

## **MINUTES OF REGULAR MEETING HELD OCTOBER 18, 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, Woykowski, Buoye, Turner, and Van Deursen –  
5 Present.

Absent: Glaser and Oakley – 2 Absent (Both Councilwoman Oakley and Deputy Mayor Glaser are away on vacation.)

Also Present: Richard J. Sehol, Borough Manager  
Richard P. Cushing, Esq., Municipal Attorney  
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 – October 4, 2005**

Mayor Van Deursen entertained additions or corrections to the minutes of the regular meeting held October 4, 2005.

Councilman Buoye pointed out two minor typos on Page 3 and 9 of the minutes which were so noted by the Clerk for correction.

It was therefore moved by Turner, seconded by Housel that the minutes of the regular meeting held October 4, 2005 be approved as corrected.

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

Ayes: 5, Nays: 0.  
Motion carried.

### **COMMUNICATIONS:**

Two additional communications were placed on the Council desks for this evening. The following communications were entered into the Record:

- 1) Town of Belvidere – Endorsing Amendment to NJ Statute 22A:3-4 to allow Municipal Court to increase fines;
- 2) Partnership Meeting Reminder Dates;
- 3) Thank you Note – Dorothy Rost;
- 4) NJ American Water Company – Emergency Response Procedure;
- 5) Beth Uporsky Re: Recreation Commission;
- 6) State of NJ – Grant Award – Municipal Aid Program for Belvidere Avenue;
- 7) NJLM Re: Gangland Advisory Committee Appointments (2);
- 8) NJLM Re: DLGS News;
- 9) NJLM Re: S-2636- NJSPCA;
- 10) Route 57 Conception Corridor Plan Meeting;
- 11) NJLM – Joint Forum With Highlands Council
- 12) NJ Highlands Council – Amended Agenda for 10-20-05 Meeting; and
- 13) Pollution Control Financing Authority of Warren County Re: 2005 Motor Oil Collection Event

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

It was moved by Housel, seconded by Buoye that the Communications numbered #1 thru #13 be acknowledged, received and filed.

Discussion:

The letter from Dorothy Rost was noted thanking Keith Gonzales for checking on her during the recent flooding. The Mayor and Council also conveyed their thanks and appreciation as well. A special pat on the back to Keith and also to the Fire Chief, Joseph Fox as well.

Mayor Van Deursen noted that the Borough was in receipt of a grant from the State of New Jersey for the Belvidere Avenue reconstruction project in the amount of \$ 120,000.00.

The communication from the NJ American Company was discussed and the use of the fire hydrants. The Water Company also stressed that the fire hydrants are only to be used by the fire department for fire fighting only. They would like the Borough to be on the alert for anyone other than the fire department using the hydrants. This is deemed as use of the fire hydrants.

It was suggested that our Borough Code be updated to include the use of fire hydrants.

Councilwoman Woykowski did not think that the Borough experiences a problem with misuse of the fire hydrants.

Manager Sheola also felt that there was no general problem; maybe the contractors when they are working in the community.

Manager Sheola addressed communication #10. This is an invitation to attend a meeting of the Route 57 Conceptual Corridor Plan which deals with Washington Borough and Washington Township. He was planning on attending on Thursday, October 27<sup>th</sup> at 7 PM at the Warren County Technical School Cafeteria. He invited any members of Council to attend this meeting with him.

Vote on Communications: Ayes: 5, Nays: 0. – Motion carried.

**AUDIENCE:**

Mayor Van Deursen entertained remarks, petitions, statements or testimony from the audience on any issues that were not on the meeting agenda.

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

Ayes: 5, Nays: 0.  
Motion carried.

**ORDINANCES:**

**Ordinance #16-2005 – Emergency Response Spill Reimbursement (Final Passage)**

An ordinance to amend the code to Add Chapter 9 to provide for Hazardous Material Response Reimbursement was introduced by Councilman Housel.

It was moved by Housel, seconded by Turner that the Clerk read Ordinance #16-2005 by title only.

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

Ayes: 5, Nays: 0.  
Motion carried.

The Clerk read Ordinance #16-2005 by title only and stated that this ordinance was published in the Star Gazette as required by law, a copy was posted on the bulletin board and copies were available upon request from the Clerk's office.

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

There was no public input but Councilman Housel pointed out that the third line in Section 9-1 should read Office of Emergency Management rather than Civil Defense Division. This will be corrected.

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

Ayes: 5, Nays: 0.  
Motion carried.

It was moved by Turner, seconded by Buoye that Ordinance #16-2005 be adopted on final passage and that final publication be made as prescribed by law.

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

Ayes: 5, Nays: 0.  
Motion carried.

**ORDINANCE #16-2005**

**AN ORDINANCE TO AMEND THE CODE OF THE  
BOROUGH OF WASHINGTON TO ADD CHAPTER 9  
ENTITLED "HAZARDOUS MATERIAL RESPONSE REIMBURSEMENT"**

**WHEREAS**, the State law allows for local units of government to apply for and receive compensation for emergency responses for hazardous incidents; and

**WHEREAS**, the Borough of Washington desires to recover on its behalf and on behalf of its volunteers, desire to recover necessary, reasonable and extraordinary costs incurred by necessary, reasonable and extraordinary costs incurred by the Fire Department, Police Department and Emergency Management Coordinator, the Washington Emergency Squad and other municipal agencies and departments, beyond their customary and usual services which they provide; and

**WHEREAS**, there is a need to establish procedures for documenting and applying for reimbursement of costs; and

**WHEREAS**, the Mayor and Council believe this amendment to the Code of the Borough of Washington to be in the public interest.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Code of the Borough of Washington is hereby amended as follows:

**SECTION I.** Chapter 9 the Code of the Borough of Washington shall be entitled, "Hazardous Material Response Reimbursement".

S9-1. Purpose.

This chapter authorizes certain employees of the Borough of Washington to file claims for recovery of certain emergency service costs incurred by the Washington Borough Fire Department, Washington Borough Police Department, Washington Borough Emergency Management, and any other department, office or agency of the Borough of Washington called to respond beyond the customary and usual costs for services provided by these entities in connection with hazardous material incidents.

S9-2. Definitions.

The following terms shall have the meanings indicated:

- A. COSTS - Shall include both direct and indirect costs.
- B. DIRECT COSTS - Shall include replacement costs for supplies and materials used and expended, the actual hourly cost for labor for full and part-time employees of the Borough and the labor value established at the time of the incident for volunteers, and the hourly value for equipment and vehicle usage.
- C. INDIRECT COSTS - Shall include costs for administration, employee benefits, and overhead costs such as utilities and building use fees established at the time of the incident.
- D. MANPOWER COSTS – Manpower costs will be the costs incurred for manpower expended as a result of a hazardous materials incident occurring in the Borough, including but not limited to a Police personnel, Volunteer Fire Department personnel, Volunteer EMS personnel and Road Department personnel. Reimbursement shall be at such rates as the individual who is assigned such duty is normally paid, comparable value of volunteers established by standard values, including overtime, if necessary, at which rates will be calculated at the time of the incident.

- E. EXPENDABLE ITEMS – Any items used to extinguish or control any fire or stop or contain any release involving a hazardous material which becomes damaged, cannot be reused or replaced, without costs, after that particular fire or release. These items include, but are not limited to, tools, equipment, fire-fighting foam, chemical extinguishing agents, absorbent materials, recovery drums and specialized recovery equipment, responders' personal protective equipment and breathing apparatus.
- F. HAZARDOUS MATERIAL – Any material solid, liquid or gas, listed and/or regulated as a hazardous material by the United States Department of Transportation (DOT) and The National Institute for Occupational Safety and Health (NIOSH). To include, but not be limited to, any substance or material judged to be a danger to the health and safety of the general public by the emergency response personnel at the scene of an incident.
- G. VEHICLE – Any motorized equipment, registered or unregistered, including but not limited to passenger cars, motorcycles, trucks, boats, tractor-trailers, construction equipment, farm machinery and gardening equipment.
- H. VESSEL – Any container, drum, box, cylinder or tank used to hold or contain or carry or store any hazardous material.
- I. RELEASE – Leak, spill, dumping, purging, escape, whether accident or negligent, of hazardous materials.
- J. FIRE APPARATUS – Vehicle or vehicles used at scene during incident.

S9-3. Authorization to Recover Costs.

- A. The governing body of the Borough of Washington authorizes the Municipal Emergency Management Coordinator and in his or her absence the Deputy Municipal Management Coordinator under the supervision of the Borough Manager, to recover any and all direct and indirect costs beyond the customary and usual costs for emergency services provided by the Washington Borough Fire Department, Washington Borough Police Department, Washington Borough Office of Emergency Management and any other department, office or agency of the Borough of Washington called to respond in an emergency services capacity both within and outside the geographic limits of the Borough of Washington.

- B. The governing body of the Borough of Washington authorizes the Municipal Emergency Management Coordinator and in his or her absence the Deputy Municipal Emergency Management Coordinator under the supervision of the Borough Manager, to recover any and all direct and indirect costs resulting from damage to real or personal property or injuries to person or persons beyond the customary and usual costs for emergency services provided by the Washington Borough Fire Department, Washington Borough Police Department, Washington Borough Office of Emergency Management and any other department, office or agency of the Borough of Washington called to respond in an emergency services capacity both within and outside the geographic limits of the Borough of Washington.
- C. Costs may be charged and invoiced to any person, partnership, corporation, association, firm or other legal entity for whom or for whose property such services were rendered and/or materials provided whether through accident, negligence or otherwise.
- D. The authority to recover cost under this Chapter shall not include emergency service responses normally and usually provided by the Fire Department in actual fire suppression.

S9-4. Hazardous Substances.

All cleanup and removal costs and all direct and indirect damages actually incurred in connection with a hazardous substance discharge and allowed by the Spill Compensation and Control Act (N.J.S.A. 58:10-2.11 et. Seq.) and the New Jersey Administrative Code (N.J.A.C. 7:1J et. Seq.) shall be identified to the extent practical and submitted for reimbursement as provided in this Chapter. The Claim Administrator shall comply with N.J. Administrative Code Chapter 1J, Subchapter 6 procedures for filing of claims under the Spill Compensation and Control Act in the event recovery of costs is sought from this source.

S9-5. Claim Administrator.

The Municipal Emergency Management Coordinator shall be designated the Claim Administrator and shall be responsible for collecting the required documentation in order to file a claim for reimbursement of costs and shall be responsible for filing any and all claims for reimbursement of costs. The Municipal Emergency Management Coordinator may request the assistance of the Borough Manager and the Borough Treasurer, as well as the heads of all of the responding entities to a hazardous substance discharge in completing any applications, affidavits, certification or forms required in order to file a claim for reimbursement of costs. In the event the Municipal Emergency Management Coordinator is unable to perform the duties of Claim Administrator, the

Deputy Emergency Management Coordinator shall be responsible to undertake the responsibilities required by this Chapter.

S9-6. Claim Filing.

- A. The Claim Administrator shall exercise his or her best efforts to obtain reimbursement of costs from any source from which reimbursement of cost is reasonably likely to be available, including, without limitation, insurance policies, court awards, contractual rights, grants or other financial assistance and other remedies provided under statutory or common law including the Spill Compensation and Control Act (N.J.S.A. 58:10-12.11 et. Seq.).
- B. In the event of failure to make payment within 30 days of notice of final demand by the Claim Administrator, the governing body of the Borough of Washington may elect to bring action in a Court of competent jurisdiction for the collection of any amount due hereunder plus attorney's fees or for any other relief that may be appropriate.

S9-7. Dedication by Rider.

The Borough Manager is authorized to seek approval of the New Jersey Department of Community Affairs, Division of Local Government Services for a dedication by rider to the annual municipal budget for revenue obtained as a result of claim filing in accordance with this Chapter and the appropriation of said revenue for the purposes to which said revenue was obtained. In the event a dedication by rider in accordance with N.J.S.A. 40A:4-39 is not approved, any revenues recovered shall be deposited into the Borough's General Fund.

**SECTION II.** This Ordinance shall take effect upon its adoption and final publication in accordance with law.

**REPORTS:**

It was moved by Buoye, seconded by Turner that the Recreation Commission, Police, Trial Balance, Collector-Treasurer's, Municipal Court (2), A & E O.T., Road Department O.T., Borough Manager's (2) and Borough Engineer's reports be accepted as presented and filed.

The engineer commented on his report. He reported that the Recreation Commission has discussed changing the entrance on Broad Street to a two way entrance rather than one way. The driveway does meet the standards for two way and striping could be added. He outlined several options that could take place with respect to the Rt. 31 entrance or it could be closed off completely and the Broad Street entrance could be widened. However, widening this entrance some parking would be lost.

It was decided that this discussion would be taken before the Recreation Commission at their meeting the following evening.

The Mid-Block cross-walk has been approved by the D.O.T. The next step is to apply for the necessary permits to complete the work. It could take perhaps another month.

Councilman Turner asked what the status of the research was on the speed bumps proposed for N. Prospect Street? The engineer is still researching this option.

Councilman Turner inquired as to how the pre-construction meeting went with regard to the Carlton Avenue Project. Councilwoman Woykowski was present and a detailed report is available in the Clerk's office in the bid file. She reported that all of the Council's concerns for the safety and welfare of the community was addressed. Bob Miller noted that the project has not been started because of the rain but he expected they would begin work this week either on Thursday or Friday.

Vote on Reports: Ayes: 5, Nays: 0. - Motion carried.

**VOUCHERS:**

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

Councilman Turner noticed that some of the vouchers being paid are from three to four months ago. On Page 7 there was the purchase of fourteen new keys. The Manager noted that they were probably for the new Police Car for the Officers.

Hearing no further discussion, it was moved by Buoye, seconded by Housel that the vouchers and claims be paid in the amount of \$ 1,596,815.59 as reflected in the debit/credit memorandum on file in the Collector/Treasurer's office.

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

Ayes: 5, Nays: 0. – Motion carried.

**OLD BUSINESS:**

**Washington Meadows Update**

This matter will be discussed in Executive Session

**Garbage/Bulk Trash Service Options**

The garbage/bulk trash bids were discussed by the governing body. Our present contract expires December 31st.

Extensive discussion followed at which time several alternative bids will be options that the contractor will bid a price for.

Pick-up Twice a Week rather than Once;  
Pick-up Twice a Week between May 30<sup>th</sup> and the week after Labor Day;  
Increase the # of bags per week (three was suggested by the Code Enforcement Officer);  
Alternate bid - Decreasing bulk pick-up to perhaps quarterly rather than monthly;  
Either changing the split of the costs for the sticker between the Borough/Hauler or remove it entirely from the bid specs and the Borough retains all of the receipts and the Garbage contractor provides the container.

Councilwoman Woykowski suggested that some numbers be run by Council prior to going out to bid. The Manager indicated that it would be impossible to project any of these figures.

Councilman Turner suggested that the pick-up in the Business District be done earlier so as not to create a traffic problem in the downtown.

The Manager will be working on the garbage/bulk trash bids.

**Resolution #166-2005 – Requesting Approval of a Special Item of Revenue in the Budget**

The following Resolution was moved by Housel, seconded by Woykowski that the following Resolution be adopted:

**RESOLUTION #166-2005**

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

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

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey, hereby request the Director of Local Government Services with the Department of Community Affairs to approve the insertion of an item of revenue in the budget of the year 2005 in the sum of \$7,500.00, which item is now available as a revenue from the New Jersey Highlands Council – COAH Grant.

**BE IT FURTHER RESOLVED**, that the like sum of \$ 7,500.00 is hereby appropriated under the caption “NJ Highlands – COAH Grant” Other Expenses outside the CAP.

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

Ayes: 5, Nays: 0.

Motion carried.

**Resolution #167-2005 – Amend Resolution #159-2005 – Complaints Against Employees**

Prior to amending Resolution #159-2005 the Manager explained the reason for this amendment to the Complaint Policy Against Employees. Upon distributing the policy to the departments the Police Chief advised his office the police officers do not come under the jurisdiction of this policy but are addressed by the Attorney General of New Jersey. Therefore the policy must be amended to include Section 10.

It was therefore moved by Housel, seconded by Buoye that the following Resolution be adopted:

**RESOLUTION #167-2005**

**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 authority 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 and 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 appointing 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 action is 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 supercede 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.
10. Police Officers of the Borough of Washington are not covered under this policy as they are specifically addressed in policies established by the Attorney General of the State of New Jersey.

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

Ayes: 5, Nays: 0.  
Motion carried.

**Resolution #1689-2005 – Supporting Transportation Trust Fund**

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

**RESOLUTION #168-2005**

**SUPPORTING THE RENEWAL OF THE NEW JERSEY  
TRANSPORTATION TRUST FUNDS AND INCREASED  
DEDICATION FOR LOCAL AID**

**WHEREAS**, on June 30, 2006 the New Jersey Transportation Trust Fund will have no capital funding available to provide local aid for transportation projects because all incoming revenue will be used for debt service payments; and

**WHEREAS**, local governments have received approximately \$2.0 billion from the Transportation Trust Fund and approximately \$ 300 million in bridge funds; and \$275 million in federal local road funds; and

**WHEREAS**, local roadways and bridges carry 55% of the traffic on country, municipal and state highways; and local governments maintain 32,810 centerline miles of roads, 2,498 major bridges and 4,584 minor bridges; and

**WHEREAS**, a review of annual local transportation needs indicates \$211 million for county bridges, \$7.5 million for municipal bridges, \$44 million for county roadways and \$112 million for municipal roadways for a total of \$374.5 million; and

**WHEREAS**, it is imperative that local governments receive a stable, dependable and long-term source of funding to actively maintain the State's roadways and bridges; and

**WHEREAS**, it is in the best interest of local governments to work in collaboration with the Governor of the State of New Jersey, the Commissioner of the New Jersey Department of Transportation and the New Jersey State Legislature to quantify the State's transportation needs and pursue the appropriate methods of funding:

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Washington hereby calls upon the Governor and the State Legislature to provide for a stable, dependable and long-term source of funding to support the renewal of the New Jersey Transportation Trust Fund and an increase in the amount dedicated to local aid.;

**AND, BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to the Governor of the State of New Jersey, the Commissioner of the Department of Transportation and members of the State Legislature and the New Jersey League of Municipalities.

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

**Resolution #169-2005 – Opposing Exclusion of State from Cap Law**

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

**RESOLUTION #169-2005**

**RESOLUTION OPPOSING EXCLUSION OF STATE FROM CAP LAW**  
**“Goose and the Gander”**

**WHEREAS**, N.J.S.A. 401A:4-45 et seq. declares that it is the policy of the legislature that spiraling costs of local government must be controlled to protect the homeowners of the State and enable them to maintain their homesteads; and

**WHEREAS**, N.J.S.A. 40A:4-45.2 prohibits Counties and Municipalities from increasing their final appropriations by more than 2.5% of the cost-of-living adjustment, whichever is less, over the previous year's appropriations, which is referred to as the "CAP Law"; and

**WHEREAS**, N.J.S.A. 40A:4-45.2 sets forth the items of appropriations that must be included in the "CAP" which include amounts of revenue generated by an increase in assessments' amounts approved by referendum, expenditures for the assumption of any service or function of a local public utility; and

**WHEREAS**, local elected officials are extremely aware of the burden imposed upon their taxpayers and exercise appropriate fiscal and community responsibility in the adoption of their respective budgets; and

**WHEREAS**, the State of New Jersey government does not have the same or similar law limiting how its budget increases from year-to-year, or does the State have a "CAP law" to limit its appropriations; and

**WHEREAS**, without limitations on the amount the Government of the State of New Jersey may increase its budget, taxpayers are vulnerable to rising tax burdens in each year; and

**WHEREAS**, in the spirit of tax relief, the State of New Jersey should voluntarily subject itself to the same financial controls that it has imposed on Municipalities, Counties, Authorities and School Districts.

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

1. It requests that legislation be enacted to impose limits on the annual New Jersey State Budget to include spending limitations comparable to those required of Municipalities, Counties, Authorities and School Districts; and
2. A certified copy of this resolution be forwarded to Acting Governor Codey, the representatives of the 30<sup>th</sup> legislative district, all New Jersey Boards of Chosen Freeholders and all 566 municipalities in the State of New Jersey.



**Resolution #171-2005 – Authorizing Refund of 2005 Tax Overpayment**

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

**RESOLUTION #171-2005**

**A RESOLUTION AUTHORIZING A REFUND  
OF 2005 TAX OVERPAYMENT**

**WHEREAS**, the Tax Collector's records show an overpayment of \$ 3.87 for a second quarter 2005 taxes by Option One Mortgage, through LSI Tax Service, on behalf of Mariann Stillwagon, Block 100, Lot 43, known as 65 Cornish Street, Washington NJ.

**WHEREAS**, the Tax Collector's office has received a written request that the above amount should be refunded to:

Option One Mortgage  
3100 New York Drive  
Pasadena CA 91107  
Dallas, TX 75270

Attn.: Bryan O'Hara  
Property Tax Research Specialist

**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 is authorized to refund the above duplicate payment amount as directed.

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

Ayes: 5, Nays: 0.  
Motion carried.

**Resolution #172-2005 – To Void a Check**

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

**RESOLUTION #172-2005**

**A RESOLUTION TO VOID A CHECK**

**WHEREAS**, Check #047858 was written October 5, 2005 on Washington Borough's Operating Fund #8102360230 in the amount of \$ 37.25 and payable to Taylor Rental, Inc., 255 Rt. #31, South, Washington, NJ 07882; and

**WHEREAS**, the Treasurer's office was informed that the invoice from this vendor was already paid. A replacement check is not necessary.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Washington that the Treasurer be authorized to void Check #047858.

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

Ayes: 5, Nays: 0.  
Motion carried.

**Resolution #173-2005 – To Void a Check**

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

**RESOLUTION #173-2005**

**A RESOLUTION TO VOID A CHECK**

**WHEREAS**, Check #047799 was written September 21, 2005 on Washington Borough's Operating Fund #8102360230 in the amount of \$ 61,286.00 and payable to Wachovia Bank, N.A., 75 Eisenhower Parkway, Roseland, NJ 07068; and

**WHEREAS**, the Treasurer's office was informed that the check was not received by Wachovia Bank. A wire transfer for \$ 61,286.00 was sent to Wachovia on 10/5/05 to pay the Debt Service, which was due by 10/1/05. A replacement check is not necessary.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Washington that the Treasurer be authorized to void check #047799.

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

Ayes: 5, Nays: 0.  
Motion carried.

**Resolution #174-2005 – To Void a Check**

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

**RESOLUTION #174-2005**

**A RESOLUTION TO VOID A CHECK**

**WHEREAS**, Check #047565 was written September 7, 2005 on Washington Borough's Operating Fund #8102360230 in the amount of \$ 340.00 and payable to Penn Well/FDIC East, for two firemen's conference registration fees; and

**WHEREAS**, the Treasurer's office was informed that the firemen did not attend the conference. A replacement check is not necessary.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Washington that the Treasurer be authorized to void check #047656.

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

Ayes: 5, Nays: 0.  
Motion carried.

**Resolution #175-2005 – To Void a Check**

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

**RESOLUTION #175-2005**

**A RESOLUTION TO VOID A CHECK**

**WHEREAS**, Check #046957 was written April 20, 2005 on Washington Borough's Operating Fund #8102360230 in the amount of \$ 39.80 and payable to Angela Wallace, 40 West Johnston St., Washington, NJ 07882; and

**WHEREAS**, the Treasurer's office has attempted to contact Angela Wallace with no response.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Washington that the Treasurer be authorized to void Check #046957.

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

Ayes: 5, Nays: 0.  
Motion carried.

**Resolution #176-2005 – Rejecting Bids for Belvidere Avenue Project**

Prior to entertaining a motion to adopt this resolution Councilman Turner questioned whether he had to abstain from voting on this resolution as he lives on this street. The attorney did not see any reason for Councilman Turner to abstain.

Councilman Buoye asked what the estimated cost of this project was? The engineer had estimated the project at \$ 410,000.00. Engineer Miller noted that several of the items were priced very high. The specs call for removal of concrete and asphalt prices were high.

Councilman Turner questioned why all of the road projects were not bid as one project? The engineer noted that a contractor may not be able to bid all at the same time and it would depend on the crews they had working for them. It is better to bid each project out by itself.

Hearing no further discussion, it was moved by Buoye, seconded by Turner that the following Resolution be adopted:

**RESOLUTION #176-2005**

**A RESOLUTION REJECTING BIDS FOR  
RECONSTRUCTION OF BELVIDERE AVENUE**

**WHEREAS**, the Borough publicly bid the construction of said project and on October 14, 2005 opened the bids for the project; and

**WHEREAS**, two bids were received for the project as follows:

<b>Intercounty Paving Associates Hackettstown, NJ</b>	<b>\$ 1,285,122.85</b>
<b>TILCON Paving Mt. Hope, NJ</b>	<b>\$ 815,730.00</b>

**WHEREAS**, the Mayor and Council of the Borough of Washington wish to reject the bids for this work as they exceed the budgeted amount.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey to reject the bids for the Reconstruction of Belvidere Avenue and authorize a re-bid; and

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be forwarded to Robert Miller, C.M.E., Borough Engineer and Richard Sheola, Borough Manager.

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

Ayes: 6, Nays: 0.  
Motion carried.

**Resolution #177-2005 – Awarding the Bid for Youmans Avenue Sidewalks and Overlay Project**

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

**RESOLUTION #177-2005**

**A RESOLUTION AWARDING CONTRACT FOR  
RECONSTRUCTION OF YOUMANS AVENUE SIDEWALK  
& OVERLAY.**

**WHEREAS**, the Borough publicly bid the construction of said project and on October 14, 2005 opened the bids for the project; and

**WHEREAS**, two bids were received for the project as follows:

Intercounty Paving Associates Hackettstown, NJ	\$ 428,466.00
TILCON, Inc. Mt. Hope, NJ	\$ 273,040.00

**WHEREAS**, the Mayor and Council of the Borough of Washington wish to award the contract for this work 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 that we award a construction contract to TILCON, Inc. in the amount of \$ 273,400.00 funded by Ordinance #8-2005, Account #02-00-0490-2-3033-3355 with a Sufficiency of Available Funds Statement made part of this Resolution; and

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be forwarded to the TILCON, Inc., Robert Miller, C.M.E., Borough Engineer and Kay Stasyshan, Borough Treasurer.

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

Ayes: 6, Nays: 0.  
Motion carried.

**Resolution #178-2005 – Awarding the bid for East Church Street and School Street Project**

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

**RESOLUTION #178-2005**

**A RESOLUTION AWARDING CONTRACT FOR RECONSTRUCTION OF EAST CHURCH STREET OVERLAY & SCHOOL STREET DRAINAGE.**

**WHEREAS**, the Borough publicly bid the construction of said project and on October 14, 2005 opened the bids for the project; and

**WHEREAS**, two bids were received for the project as follows:

Intercounty Paving Associates Hackettstown, NJ	\$ 400,038.80
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TILCON, Inc. Mt. Hope, NJ	\$ 199,999.00
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**WHEREAS**, the Mayor and Council of the Borough of Washington wish to award the contract for this work 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 that we award a construction contract to TILCON, Inc. in the amount of \$ 199,999.00 funded by Ordinance #8-2005, Account 02-00-0490-2-3033-3355 with a Sufficiency of Available Funds Statement made part of this Resolution; and

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be forwarded to the TILCON, Inc., Robert Miller, C.M.E., Borough Engineer and Kay Stasyshan, Borough Treasurer.

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

Ayes: 6, Nays: 0.  
Motion carried.

**Resolution #179-2005 – Approving form of Bond for John Helgesen**

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

**RESOLUTION #179-2005**

**BOROUGH OF WASHINGTON**  
**WARREN COUNTY, NEW JERSEY**

**RESOLUTION TO APPROVE FORM OF BOND**  
**FOR JOHN HELGESEN, BLOCK 25.01, LOT 3**

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Washington, Warren County, New Jersey, that the Performance Surety Bond, Bond #5016197 issued by the Bond Safeguard Company for the benefit of John Helgesen is hereby approved as to form and accepted as a Performance Guaranty.

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

Ayes: 5, Nays: 0.  
Motion carried.

**COUNCIL REMARKS:**

Mayor Van Deursen polled Council for their remarks.

Mayor Van Deursen attended the Open House of the Dorothy Blake House in the Borough on Broad Street. The Borough was presented with a plaque. Patricia Sweeney, Director commended the Borough staff for their cooperation and welcome into the community.

Mayor Van Deursen also commended the Fire Department and all emergency personnel in their response to the residents as a result of the nine inches of rainfall the community experienced.

Councilman Turner reported on the Brownfields grant writing seminar he attended with the Manager. The seminar was very informative and interesting and the Borough can certainly benefit from it.

Councilman Buoye stated that the Borough is very fortunate to have the dedicated volunteers who assisted the community during the heavy rainfall and good neighbors as well.

Councilman Housel also commended the Fire Department, Police, Emergency Squad and Emergency Management Coordinator for the fine job they did during the heavy rain storm.

Councilman Housel was concerned with the open trench on S. Prospect Street for the sanitary sewer project. The trench has been open in the street.

Manager Sheola noted that the contractor was out of town for two weeks. He reported that the Road Department went out to fill in a lot of the trenches and the contractor will be billed for this work.

Councilwoman Woykowski noted that S. Prospect Street does need some attention. The gas trench needs to be attended to and shouldn't be open.

Councilwoman Woykowski wanted to echo everyone's statements on commending the Fire Department, Police and all emergency personnel on the wonderful job they did.

Councilwoman Woykowski reported on the Highlands Meeting Award Ceremony. The Borough received two grants, one for \$ 52,000 and an additional grant of \$ 75,000.00.

Manager Sheola reported on the house fire on Myrtle Avenue and commended the Fire Department and neighboring fire departments for a job well. In observing them at work it looked like a symphony of volunteers working together and everyone knew their job and exactly how to do it. Hats off to everyone who participated. They did an outstanding job.

**Executive Session**

It was moved by Housel, seconded by Turner that the Council go into **Executive Session** to discuss potential litigation.

Ayes: 5, Nays: 0.  
Motion carried.

It was moved by Housel, seconded by Woykowski that Council go back into open session at 9:40 PM.

Ayes: 5, Nays: 0.  
Motion carried.

Hearing no further business to come before Council, it was moved by Housel, seconded by Woykowski that the meeting be adjourned at 9:40 PM.

Ayes: 5, Nays: 0.  
Motion carried.

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Marianne Van Deursen, Mayor

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Linda L. Hendershot, RMC/CMC  
Borough Clerk