

MINUTES OF REGULAR MEETING HELD JULY 19, 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: Glaser, Turner, Van Deursen, Woykowski, Buoye and Oakley
(Arrived at 8:15 PM). – 6 Present.

Absent: Housel (Due to death in family) – 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.

APPEARANCE:

Highlands Council

Mr. Steve Balzano, Director of the fifteen member Highlands Council appeared before the governing body with several of his key officials to encourage the Council to consider a resolution to join them in a Municipal Partnership Program. They would like to offer their assistance to the Borough in developing our community and protect the water supply in the Highlands region. In participating in this program the Council will offer free services such as legal guidance, demographics studies and other technical assistance as well as grants. They want to assist the Borough in efficient use of their lands and to provide mixed uses in the community.

The Highlands Council is presently working on a Regional Master Plan which is scheduled to be completed in June of 2006.

Several key officials addressed the services they provide and the programs they oversee. Some key topics outlined as part of their services were Transfer Development Rights Program that will protect our water resources, cluster growth and regional storm water concerns in conjunction with the downtown revitalization. In taking part in this program there is no real legal obligation to the Borough.

Mr. Balzano noted that the Council would like to assist the Borough with managing their growth.

Mr. Miller, who is on the School Board addressed the school system and how the state has already shorted them a huge amount of money to administer their school system. Why would the Borough want to encourage cluster growth and increase the capacity of our school system. Mr. Balzano noted that this is one of the areas that they have a real concern and it would be addressed.

Mrs. Dawn Higgins asked about the impact fees and whether they were legal? The Highlands Act allows for the passing through of impact fees on services that the community must provide. Mr. Balzano indicated that they are not here to mandate growth but are here to assist the community in their growth and how they want to develop it.

Mayor Van Deursen commended the Highlands Council for their work and their goals. She felt that they could be a valuable resource in assisting the Borough with their plans. She thanked the Council for their presentation. The resolution was left with Council for consideration authorizing participation in the program for the next Council meeting.

MINUTES:

Regular Meeting – July 5, 2005

Mayor Van Deursen entertained additions or corrections to the minutes of the regular meeting held July 5, 2005.

There were a few minor typos pointed out to the Clerk. It was therefore moved by Glaser, seconded by Oakley that the minutes of the regular meeting held July 5, 2005 be approved as corrected.

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

Ayes: 6, Nays: 0.

Motion carried.

COMMUNICATIONS:

The following communications were entered into the Record:

- 1) County Planning Board RE: Public Hearing on Warren County Strategic Growth Plan;
- 2) Warren County Planning Board RE: Solid Waste Issues;
- 3) Resolution #121-2005 – County of Monmouth Opposing Exclusion of State from Cap Law;

- 4) Warren County Planning Board Re: Transportation Analysis Zone Build-out at Year 2015
- 5) NJ State League RE: Mayor Summit on Prevention Gangs and Youth Violence;
- 6) NJ State League RE: Legislative Wrap-Up;
- 7) NJ Rt. 57 Conceptual Corridor Plan – Newsletter;
- 8) NJ State League RE: Arbitration Awards;
- 9) NJ State League RE: Further Budget Cuts;
- 10) America's Promise – 100 Best Communities for Youth

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

It was moved by Glaser, seconded by Turner that the communications numbered #1 through #10 be acknowledged, received and filed.

Ayes: 6, Nays: 0.
Motion carried.

Mayor Van Deursen reminded the Council that if they were going to the League Convention in November to please get their reservation forms completed and given to the Clerk to forward to the Housing Bureau. The Clerk has provided everyone with the necessary forms on their desks this evening.

AUDIENCE:

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

Dave Higgins, 113 Harding Drive asked if the overnight parking could be relaxed during the weeks beginning Friday into Saturday and Saturday into Sunday.

Mr. Higgins suggestion will be taken into consideration during the review process of the ordinance in the Code Book.

Chuck Alleger, 37 Grand Ave. wanted to bring to the attention of the Council that the contractor did not notify him of the impending project for construction of sidewalk and curbing on his property. He was not opposed to the sidewalks as it is a good safety factor for the children walking to school. Mayor Van Deursen apologized to Mr. Alleger and acknowledged that the Borough takes full responsibility for this oversight.

Engineer Bob Miller outlined the project for Mr. Alleger and noted that the street will be narrowed a little and there will be minimal disturbance to his property.

Mrs. Lottie Hill, W. Stewart Street also questioned why she was not notified of this project for the benefit of her tenant who is very ill? She stated that this was not right to do to the residents. Given the construction in front of the house it is very difficult for her tenant to gain access to and from her property in a safe manner. She was concerned with any liability issues as well. Mrs. Hill was also concerned with a Maple tree in her yard that she did not want to lose? The tree will not be disturbed.

Ann Hardiman, 200 W. Stewart St. stated that it is incumbent that the contractor or engineer notify the resident.

Mayor Van Deursen noted that she recently authorized a press release of all the streets in the Borough that there will be projects being done this year. The contractor as well as the Council will be notifying the property owners beforehand.

Councilman Turner questioned why residents driveways have to be blocked and why all the rubble on the street.

Mr. Hill, Mrs. Hill's son who is a contractor commented that the contractor's work ethics were very poor.

Councilwoman Woykowski noted that the Borough has been having a great deal of complaints with respect to contractors who are presently working in the community. Perhaps the bid specifications or contracts should be looked at a little closer with stronger language outlining their responsibilities and work ethics.

Mayor Van Deursen thanked everyone for bringing all these issues to the attention of the governing body. Without their input the governing body would not have known.

Keith Gonzales, 93 W. Johnston St. also brought up several issues with the contractor's performance on the sewer work that is being done on his property. Some of the material for the project has just be arbitrarily placed on his property causing damage.

Councilwoman Oakley was concerned about Mrs. Hill's property and her tenant. She strongly suggested that the contractor place a temporary walkway across this property so Mrs. Hill's tenant can gain access to and from her property.

Grace Maginnis, 57 Grand Avenue noted at the last meeting people were urged to let the Council know any projects that they would like to see considered. She strongly urged them to consider repaving Grand Avenue next year. She also did not think that the curbing was put back the way it was by the contractor who is doing work on Grand Avenue at present. When it rains the water is ponding in front of her home. Manager Sheola noted that once the final top cover of asphalt is laid the problem will be alleviated.

Mayor Van Deursen encouraged residents to contact the Manager's office if they are experiencing any problems.

Dave Higgins, 113 Harding Drive reported that there is an open trench on Flower Avenue that should be attended to.

Lori Smith, 53 Lenape Trail reported a vacant property at 51 Lenape Trail. The property owner is deceased and the property has been vacant for almost two years. The front of the property is being cut by an adjacent neighbor but the weeds are very high in the back of the house. The owners should be contacted. Mrs. Smith noted that Mr. Bescherer has been approached twice but the matter has not been resolved to date.

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

Ayes: 6, Nays: 0.
Motion carried.

REPORTS:

It was moved by Glaser, seconded by Oakley that the A & E O.T., Road Department O.T., Police (4), Borough Manager's, Collector-Treasurer's, Recreation Commission, Municipal Court, Public Library (2) and Borough Engineer's reports be acknowledged, received and filed.

Discussion: Councilwoman Woykowski noted that the Council charts are not on the agenda. They will be included in the agenda packet for the next meeting.

Councilman Turner noted that the one report from the Recreation Commission did not have a title. Manager Sheola noted that this report is information concerning the revenue, expenses and maintenance of the park pool for discussion during old business under pool renovations.

VOUCHERS:

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

Hearing none, it was moved by Glaser, seconded by Turner that the vouchers and claims be approved in the amount of \$ 763,250.41 as reflected in the debit/credit memorandum on file in the Collector-Treasurer's office.

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

Ayes: 6, Nays: 0. – Motion carried.

OLD BUSINESS:

Discussion on Pool Renovations

Mr. Finnegan, Chairman of the Recreation Commission was unable to attend the meeting this evening. This topic will be tabled for another meeting.

Up-date – South Lincoln Avenue Parking

Councilman Buoye summarized an updated report under date of 7-5-05 submitted by the Committee. This entire area is being explored with the Township with the State involved as well as the County. A traffic light is being proposed by the State at the Intersection of Rt. 31 and Mozart Avenue. Several options are being explored with S. Lincoln Avenue and Broad Street. Our engineer has some ideas as well for creating a new street between Broad and S. Lincoln Avenue which may improve the traffic flow in this area. There is still a lot of open issues and more may open up.

Mayor Van Deursen suggested that this issue be tabled until the second meeting in August where a final decision may be able to be made.

It was noted that this is only one street that requires removal of parking; there are several other streets to be looked at with the engineer as well.

Mayor Van Deursen requested that the Borough deviate from the order of business to hear the Emergency Squad's presentation. Council concurred.

Appearance by the Emergency Squad RE: Daytime Emergency Call Coverage

Mr. Bill Hepp, represented the Washington Emergency Squad. Accompanying him to the meeting were Jill Gonzales, Joe Groff and Mark Van Deursen. The reason for their late arrival is that they also appeared before the Washington Township Committee as well.

Mr. Hepp reported to the Council that the Squad is struggling to get a daytime crew on board from 6 AM until 6 PM for coverage of ambulance calls. The day is fast approaching that they are not going to be able to provide a crew.

The purpose for their visit is to put the Council on notice that they are going to be initiating steps for bringing in a paid staff to cover the ambulance calls between 6 AM and 6 PM. The patients will be charged via their insurance coverage. Passive billing will be considered in accepting what the insurance companies have earmarked in their patient's policy. They are looking to initiate this change toward the end of the calendar year. It was felt that they would be looking to hiring ten to twelve people to make this happen.

Mr. Hepp noted that the Emergency Squad still would like to Council to consider to support them in whatever budgetary items they presently provide to them.

Councilwoman Glaser noted that all Squads are having the same problem in this area.

Councilwoman Woykowski stated that she appreciated the Squad letting Council know the position that they have found themselves in.

Mayor Van Deursen expressed her appreciation for their services and recognizes the problems they face. She pledged the support of this Council for any assistance they may give them and urged the press to provide adequate and accurate press coverage of the Emergency Squad's future plans.

It was moved by Glaser, seconded by Oakley that Council take a short recess at 10:05 PM.

Ayes: 6, Nays: 0.
Motion carried.

Council reconvened with everyone present at 10:15 PM.

NEW BUSINESS:

To consider authorizing the replacement of signs for the Presbyterian Church

A request was received from the Presbyterian Church requesting three directional signs for the church, two on Rt. 57 and one on Belvidere Avenue.

It was noted for the record that the signs on the State Highway would require D.O.T. approval.

Attorney Cushing noted that several years ago this issue came up for directional signs and the Council took no action. This could be opening the door for several other requests as well. He suggested that an inventory be taken of how many signs we presently have, their locations and size and visit the issue at another meeting. The church is also requesting that these signs be mounted above existing signs. The engineer noted that signs cannot be posted on top of another sign.

Council was also concerned as to the size of the signs as well. It was decided to revisit this request at the second meeting in August.

To consider authorizing a letter of support – Small Cities Housing Rehabilitation Program

The Council discussed the letter that would commit the Borough to participating in a housing rehabilitation program that would benefit our citizens but administered through the County.

Councilwoman Glaser questioned weighing the pros and cons as to whether the Borough should apply for their own grant money. The Borough could apply for Community Development Block money which can be utilized for a much broader range of projects including a salaried person to run the program instead of piggy backing off the County. Their perimeters are very broad.

Manager Sheola felt that in the interest of time the Council should join the County program to market this program for the County and then look into applying for our own funding in the future.

Councilwoman Woykowski suggested that this program be placed on our goal charts for further study.

It was also suggested that the web-site and through a message on the sewer bills that people be aware that this rehabilitation program is available to them through the County.

It was therefore moved by Glaser, seconded by Oakley that the Mayor be authorized to sign and forward this letter to the County for participation in the Warren County Housing Program.

Roll Call: Oakley, Glaser, Van Deursen, Buoye and Woykowski – Ayes: 5,
Nays: 0 – Abstained: Turner.

Motion carried.

To consider authorizing a letter of support Re: Senate Bill 2118

Attorney Cushing explained the purpose of this letter in opposing this senate bill which will drastically change time of decision rule which protects the Borough in planning and zoning issues. If this bill is adopted it will eliminate the Time of Decision Rule .

The wording of the letter was discussed and the Council suggested that the second paragraph include the wording “Mayor and Council”.

It was therefore moved by Glaser, seconded by Turner that the Mayor be authorized to send this letter with the additional wording inserted as specified by Council opposing this bill which will eliminate the Time of Decision Rule.

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

Ayes: 6, Nays: 0. – Motion carried.

Resolution #130-2005 – Accepting 2004 Audit

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

RESOLUTION #130-2005

RESOLUTION ACCEPTING 2004 AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an Annual Audit of its books, accounts and financial transactions; and

WHEREAS, The Annual Report of Audit for the Year 2004 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A.40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, The Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 42:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the Annual Audit entitled:

General Comments
Recommendations

And

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments
Recommendations

As evidenced by the group affidavit form of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five (45) days after receipt of the Annual Audit, as per the regulations of the Local Finance Board; and

WHEREAS, Failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52:27BB-52 – “A local officer or member of a local government body who, after a date fixed for compliance, fails or refuses to obey and order of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Washington, Warren County, New Jersey hereby states that it has complied with the Promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Discussion: Manager Sheola addressed the comments and recommendations and noted that the Council has forty-five (45) days in which to review the comments and recommendations.

Councilwoman Glaser asked when the Corrective Action Plan could be expected to be available? Council discussion followed at which time they mandated that it be prepared within sixty (60) days as of the adoption of this resolution.

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

Ayes: 6, Nays: 0.
Motion carried.

Resolution #131-2005 – Establishing a Special Period for Third Quarter Local Property Taxes

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

RESOLUTION #131-2005

A RESOLUTION ESTABLISHING A SPECIAL PERIOD FOR THIRD QUARTER LOCAL PROPERTY TAXES IN THE BOROUGH OF WASHINGTON.

WHEREAS, the printing and mailing of tax bills has been delayed beyond the N.J.S.A. 54:4-64 date of June 14th; and

WHEREAS, according to State Statute, taxes are due and payable February 1, May 1, August 1, and November 1 and these dates cannot be changed; and

WHEREAS, N.J.S.A. 54:4-67 allows the Borough Council to establish a grace period of 25 days from the date that tax bills are mailed; and

WHEREAS, the Borough of Washington has historically given its taxpayers a grace period of 10 days for each tax period.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington that the third quarter installment of current year taxes shall not be subject to interest until after September 1, 2005, the additional interest-free period authorized pursuant to R.S. 54:4-67. Any payment received on September 2, 2005 will be subject to interest charged back to the statutory date of August 1, 2005.

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

Ayes: 6, Nays: 0.

Motion carried.

Resolution #132-2005 – Adjustment to Sewer Billing

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

RESOLUTION #132-2005

**A RESOLUTOIN TO ADJUST SEWER BILLINGS IN
ACCORDANCE WITH CHAPTER 70, SECTION 28B 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:

| BLOCK/LOT | NAME/ADDRESS | REASON/ADJUSTMENT |
|------------------|-----------------------------------------|---------------------------------------|
| 95 17 | Lawrence Finkle 175 Cherry Tree Bend | Change in Use 1 E.D.U. to 2 E.D.U. |

Property Location: 39 Broad Street

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.

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

Ayes: 6, Nays: 0.
Motion carried.

COUNCIL REMARKS:

Mayor Van Deursen entertained remarks from the Council.

Mayor Van Deursen stated that she would like to offer a letter to be sent to the B.I.D., Police Department, Emergency Squad and Oxford Emergency Squad commending everyone for the fine job they did in covering Washington Borough's Festival. Everyone had a true sense of community spirit that really worked. The Police Department's presence gave everyone a profound sense of comfort to the community. We were blessed with wonderful comments from people in the community.

Mayor Van Deursen reminded everyone that the Policy Committees should have their recommendations to the Manager no later than August 8th!

Councilman Turner was concerned with the problem the Borough is experiencing with the contractors working in our community and their over-sight in notifying the residents when work is scheduled. There needs to be a little bit of tightening up with the contractors. They should be working with the Borough. They seem to have lack of consideration for the residents. There has to be a way to rein the contractors in? Some suggestions were a penalty clause, more supervision and inspections.

Councilwoman Glaser noted that we need stricter enforcement of clauses in their trucks.

Councilwoman Glaser went on record congratulating Jim Sheldon, Executive Director of the B.I.D. and everyone who participated in making the Festival a huge success.

Councilwoman Oakley commented that people have been complaining about work that is being done by the contractors. They must be made to be more responsible. Definitive dates for scheduling work and notice to residents is a must and access to their property is a big concern. She congratulated the B.I.D. on the festival. It was very well received by the community.

Mayor Van Deursen commended the engineer and Manager for attending to a resident's concerns on N. Prospect Street. The resident was in receipt of the information and action she requested.

Mayor Van Deursen noted that the residents of our community must know what is going on in the community with respect to projects. There must be an open line of communication and more cooperation on the part of the contractor's for our residents.

Councilwoman Woykowski stated that the Festival was great. The Police Department and Emergency Squad presence was very much appreciated. The B.I.D. is to commended for the fine job they did.

Councilwoman Woykowski felt that there should be a policy change on contracts on action to be implemented when the contractor fails to live up to their obligations in the contract.

Councilwoman Buoye stated that the Festival has been the most fun since he moved to Washington. The music was outstanding and the street vendors great. This is what the Borough needs. The B.I.D. is to be commended.

Councilman Buoye voiced his frustration with the problems people are coming here to the Council meetings with. He was very disappointed to see how some of the road projects are being done in the community by the contractors.

Manager Sheola submitted two renderings of the new DPW garage that will be ready to go out to bid very soon. The design and concept were approved by the Council. The site work on the property is almost done.

Executive Session

It was moved by Glaser, seconded by Oakley that the Council go into Executive Session to discuss personnel and litigation at 11 PM.

Ayes: 6, Nays: 0.
Motion carried.

It was moved by Turner, seconded by Glaser that Council go out of Executive Session and back into open session at 12:10 PM.

Ayes: 6, Nays: 0.
Motion carried.

A motion was made by Glaser, seconded by Turner to authorize the Mayor to execute an easement grant and maintenance agreement with Christina Woykowski and Reinhold Woykowski at 24 S. Prospect Street, subject to their attorney reviewing the agreement.

Roll Call: Buoye, Van Deursen, Glaser, Oakley and Turner – Ayes: 5,
Nays: 0. Abstained: Woykowski.

Motion carried.

Hearing no further business to come before Council, it was moved by Glaser, seconded by Oakley that the meeting be adjourned at 12:15 PM.

Ayes: 6, Nays: 0.
Motion carried.

Marianne Van Deursen, Mayor

Linda L. Hendershot, RMC/CMC
Borough Clerk