figure of \$ 75,000.00 was given.

Councilwoman Buoye questioned what the debt commitment would be on this project. Manager Sheola noted that it would probably be a 20 year plan. The annual debt cost for the Green Acres funding is approximately \$ 20,000 to \$22,000. There is presently \$ 283,000.00 for the park renovations at the present time.

The Recreation Commission is looking for a commitment from the Council. The filtration system is something they feel is a priority.

Council discussion ensued at it was agreed that this matter would be tabled for further discussion at the second meeting in July. Council wants additional information such as plans suggested by Councilwoman Oakley. Councilman Housel wanted to know what warranties were covered on a lot of the proposals noted in the estimate. He wanted a alternative cost utilizing concrete versus utilizing fiberglass?

Manager Sheola suggested that Council compile their questions and send them to him via e-mail.

Applying for further grants or additional loans should also be explored.

Commission Feldman suggested a feasibility study on the demographics be done as to what revenue the park could generate.

### **Railroad Avenue Park**

Council also heard a presentation from Jeffrey H. Bottger, C.L.A., Architect with the firm T & M Associates for the Railroad Avenue Park. The entire construction costs and professional service for the entire plan is \$ 3,000,000.00.

The plan calls for extensive site work due to the 40% change in grade, storm drainage work, driveway and parking lot for ninety (90) cars, two fields to accommodate soccer and possibly football, tennis courts, tot lot, buildings and shelters, walkways/trails, 8' wide, signage, fencing and walls, landscaping, utilities, permit fees and contingencies.



Mr. Bottger noted that this is a conceptual plan and the estimate is very detailed. The Borough could request Green Acres funding each year to fund the project. This is a loan for a two (2%) percent payback over a twenty (20) year period.

It was noted that the Borough may be in receipt of a settlement from the Bakker litigation for recreational purposes in the amount of \$ 240,000.00.

Mr. Pohorely questioned whether there would be any room for bleachers if one of the fields was utilized for football? There would be according to the architect.

Mr. Pohorely was also concerned with the distance the children would have to go to reach the fields from the parking lot with having equipment to haul? Mr. Bottger noted that the paved areas planned were 8' wide and would accommodate vehicles to bring the equipment to the fields.

Mr. Bottger noted that the Recreation Commission has been great to work for and that there are several ways that could be explored to phase in a project of this magnitude.

Mayor Van Deursen thanked Mr. Bottger for his excellent presentation and the Commission for all of their hard work.

Council took a short recess on a motion made by Oakley, seconded by Turner at 10:15 PM.

Ayes: 6, Nays: 0.  
Motion carried.

Council reconvened with everyone present at 10:25 PM.

### **REPORTS:**

It was moved by Buoye, seconded by Oakley that the Borough Manager's, Borough Engineer's, Police, Recreation Commission and A & E O.T. reports be accepted as presented and filed.

Discussion: The Taylor Street School opening was discussed and appears to be working.

The engineer's report noted that the N. Prospect Street project would begin Monday, June 27<sup>th</sup>. The engineer noted that this project was lumped in with some other small projects and he could not guarantee which one would begin first.

The Sub-Committee should begin work with the engineer on the five year plan for of improvement to some of our Borough streets.

The pavilion at the Borough Park seems to be under control and moving in the right direction towards completion.

Ayes: 6, Nays: 0. - Motion carried.

**VOUCHERS:**

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

Hearing none, it was moved by Buoye, seconded by Housel that the vouchers and claims be paid in the amount of \$348,789.61 as reflected in the debit/credit memorandum on file in the Collector/Treasurer's office.

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

Ayes: 6, Nays: 0.  
Motion carried.

**OLD BUSINESS:**

**Taylor Street School**

A motion was made by Housel, seconded by Turner that Taylor Street be opened permanently for drop off of the afternoon kindergarten students and that the street sign be changed to correct the new policy as recommended by the Police Chief.

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

Ayes: 6, Nays: 0.  
Motion carried.

**28 Lambert Street – Fence Issue**

This fence issue was referred back to the Planning Board for their recommendation. Prior to hearing any further discussion on the issue Mayor Van Deursen and Councilman Buoye stepped down from taking part in this issue as they are neighbors and within two hundred feet of Mr. Schlenk's property at 28 Lambert Street.

Councilman Housel was appointed Temporary Chair.

Mr. Michael Schlenk appeared before the Council and did not agree with the Planning Board's recommendation. He encouraged Council to come to his property to witness that there is no future drainage problems on his property. He commented with respect to the issue of setting precedent but he urged Council to do the right thing. It was his opinion that easements were done for the worse case scenario. It was his contention that the problem that did exist on his property was corrected by the drains Centex installed.

Borough Manager Sheola outlined the Planning Board's recommendation was to modify the proposed fencing plan that would keep the fence entirely out of the easement. The final decision now rests with Council.

Mr. Schlenk explained that if this recommendation of the Planning Board is upheld by the Council 60% of his yard will not be usable.

Councilman Turner stated that he was very sorry that the developer misled him. There should language in his deed that would indicate there was a deed restriction on the use of his property. Mr. Schlenk did not recall any such wording.

Manager Sheola also gave Mr. Schlenk information on perhaps appealing his assessment given the fact that there is a deed restriction on his property.

Council discussion followed at which time a motion was made by Turner, seconded by Oakley that the Borough Council accept the recommendation of the Planning Board to bring the fence within the building envelope of his property keeping the fence entirely out of the easement and that further Mr. Schlenk be given sixty (60) days in which to comply.

Discussion on the motion: Councilman Woykowski noted that she would base her decision on what she feels is in the best interest of the community. She did not see the difference between a fence or gate?

Roll Call:	Oakley, Turner and Housel.	Ayes: 3,
	Woykowski.	Nay: 1.
		Motion carried.

Both Councilman Turner and Councilwoman Oakley stated that it was a very difficult decision but based on the advice of the professionals and given the deed restrictions in their deed for their property they had to agree with the Planning Board's recommendation.

### **NEW BUSINESS:**

#### **Letter from Robert Mayer RE: Several Issues**

A letter on several issues was received from Mr. Robert Mayer addressed to the Mayor and Council.

In response to the North Prospect Street project the contractor will begin n June 27<sup>th</sup>.

Stephanie Lewis, the Borough's Financial Adviser, will be present at the September 20<sup>th</sup> Council meeting to discuss the sewer utility charges.

Speeding on N. Prospect Street was discussed and Chief Cortellesi has been running radar on the street.

Mr. Mayer was concerned with his intersection of Miller Avenue. Cars negotiate this corner at such a rapid of speed they have problems negotiating the turn. He is afraid to park his car on the corner of his property.

The telephone system was brought up. Manager Sheola explained that the day Mr. Mayer was trying to get through there was a problem with the telephone system that has since been corrected.

Mayor Van Deursen noted that the merger with the Township was discouraged by the Township. However, the Borough has explored areas in which both communities can share services and we are building a healthy relationship with the Township through the cooperation of Mayor Dempski and the present Township Committee.

**Special ABC Permit – Washington Fire Department**

A Special ABC Permit for the Washington Borough Fire Department was submitted to the Council for approval.

It was moved by Housel, seconded by Turner that the Council approve the Borough Fire Department's application for a special ABC Permit for a social affair to be held July 16, 2005.

Ayes: 6, Nays: 0.  
Motion carried.

**St. Joseph's Church RE: Request to Close N. Prospect Street for the Carnival**

Discussion was held with respect to St. Joseph's request to close the street for the carnival.

Mr. Mayer suggested that there only be parking permitted on one side of the street on Miller Avenue. He was also concerned of N. Prospect Street in view of the fact that most people ignored the signs last year.

It was explained that the closing is for the general public but the street is still being accessed for local traffic and traffic in conjunction with the carnival.

It was therefore moved by Turner, seconded by Housel that St. Joseph's Church be granted approval to close N. Prospect Street for the following dates and times for their Carnival: Thursday, June 30, 2005 – 5:30 PM to 10:00 PM, Friday, July 1, 2005 – 5:30 PM to 11:00 PM, Saturday, July 2, 2005 – 4:30 PM to 11:00 PM, Sunday, July 3, 2005 – 5:30 PM to 11:00 PM and Monday, July 4, 2005 – 3:30 PM – 8:30 PM.

Roll Call: Woykowski, Housel and Buoye – Ayes: 3, Nay: Turner  
Van Deursen and Oakley – Abstained.- Motion carried.

**Application for Bingo License – St. Joseph's – Fourth of July**

An application for bingo license for the Fourth of July was submitted for approval from St. Joseph's Church. The application is in order and fee paid.

It was therefore moved Buoye, seconded by Housel that the Clerk be directed to issue a bingo license to St. Joseph's Church for the Fourth of July.

Ayes: 4, Nays: 0, Abstained: 2.  
Motion carried.

**Resolutions #104-2005 - #105-2005 and #106-2005**

The following Resolutions were moved by Housel, seconded by Turner and adopted:

**RESOLUTION #104-2005**

**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

<b><u>BLOCK/LOT</u></b>	<b><u>PROPERTY OWNER/ PROPERTY LOCATION</u></b>	<b><u>AMOUNT TO BE REFUNDED</u></b>
18.01	Furman, Shelley 237 Belvidere Ave.	\$ 86.29

The former owner made an overpayment during the closing procedures on the above property location. A refund of \$ 86.29 should be mailed to:

Shelly Furman  
1222 Pine Grove Dive  
Easton, Pa. 18045

**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: Woykowski, Housel, Buoye, Van Deursen, Turner and Oakley.

Ayes: 6, Nays: 0. – Motion carried.

Council Minutes – 6-21-05  
(Cont'd.) Page 14

**RESOLUTION #105-2005**

**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

<b><u>BLOCK/LOT</u></b>	<b><u>PROPERTY OWNER PROPERTY LOCATION</u></b>	<b><u>AMOUNT TO BE REFUNDED</u></b>
22.04/2	Espinola, Jesse & Dorothy 127 Belvidere Ave.	\$ 86.00

The former owner made an overpayment during the closing procedures on the above property location. A refund of \$ 86.00 should be mailed to:

Dorothy Espinola  
300 N. Highway A1A Bldg. J404  
Jupiter, Florida 33477-4590

**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, Woykowski and Housel.

Ayes: 6, Nays: 0.  
Motion carried.

**RESOLUTION #106-2005**

**RESOLUTION TO REFUND PRIOR YEAR OVERPAYMENT  
DUE TO VETERAN'S DEDUCTION REPAYMENT  
AS PER N.J.S.A. 54:4-8.16 ET. SEQ.**

**WHEREAS**, the Tax Collector had accepted a payment on 11-22-04 in the amount of \$ 500.00 from Attorney William Johnson for the new homeowners in regards to a Senior Citizen Deduction and a Veteran's Deduction that belonged to the former property owner; and

**WHEREAS**, the attorney for the new property owner sent money to repay a denied Veteran's Deduction; and

**WHEREAS**, there are no statutory provisions for a denial of a Veteran's Deduction on a property. Therefore, the Tax Collector requests to refund the amount of \$ 250.00 to the following:

<u>BLOCK/LOT</u>	<u>NAME OF OWNER/ PROPERTY LOCATION</u>	<u>EXPLANATION/AMOUNT</u>
013.01 001	Aron, Daniel C. & Paula 36 Grand Ave. Washington, NJ	4 <sup>th</sup> Qtr 2004 Taxes \$ 250.00 Veteran's Deduction 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 Treasurer be authorized to refund the amount to the above owners and the Tax Collector to remove this overpayment from the Block/Lot.

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

Ayes: 6, Nays: 0.  
Motion carried.

**Resolution #108-2005 – Authorizing the Release of Funds from an Escrow Account**

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

**RESOLUTION #108-2005**

**A RESOLUTION AUTHORIZING THE RELEASE OF FUNDS  
FROM AN ESCROW ACCOUNT ESTABLISHED IN THE NAME OF  
CHARLES ANTHONY AND HELD IN TRUST BY THE  
BOROUGH OF WASHINGTON.**

**WHEREAS**, Charles Anthony applied for and received site plan approval for modifications to parking areas at the office building at 140 Boulevard; and

**WHEREAS**, funds were posted in escrow to cover the cost of inspection services and to provide performance guarantee on site improvements; and

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

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Municipal Treasurer is hereby authorized to issue a check to Charles Anthony for the balance in the inspection escrow account after all outstanding bills have been paid for inspection services and the performance guarantee account in his name.

Discussion: Councilwoman Woykowski questioned whether there was still any other outstanding invoices in addition to the engineer's? There are none.

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

Ayes: 6, Nays: 0.  
Motion carried.

**Resolution #109-2005 - Authorizing the Mayor to enter into a contract for professional services**

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

**RESOLUTION #109-2005**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR PROFESSIONAL SERVICES WITHOUT SEEKING COMPETITIVE BIDS.**

**WHEREAS**, there exists a need for professional engineering services in the area of wastewater treatment plant permitting; and

**WHEREAS**, funds are available in Sewer Capital Funds; and



**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et. Seq.) requires that the resolution authorizing the award of contracts for “Professional Services” without competitive bids must be publicly advertised; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et. Seq.) requires that the resolution authorizing the award of contracts for “Professional Services” without competitive bids must be publicly advertised; and

**WHEREAS**, the firm of **TRC** of Princeton, New Jersey has agreed to perform professional engineering services, as outlined in the June 14, 2005 letter attached hereto; and

**WHEREAS**, the services to be provided by **TRC** of Princeton, New Jersey constitutes professional services that need not be bid pursuant to the Public Contracts Law (N.J.S.A. 40A:11-1 et. Seq.).

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

1. The Mayor and Clerk are hereby authorized and directed to enter into an Agreement with TRC Customer-Focused Solutions of Princeton, New Jersey;
2. The contract is awarded without competitive bidding as professional services in accordance with N.J.S.A. 40A:11-5 in the amount of \$ 167,000.00.
3. The necessary funds are available in Sewer Capital Funds.
4. Notification of the contract award shall be printed in the Star Gazette.
5. 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.

Discussion: Councilwoman Woykowski questioned what time frame Council was looking at for the work? Work will begin subject to DEP approval.

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

Ayes: 6, Nays: 0.  
Motion carried.

**Resolution #110-2005 – Authorizing the Mayor to sign a Memorandum of Agreement, Blk. 24, Lot 24**

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

**RESOLUTION #110-2005**

**A RESOLUTION AUTHORIZING THE MAYOR TO SIGN  
MEMORANDUM OF AGREEMENT RELATIVE TO  
BLOCK, 24, LOT 24**

**WHEREAS**, the Borough of Washington has previously determined the downtown area of Washington Borough is in need of improvement; and

**WHEREAS**, the Borough Council has determined that parking for customers of the downtown business is paramount to successful downtown; and

**WHEREAS**, the Borough wishes to acquire title to the property known as Block 24, Lot 24 in the Borough; and

**WHEREAS**, to protect the Borough and the current owners of the property, it has been deemed necessary that a Memorandum of Agreement pertaining to Block 24, Lot 24.

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

Ayes: 6, Nays: 0.  
Motion carried.

**Resolution #111-2005 – Adjustment to a Sewer Billing for Block 92, Lot 10**

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

**RESOLUTION #111-2005**

**A RESOLUTION TO ADJUST SEWER BILLINGS IN  
ACCORDANCE WITH CHAPTER 20, SECTION 288 OF  
THE CODE OF THE BOROUGH OF WASHINGTON.**

**WHEREAS**, the Borough of Washington commenced operations of a municipal sewer utility in January of 1999; and

**WHEREAS**, certain facts have come to the attention of the Borough to justify modification of sewer service charges which have been reviewed by the Borough Manager; and

**WHEREAS**, notice has been provided to the owner(s) of the property or properties listed below of the action proposed to be taken with the date, time and place where the Mayor and Council will meet to consider change(s) in the E.D.u.'s assigned to the property or properties listed below; and

**WHEREAS**, all parties affected by this resolution will be notified of the action taken, in writing, and notified of an opportunity to appear, in person, at a formal hearing of the governing body, if dissatisfied with the decisions made herein.

**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 following changes in sewer service charge(s) are approved:

<b>BLOCK</b>	<b>LOT</b>	<b>NAME/ADDRESS</b>	<b>REASON/ADJUSTMENT</b>
92	10	Allen & Cheryl Rice 138 Broad St.	Change in Use 2 E.D.U.'s to 1 E.D.U.

**BE IT FURTHER RESOLVED**, that the Borough Clerk be directed to send a certified copy of this resolution to all parties affected by this resolution and advise them of their right to protest the decision and request a formal hearing before the governing body, as provided in Chapter 70, Section 13. If no protest is filed, the decisions contained herein shall be considered final.

Discussion: It was noted that the EDU's were reduced as this home was converted back to a single family with complete removal of the kitchen facilities.

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

Ayes: 6, Nays: 0.  
Motion carried.

**Resolution #112-2005 – Approving Change Order #1 Re: Downtown Drainage Project**

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

**RESOLUTION #112-2005**

**A RESOLUTION APPROVING CHANGE ORDER #1  
RELATED TO THE DOWNTOWN DRAINAGE PROJECT**

**WHEREAS**, the Borough of Washington is repairing/replacing a storm water drain as part of the Downtown Improvements; and

**WHEREAS**, from time to time during the construction process, various field changes and adjustments are necessary; and

**WHEREAS**, the project engineer, Studer & McEldowney has recommended the following Change Order:

Relocate sewer lateral in Reinforced Concrete Pipe \$ 2,296.12

**WHEREAS**, the Mayor and Council of the Borough of Washington wishes to accept the change order for this work as it is in the best interest of the Borough of Washington. A Certification of Available Funds is attached and made part of this document.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey approve Downtown Drainage Change Order #1 and authorize the Borough Manager and Project Manager to prepare the necessary documents as soon as possible and for the Borough Manager to execute the change order on behalf of Washington Borough.

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

Ayes: 6, Nays: 0.  
Motion carried.

**Resolution #113-2005 – Authorizing the Application for a Treatment Works Approval for the extension of sewer lines to serve a home on Harrison Street**

**RESOLUTION #113-2005**

**A RESOLUTION AUTHORIZING THE APPLICATION FOR TREATMENT WORKS APPROVAL FOR THE EXTENSION OF SEWER LINES TO SERVE A SINGLE FAMILY HOME ON HARRISON STREET.**

**WHEREAS**, Finelli Consulting Engineers, Inc. of Washington, New Jersey has prepared a Treatment Works Approval Application on behalf of the Borough of Washington for the construction and operations of sanitary sewers to service a single-family home on Harrison Street, designated as Block 61, Lot 10 on the Borough of Washington Tax Maps; and

**WHEREAS**, the Borough of Washington's sanitary sewer consulting engineers, MASER CONSULTING, P.A. have reviewed the plans and specifications for the project and have determined they are in proper form for approval.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey that the Borough of Washington does hereby approve the proposed extension of sanitary sewer to Harrison Street, designated as Block 61, Lot 10 on the Borough of Washington Tax Maps.

**BE IT FURTHER RESOLVED**, that the Mayor or Manager are hereby directed to sign any and all necessary documents required to carry out the intent of this resolution including the signing of any and all forms required by the State of New Jersey Department of Environmental Protection.

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

Ayes: 6, Nays: 0.  
Motion carried.

**Renewal of Retail Consumption & Retail Distribution Licenses**

It was moved by Buoye, seconded by Housel that Resolutions #114-2005 thru #119-2005 be adopted:

**RESOLUTION #114-2005**

**RETAIL CONSUMPTION LICENSE**

**WHEREAS**, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Consumption License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

**WHEREAS**, the following applicant has paid a fee of \$ 720.00.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Consumption License** be issued by the Borough Clerk and granted to:

VMI of Washington, Inc.  
t/a Enzo's Restaurant & Pizzeria  
328 W. Washington Ave.  
Washington, NJ 07882

From July 1, 2005 – June 30, 2006, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

**BE IT FURTHER RESOLVED**, that the following conditions be imposed on the licensee:

- A. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Borough of Washington Police Department for assistance.
- B. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have had an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times.

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

**RESOLUTION #115-2005**

**RETAIL DISTRIBUTION LICENSE**

**WHEREAS**, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Distribution License** and in accord with an Act of Legislature Concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

**WHEREAS**, the following applicant has paid a fee of **\$720.00**.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Distribution License** be issued by the Borough Clerk and granted to:

Washington Discount Liquors, L.L.C.  
9 Sherman Blvd.  
Edison, NJ 0882

From July 1, 2005 – Jun 30, 2006, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

**BE IT FURTHER RESOLVED**, that the following conditions be imposed on the licensee:

- A. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Borough of Washington Police Department for assistance.
- B. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have had an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times.

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

Ayes: 6, Nays: 0.  
Motion carried.

**RESOLUTION #116-2005**

**RETAIL DISTRIBUTION LICENSE**

**WHEREAS**, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Distribution License** and in accord with the Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

**WHEREAS**, the following applicant has paid a fee of **\$720.00**.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Distribution License** be issued to:

Warren County Discount Liquor & Grocery, Inc.  
260 W. Washington Ave  
Washington, NJ 07882

From July 1, 2005 – June 30, 2006, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

**BE IT FURTHER RESOLVED**, that the following conditions be imposed on the licensee:

- A. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Borough of Washington Police Department for assistance.

**BE IT FURTHER RESOLVED**, that the following conditions be imposed on the licensee:

- A. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Borough of Washington Police Department for assistance.
- B. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have had an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times.

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

Ayes: 6, Nays: 0.  
Motion carried.

**RESOLUTION #117-2005**

**RETAIL CONSUMPTION LICENSE**

**WHEREAS**, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Consumption License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

**WHEREAS**, the following applicant has paid a fee of **\$720.00**.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Consumption License** be issued by the Borough Clerk and granted to:

LINSCO, INC.  
t/a Scotty's Stadium Club  
15 Belvidere Ave.  
Washington, NJ 07882



From July 1, 2005 – June 30, 2006, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

**BE IT FURTHER RESOLVED**, that the following conditions be imposed on the licensee:

- A. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Borough of Washington Police Department for assistance.
- B. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have had an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times.

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

Ayes: 6, Nays: 0.  
Motion carried.

**RESOLUTION #118-2005**

**RETAIL CONSUMPTION LICENSE**

**WHEREAS**, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Consumption License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

**WHEREAS**, the following applicant has paid a fee of **\$720.00**.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Consumption License** be issued by the Borough Clerk and granted to:

Washington Inn, Inc.  
t/a Felix's Tavern  
101 E. Washington Ave.  
Washington, NJ 07882

From July 1, 2005 – June 30, 2006, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

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

Ayes: 6, Nays: 0.  
Motion carried.

**RESOLUTION #119-2005**

**RETAIL CONSUMPTION LICENSE**

**WHEREAS**, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Consumption License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

**WHEREAS**, the following applicant has paid a fee of **\$720.00**.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of Washington, County of Warren, and Stat of New Jersey that a **Plenary Retail Consumption License** be issued by the Borough Clerk and granted to:

GRAMA, INC.  
t/a Mediterranean Bistro  
301 W. Washington Ave.  
Washington, NJ 07882

From July 1, 2005 – June 30, 2006, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

**BE IT FURTHER RESOLVED**, that the following conditions imposed on the licensee:

- A. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Borough of Washington Police Department for assistance.

- B. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times.

**Resolution #120-2005 – Retail Consumption License – Jo Bo Corporation**

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

**RESOLUTION #120-2005**

**RETAIL CONSUMPTION LICENSE**

**WHEREAS**, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Consumption License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

**WHEREAS**, the following applicant has paid a fee of **\$720.00**.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Consumption License** be issued by the Borough Clerk and granted to:

JO BO CORPORATION  
t/a R Bar  
33 W. Washington Ave.  
Washington, NJ 07882

From July 1, 2005 – June 30, 2006, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

**BE IT FURTHER RESOLVED**, that the following conditions be imposed on the licensee:

- A. License will report all incidences of fighting and brawling in the licensed premises immediately to the Borough of Washington Police Department for assistance.

- B. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have had an automatic door closing device installed on the main entrance door to the establishments and the same shall be kept operational at all times.

Discussion: Mayor Van Deursen voiced her concerns with regard to this establishment and did not feel that they should have a liquor license. There are a lot of problems in connection with this license related to crime and the Emergency Squad gets a lot of calls there.

Councilman Turner noted that he would like to see a more detailed report on calls for all of the licensees. There is a report from the Police Chief but it appears to be more general in nature. Some of the reports that Council receives do not give enough specific detail.

Councilwoman Oakley noted that she has heard rumors but doesn't have any specific facts to back them up.

Councilman Housel also agreed that there should be a more detailed and comprehensive report from the Police Chief.

Roll Call: Woykowski, Housel, Buoye, Turner and Oakley – Ayes: 5,  
Nays: Van Deursen.

Motion carried.

### **Council Information – Borough Engineer's Appointment**

Manager Sheola reported that he has appointed the Borough Engineer, Robert Miller for the balance of his three year appointment. If Council recalls he only appointed the engineer for a six month temporary appointment. He felt that it was appropriate that the Borough Manager and Borough Engineer be comfortable working together in view of the fact he only began his employment with the Borough last December. He was very satisfied with Mr. Miller and his firms' performance over the past six months.

Councilman Turner suggested that the professional's be contacted via the Borough offices instead of calling them direct. Manager Sheola felt confident that their telephone numbers should be publicized and the engineer agreed.

**COUNCIL REMARKS:**

Mayor Van Deursen polled Council for their remarks.

Councilman Turner voiced his sentiment regarding the Centex problems. He stated he was fed up solving their problems and he felt the residents who moved into this development were taken advantage of.

Councilman Turner noted that any future developments coming into the Borough should be given more direction by the Planning Board.

Councilwoman Oakley congratulated Mr. Miller on his appointment. She also voiced her frustration and the problems the residents who moved there have been faced with.

Councilwoman Oakley was very impressed with the presentation for the Railroad Avenue Park. It was a good plan. The Borough Park pool was another issue that she didn't really know what questions to ask?

Councilwoman Woykowski had no remarks.

Councilwoman Housel also voiced his frustration with Centex but thanked the Council for following through with the Planning Board's recommendation.

Councilman Buoye had no remarks.

Mayor Van Deursen also extended her congratulations to Engineer, Robert Miller. The Borough has been involved in a tremendous amount of work with the engineer's office this first half of the year and things are getting done now in Washington. She is very happy with the relationship between the Manager and the Engineer with Council. She was very pleased that the Manager appointed Mr. Miller and the firm of Studer and McEldowney.

Robert Miller, C.M.E., Borough Engineer thanked the Council for their show of support and looked forward to working with the Council on projects that will meet the needs of the community.

**Executive Session**

It was moved by Oakley, seconded by Turner that Council go into Executive Session to discuss litigation and personnel matters.

Ayes: 6, Nays: 0.  
Motion carried.

It was moved by Housel, seconded by Oakley that the Council go back into open session.

Ayes: 6, Nays: 0.  
Motion carried.

It was further moved by Oakley, seconded by Turner that their being no further business to come before Council the meeting be adjourned at 12:15 PM.

Ayes: 6, Nays: 0.  
Motion carried.