

MINUTES OF REGULAR MEETING HELD OCTOBER 4, 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: Housel, Turner, Buoye, Woykowski, Van Deursen and Oakley –
6 Present.

Absent: Susan Wagner-Glaser * Due to a death in her family.
Richard P. Cushing, Esq., Municipal Attorney

Also Present: Richard J. Sheola, Borough Manager
Steven Farsious, Esq., Gebhardt & Kiefer
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.

MINUTES:

Regular Meeting – September 20, 2005

Mayor Van Deursen entertained additions or corrections to the minutes of the regular meeting held September 20, 2005.

Some minor typos were corrected on Page 6, 7, 9 and 14 noted by Councilwoman Woykowski.

Councilman Turner wanted an additional sentence regarding the new alcohol device added that indicates that the State will no longer validate the current system.

Councilman Buoye requested that the first sentence on Page 4 be expanded upon. He will e-mail the correction to the Clerk for inclusion in the minutes.

It was therefore moved by Housel, seconded by Oakley that the minutes of the regular meeting held September 20, 2005 be approved with the corrections as noted by the Clerk.

Let the record be noted that the Mayor listened to the tape of this meeting and was able to vote on the minutes.

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

Ayes: 6, Nays: 0. – Motion carried.

COMMUNICATIONS:

The following communications were entered into the Record:

One additional communication was added this evening.

- 1) NJLM – Innovation in Governance Awards;
- 2) NJLM – Transportation Funding in Jeopardy;
- 3) NJLM – Hotel Occupancy Tax;
- 4) NJLM – Long Term Care Insurance;
- 5) NJLM – Highlands Forum, Smart Growth & COAH;
- 6) State of NJ RE: NJ Pollutant Discharge Elimination System Permit;
- 7) Township of South Brunswick – Federal Hourly Minimum Wage;
- 8) NJLM – 2005 Conference Resolutions;
- 9) NJLM - Workshop – Writing Award-Winning Brownfield Grant Proposals;
- 10) State of NJ – NJ Highlands Council – Partnership Meetings;
- 11) NJLM – New Minimum Wage Rate;
- 12) NJLM – Flood Relief Information for Local Officials;
- 13) NJLM – Seminar in Ethics
- 14) Board of Chosen Freeholders - Resolution RE: Proposed Repeal and New Rules;
- 15) NJ Highlands Council Meeting Notice – October 6th;
- 16) Letter from Gary Martin – Commending G. Cortese, Court Administrator;
- 17) NJ Prevention Network Newsletter; and
- 18) Warren County Department of Public Safety

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

It was moved by Housel, seconded by Oakley that the communications numbered #1 thru #18 be acknowledged, received and filed.

Discussion: Councilwoman Woykowski suggested that the governing body consider a resolution in connection with Item #2 reauthorizing the replenishment of the Transportation Trust Fund. Council concurred.

A motion was moved by Woykowski, seconded by Turner directing the Manager to prepare a resolution for consideration at the next Council meeting.

Ayes: 6, Nays: 0.
Motion carried.

Councilman Housel asked if anyone was going to the Brownfield Grant proposal workshop? The Manager may be going if he doesn't have any a conflict with any other meetings. Councilman Turner was also going to check his calendar to see if he would be available.

Councilman Buoye noted that there was a session at the League Convention on Traffic signage. He suggested that someone from the governing body attend this session.

Councilwoman Oakley commented on the letter from Gary Martin commending Virginia Cortese, Court Administrator. She noted that her experiences with Mrs. Cortese have been excellent and she is a true professional. She suggested that this letter be placed in her personnel file and that a letter be forwarded to her from the governing body expressing our thanks and appreciation for her professionalism.

Roll Call on Communications:

Ayes: 6, Nays: 0.

Motion carried.

AUDIENCE:

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

Harlin Parker, 30 Lenape Trail noted that he was concerned with the Baker litigation and asked if the governing body would look into other attorneys to represent the Borough in this litigation?

Because this is a matter of litigation this is not an item that can be discussed in open session.

John Sozanski, 30 W. Stewart St. addressed the governing body on a mandatory court appearance he had with respect to a ticket he received regarding the pick-up of his garbage the day after a holiday. The summons required a mandatory court appearance and he received a \$ 180.00 ticket.

Councilman Turner suggested that there be a fee schedule for minor infractions that would not require a mandatory court appearance for something of this nature such as garbage.

Mayor Van Deursen suggested that Mr. Sozanski schedule an appointment with the Manager to discuss the issue of his garbage complaint.

Councilwoman Oakley questioned the validity of the ordinance when there may have been some extenuating circumstances in connection with the complaint. She also questioned whether Mr. Sozanski could appeal this summons before the court?

The attorney noted that if you plead guilty to this particular complaint you do not have the right to appeal the decision of the judge.

Dawn Higgins, 113 Harding Drive wanted to clarify some of the language regarding signage for garage sale signs.

Manager Sheola stated that there is a specific state statute for signs being placed on utility poles. They are prohibited.

Mrs. Higgins noted that the Community College had signs on the utility poles and they were not cited or fined.

Mayor Van Deursen noted that when St. Joseph's Church utilized the utility poles for signs they requested permission from the State prior to placing the signs up.

Mrs. Higgins questioned how we are enforcing this ordinance fairly?

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

Ayes: 6, Nays: 0. – Motion carried.

ORDINANCES:

Ordinance #17-2005 – South Lincoln Avenue Resident Parking (First Reading)

An ordinance to provide for South Lincoln Avenue Resident Parking was introduced by Councilman Buoye.

It was further moved by Buoye, seconded by Turner that the Clerk read Ordinance #17-2005 by title only.

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

Ayes: 6, Nays: 0. – Motion carried.

The Clerk read Ordinance #17-2005 entitled, "AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT THE CODE OF THE BOROUGH OF WASHINGTON, CHAPTER 85 "VEHICLES AND TRAFFIC" TO ADD A NEW SECTION, SECTION 85-27A, CREATING A NEW DISTRICT ENTITLED, "RESIDENT OFF-STREET PERMIT PARKING" AND TO ADD RELATED DEFINITIONS."

Council Discussion: Councilman Housel noted a correction in Section 85-27A-f. It should read one resident permit per household.

Councilman Turner noted that he would like to revisit this issue a couple of months after it is implemented to see how it is working.

Councilwoman Oakley also suggested perhaps we look into increasing the fines.

Hearing no further discussion it was moved by Oakley, seconded by Housel that Ordinance #17-2005 be approved on first reading.

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

Ayes: 6, Nays: 0.
Motion carried.

It was further moved by Housel, seconded by Turner that Ordinance #17-2005 be published in the Star Gazette on October 13, 2005 and that the public hearing be scheduled for November 1, 2005.

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

Ayes: 6 Nays: 0.
Motion carried.

REPORTS:

It was moved by Buoye, seconded by Housel that the Library, WWTP, Zoning/Code Enforcement, Municipal Court O.T., Minutes – MP3 Grant, Road Department (3), Borough Clerk's, Collector-Treasurer and Borough Manager's reports be accepted as presented and filed.

Discussion: Mayor Van Deursen suggested everyone take a walk thru the Library to see the new carpeting they installed.

Councilman Turner had a question on the Road Department O.T. report which was answered by the Manager.

Councilwoman Woykowski requested that all of the reports from the collector's office, the dates include the year also.

Councilman Turner was very disappointed to see in the Manager's report that we received no bids on the Road Department garage.

Manager Sheola reported that upon checking with some of the contractor's they indicated they did not have enough time to prepare the bid specifications.

Ayes: 6, Nays: 0.
Motion carried.

VOUCHERS:

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

Prior to entertaining a motion to approve the vouchers there were some questions that were answered by the Manager.

Councilwoman Woykowski requested that the vouchers and claims indicate the year for each bill as well as the date. She also requested a list of codes and account numbers that she could have for her information.

Manager Sheola also commented on the implementation of the Flexible Chart of Accounts.

The question arose as to whether we go out to bid for our Vehicle Maintenance? Quotes have been acquired but no bids have been sought. In the future the Borough may be hiring a mechanic to work on the Borough vehicles at the new garage.

Hearing no further remarks, it was moved by Housel, seconded by Oakley that the vouchers and claims be paid in the amount of \$ 427,581.89 as reflected in the debit/credit memorandum on file in the Collector/Treasurer's office.

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

Ayes: 6, Nays: 0.
Motion carried.

OLD BUSINESS:

Council Goals Chart & Report

Mayor Van Deursen highlighted each item on the Council Goals Report and was pleased to announce that fourteen out the fifteen have been accomplished or in the process of being completed.

The Street Program has been implemented and the projects for the year 2006 have been chosen to begin the engineering designs. The North Prospect Street project is completed as of today.

The updating of the Borough's Code was discussed and the first section to be undertaken will be the administrative code portion. The Manager outlined where he would begin in the Code. The goals as to how the other sections should be prioritized will be discussed at the second meeting in January.

Councilwoman Woykowski suggested that a progress report on these goals be given to the governing body on a monthly basis. Manager Sheola indicated he would strive to bring them up-to-date approximately every forty-five days.

It was noted that the committee is still working on the sewer rates and the committee on the snow removal policy is also working diligently to complete this policy and bring their recommendations back to Council for consideration.

Councilwoman Woykowski noted that there is conflicting dates on both of the charts the Manager has given them. She noted that the Council still needs to see the committee chart as well.

Carlton Avenue Reconstruction Start Date

The projected start-up date for this project is scheduled for October 10th. This date will be confirmed on Wednesday. The first part of the project will be to complete the temporary road off North Prospect St. to re-route the bus traffic going in and out of the school property.

Councilman Housel was concerned with the police being visible for the safety of the school children and that the residents would also receive their garbage and recycling pick-ups on a regular basis.

Councilwoman Woykowski attended the pre-construction meeting and read a statement. A full copy of the report is on file in the Borough Clerk's office in the Carlton Avenue bid file. All of the areas of concern brought up by the governing body were addressed and the safety of the residents is a top priority. Issues were discussed with regard to safety of the residents at all times, cutting down of the inconvenience to the residents with proper notification to residents done in timely manner with written notification 24 hours prior to the start of work. Telephone numbers will be available where the contractor can be reached 24 hours a day. Work will begin no earlier than 8 A.M. in the morning so as not to interfere with school traffic. Contractor will be responsible for all signage and signs required for the project. Traffic control was discussed authorizing the engineer to bring in a police officer where required to direct traffic. Storage of equipment was discussed as to not interfere with traffic flow. A preliminary progress report will be available to the engineer. It is the contractor's responsibility to contact the utilities wherever necessary. Our engineering department is responsible for the stakeout work. Our engineer will inspect the work but will not supervise the contractor. It was made very clear to the contractor that he have proper supervision on the job.

Councilman Turner also wanted due consideration to those people who may have driveways to get in and out to have proper notification.

Councilwoman Woykowski was very pleased with the pre-construction meeting and assured Council that all of their concerns were discussed and agreed upon.

Washington Meadows Update

This topic was tabled until the next meeting when the engineer would be present. The attorney will be writing a letter to Washington Meadows.

Manager's Evaluation Procedures

Two different evaluation sheets were presented to Council for their consideration. It was agreed that the new form would be utilized. It was suggested that they be turned in to the Mayor no later than November 4th and she would tabulate the results. The Manager's evaluation will be discussed in executive session at the second meeting in November.

Harding and Flower Avenue Drainage Project

Council was still interested in funding this project this year. Manager Sheola indicated that he would find the available funds in the other Capital projects that have been completed that have surplus funding available. This project will be scheduled after the parking lot is completed with the School Board here at the Municipal Building.

Cap Law Resolution

Manager Sheola noted that this resolution would be available for Council's consideration at the next meeting.

NEW BUSINESS:

Discussion – Public Nuisance Code

The Borough's ordinance makes reference to the State guidelines for public nuisances. Council agreed that it could be expanded upon.

Councilman Turner noted that there is nothing in the Code addressing when contractor's can begin work in the community and this should be something the Council should consider. This topic will be tabled for the first meeting in November.

Rain and Influent Flow Data

The charts received by Council were submitted by Kevin Shoudt from the Sewer Plant. They show the amount of rain fall and any other extraneous flows going into the sewer plant. The extraneous flows have been drastically reduced as a result of the Sewer Project. This project has made a serious dent in the amount of flows going into the Sewage Treatment Plant. These reports were given to the Council for their information and file.

Resolution #159-2005 - Re-adopt Policy on Complaints Against Employees

Manager Sheola reported that this is the first resolution of the sixteen policies that will be updated for Council's consideration. He noted that some of them will take some time to come before Council.

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

RESOLUTION #159-2005

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF WASHINGTON RE-ESTABLISHING COUNCIL POLICY REGARDING COMPLAINTS AGAINST BOROUGH EMPLOYEES LODGED BY CITIZENS.

WHEREAS, the Mayor and Council of the Borough of Washington desire to provide a written policy establishing clear procedures to be followed by citizens having complaints against Borough employees; and

WHEREAS, the Mayor and Council feel complaints by citizens should be carefully investigated by the appropriate appointing and supervisory authorities; and

WHEREAS, the Mayor and Council feel that the due process rights of municipal employees deserve to be protected by certain necessary procedural safeguards; and

WHEREAS, these regulations as proposed are deemed to be in the public interest; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the Borough of Washington, County of Warren, in the State of New Jersey that the following policy is hereby adopted:

1. Complaints lodged against Borough employees shall be classified into two categories: namely, formal complaints and informal complaints. All complaints lodged against the Borough Manager, Borough Clerk, Borough Assessor, Borough Tax Collector or Borough Attorney shall be referred to the Mayor for processing. Complaints against all other Borough employees shall be referred to the Borough Manager for classification, investigation and processing. In the case of complaints under this category that were originally lodged with the Mayor or any member of Council, the Mayor and Council shall be notified by the Borough Manager of his findings. The Borough Manager shall maintain a record of all complaints and the results.

All complaints lodged with the Mayor shall be placed on the next Council agenda for discussion in Executive session and for purpose of classification and investigation.

2. Informal complaints may be lodged in person, by phone or in writing. Informal complaints may be anonymous. Informal complaints shall be investigated by the appropriate authority having appointment and supervisory responsibility who shall take whatever action, if any, deemed appropriate. If the complainant identifies him or herself, the appropriate authority should communicate the results of the informal investigation and indicate what action, if any, was taken. If the complainant is not satisfied with the action taken, the complainant may file a formal complaint.
3. Formal complaints must be filed in writing with the appropriate party and must be signed. All anonymous complaints shall be handled as informal complaints; however, upon investigation if sufficient credible evidence is obtained to establish that disciplinary action is warranted, nothing in this policy shall preclude taking of appropriate disciplinary action by the appropriate appointing or supervisory authority based upon the evidence obtained. No disciplinary action shall be taken against an employee solely based upon an anonymous complaint.
4. Formal complaints should list the employee involved by name, if known, and shall contain information detailed enough to reasonably convey the charges made against the employee and the specific facts to substantiate the allegations made. Upon receipt of the written complaint the appropriate appointing and supervising authority shall notify the employee that a complaint has been filed and provide notice to the employee that a complaint has been filed and provide notice to the appropriate department head, the Borough Manager, shop steward and Union President if the position is covered under a collective bargaining agreement. The notice shall contain a copy of the written complaint and the date, time and place for a hearing shall be established not less than 15 days nor more than 30 days from the date of service of the complaint on the employee. The complainant shall also be notified of the date, time and place of the hearing and advised his or her attendance shall be required to process the complaint.
5. The hearing shall be conducted by the appropriate supervisory and appointing authority in compliance with the Open Public Meetings Act (NJSA 10:4-6 to 10:4-21) if the Borough Council is deemed the appropriate supervisory authority and appointing authority. The hearing shall be conducted under informal rules of order and strict rules of evidence need not apply. All parties involved in the hearing shall be provided with a written copy of the decision

of the appropriate appointing and supervisory authority within seven (7) days of reaching a decision. Action of the appropriate and supervisory authority shall be deemed final and shall be the end of all administrative remedies.

6. In cases involving complaints against the Borough Manager, the procedure outlined in NJSA 40:69A-93 shall apply for all formal complaints. The Mayor and Council will endeavor to deal with any complaints against the Borough Manager as an informal complaint. Council may hold an Executive Session with the Manager and Complainant in an attempt to ascertain the facts and determine whether formal actions warranted by Council in accordance with NJSA 40:69A-93 or the Council may proceed directly to the procedures outlined in NJSA 40:69A-93.
7. In the event the complainant fails to comply with the provisions of this policy, the complaint shall be dismissed unless upon investigation of the complaint, sufficient credible evidence has been obtained to enable the municipality to proceed without the complainant testimony.
8. Nothing in this policy shall be interpreted to interfere with or supersede any right granted to employees of the Borough of Washington by statute, regulation, or collective bargaining agreement.
9. The appropriate authority having appointing and supervisory responsibility shall be authorized to dismiss frivolous complaints against municipal employees which upon investigation have no merit in fact. In the event the appropriate authority is the Manager, the dismissal shall be reported to the Mayor and Council. The Mayor and Council may review the Manager's handling of the complaint if it deems it appropriate.

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

Ayes: 6, Nays: 0.
Motion carried.

Resolution #160-2005 – Authorize the Re-bidding of the DPW Garage

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

RESOLUTION #160-2005

**A RESOLUTION DECLARING A “NO BID” FOR THE
CONSTRUCTION OF THE PROPOSED
PUBLIC WORKS GARAGE.**

WHEREAS, the Borough of Washington advertised in the Star Gazette September 3, 2005 for qualified bidders for the above project; and

WHEREAS, the Borough received no bids from qualified contractors at the Bid Opening on September 28, 2005; and

WHEREAS, the Mayor and Council of the Borough of Washington wish to declare a “No Bid” for this project as it is in the best interest of the Borough of Washington.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey to declare a “No Bid” for the Construction of the Proposed DPW Garage and authorize the Borough Manager and Engineer to re-bid the project as soon as possible.

Discussion: Councilman Turner voiced his concern with receiving no bids. The project was out there and was advertised.

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

Ayes: 6, Nays: 0.
Motion carried.

Resolution #161-2005 - Sunrise/Pickel Avenue – Change Order #1

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

RESOLUTION #161-2005

**A RESOLUTION APPROVING CHANGE ORDER #1
RELATED TO THE SUNRISE TERRACE/PICKEL AVENUE
SIDEWALK/CURBING PROJECT.**

WHEREAS, the Borough of Washington is repairing/replacing various curbs and sidewalks as part of an extensive rehabilitation program; and

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

WHEREAS, the project engineers, Studer & McEldowney have recommended the following Change Order:

Substitution of 28 L.F. Ductile Iron Pipe \$ 2,786.00

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 to approve Change Order #1 and authorize the Borough Manager and Project Engineer to prepare the necessary documents as soon as possible and for the Borough Manager to execute the change order on behalf of Washington Borough.

Discussion: Councilman Turner questioned how this was overlooked at the time the bid specifications were prepared? Manager Sheola noted that this was a change in the type of piping. Councilman Turner indicated he would like to see what the credit was for the other pipe.

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

Ayes: 6, Nays: 0.

Motion carried.

Resolution #162-2005 – Agreement with NJ DOT – Traffic Control

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

RESOLUTION #162-2005

**A RESOLUTION APPROVING THE EXECUTION OF
AGREEMENT BETWEEN THE BOROUGH OF
WASHINGTON, COUNTY OF WARREN, AND THE NEW
JERSEY DEPARTMENT OF TRANSPORTATION.**

WHEREAS, the State of New Jersey intends to reconstruct the culvert on Route 57 located in the Borough of Washington; and

WHEREAS, the project as proposed by the State of New Jersey Department of Transportation may require the use of municipal police for work zone safety operations supplementing the traffic control plan established under the contract for construction of the project; and

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 appropriate municipal officials are hereby authorized to execute an agreement for municipal police services between the New Jersey Department of Transportation and the Borough of Washington for the reconstruction of the R. 57 culvert; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Borough Engineer and the Police Chief.

Councilwoman Oakley asked who pays for the police services? Manager Sheola noted that the contractor will be responsible for these costs.

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

Ayes: 6, Nays: 0.
Motion carried.

Resolution #163-2005 – Livable Communities Grant – Library – Amend Budget

RESOLUTION #163-2005

**RESOLUTION OF THE BOROUGH OF WASHINGTON
ACCEPTING A LOCAL LIBRARY AID GRANT IN THE
AMOUNT OF \$ 15,000.00**

WHEREAS, the governing body of the Borough of Washington received notice from the New Jersey Department of Community Affairs of its eligibility to receive a Local Library Aid Grant in the amount of \$ 15,000.00; and

WHEREAS, the purpose of the grant is for the replacement of the computer lab.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington that the governing body does hereby accept the grant of \$ 15,000.00 for purposes described herein.

BE IT FURTHER RESOLVED, that the Mayor of the Borough of Washington be and hereby is authorized to execute a Grant Agreement with the New Jersey Department of Community Affairs on behalf of the Borough of Washington, and upon execution of said Agreement the Borough of Washington does accept the Terms and Conditions specified in the Agreement.

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

Ayes: 6, Nays: 0.
Motion carried.

Resolution #164-2005 – Office of Smart Growth – Smart Futures – Design Guidelines

Prior to entertaining a motion to adopt this ordinance extensive discussion took place.

Mayor Van Deursen and Councilwoman Woykowski did not feel comfortable with authorizing the filing of this grant without seeing the application beforehand.

Councilwoman Oakley questioned what the purpose of the grant was? The Manager noted that this grant is to continue developing the guidelines for the redevelopment and rehabilitation of the downtown business district.

Councilman Turner thought a lot of this work had already been done?

Manager Sheola explained that this resolution did not bind Council to any commitment at this stage. If the grant is awarded another resolution would have to be prepared accepting the funds and inserting it into the budget as an additional items of revenue.

It was moved by Buoye, seconded by Housel that Council approve this resolution subject to the Mayor reviewing the agreement.

RESOLUTION #164-2005

A RESOLUTION OF THE BOROUGH OF WASHINGTON AUTHORIZING APPLICATION FOR A SMART FUTURES PLANNING GRANT FOR THE BOROUGH OF WASHINGTON, COUNTY OF WARREN, NEW JERSEY.

WHEREAS, the Borough of Washington desires to apply for a grant from the New Jersey Department of Community Affairs, Office of Smart Growth, Smart Futures Planning Grant Program for approximately \$ 110,000 to develop Design Guidelines to enhance the redevelopment and rehabilitation of the downtown area; and

NOW, THEREFORE, BE IT RESOLVED,

- 1) That the Borough of Washington does hereby authorize the application for such a grant; and
- 2) Recognizes and accept that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of the grant agreement; and, also upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of said agreement between the Borough of Washington and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement and any other documents necessary in connection therewith.

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

Ayes: 6, Nays: 0.
Motion carried.

Resolution #165-2005 – Establishing Halloween Trick or Treat and Curfew

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

RESOLUTION #165-2005

**A RESOLUTION SUGGESTING A HALLOWEEN CURFEW
AND ESTABLISHING OBSERVANCE OF TRICK OR TREAT
WITHIN THE BOROUGH OF WASHINGTON,
COUNTY OF WARREN, NEW JERSEY.**

WHEREAS, Halloween Night and several nights before and after have historically been nights when acts of criminal mischief and vandalism have increased throughout the municipality; and

WHEREAS, the Borough of Washington desires to take some action to help reduce the likelihood of such incidents by establishing a suggested curfew to assist parents and lawful guardians of minor children; and

WHEREAS, said curfew is viewed as an important part of maintaining the peace and order of the community and all persons are strongly urged to cooperate with the Borough of Washington Police Department abiding by the curfew. The Mayor and Council suggest that this curfew be imposed on all minors in their care and custody.

WHEREAS, the door to door solicitation of treats is a tradition enjoyed by many as well as an annoyance and convenience to others and, therefore, needs to be regulated to provide for the safety, health and welfare of all persons within the community.

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 there is hereby established a suggested curfew for all persons seventeen (17) years of age or younger of 9:00 P.M. from Friday, October 21, 2005 up to and including Tuesday, November 1, 2005. Curfew shall be extended for school-sponsored events to one (1) hour after the conclusion of the event.

BE IT FURTHER RESOLVED, that Trick or Treat shall be observed within the Borough of Washington, Monday, October 31, 2005 from 4:00 P.M. to 7:00 P.M.

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

Ayes: 6, Nays: 0.
Motion carried.

Raffle Application(s) St. Joseph's Church

Three applications were submitted to the governing body for raffles at St. Joseph's Church. The applications were in order and fees paid.

It was therefore moved by Turner, seconded by Housel that the Clerk be directed to issue the raffle licenses to St. Joseph's Church.

Roll Call: Woykowski, Housel, Buoye and Turner – Ayes: 4,
Nays: 0. – Abstained: Van Deursen and Oakley.

Motion carried.

Highlands Meeting

Mayor Van Deursen reminded the Council that there is a Highlands Meeting on Thursday. Councilwoman Woykowski, Councilman Housel, the Manager and the Mayor will be attending.

COUNCIL COMMENTS:

Mayor Van Deursen polled Council for their remarks.

Councilwoman Oakley had a question on the curfew imposed for Halloween. It was noted by the Attorney curfews are unconstitutional. The curfew Council imposes is meant for younger children and is strictly voluntary.

Councilman Housel noted that what it comes down to is parental supervision during this time of year during the Halloween tradition.

Councilman Turner had no remarks.

Councilman Buoye had no remarks.

Councilman Housel had no remarks.

Councilwoman Woykowski had no remarks.

Mayor Van Deursen had no remarks.

Executive Session

It was moved by Housel, seconded by Housel, seconded by Woykowski that Council go into **Executive Session** to discuss personnel and potential litigation after a short recess at 10:00 PM.

Ayes: 6, Nays: 0.
Motion carried.

Council reconvened at 10:15 PM and went in Executive Session with everyone present.

Councilman Housel was excused during Executive Session at 10:55 PM.

It was moved by Buoye, seconded by Turner that Council go out of Executive Session and back into Open Session at 11:15 PM.

Ayes: 5, Nays: 0.
Motion carried.

Hearing no further business to come before Council, it was moved by Buoye, seconded by Woykowski that the meeting be adjourned.

Ayes: 5, Nays: 0.
Motion carried.

Marianne Van Deursen, Mayor

Linda L. Hendershot, RMC/CMC
Borough Clerk