

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY  
WASHINGTON BOROUGH COUNCIL MINUTES – July 5, 2006**

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

Roll Call: Woykowski, Oakley, Turner, Buoye, and Van Deursen – Present.  
Housel and Glaser – Absent.

Also Present: Richard J. Sheola, Borough Manager  
Richard P. Cushing, Esq., Borough Attorney  
Kristine D. Blanchard, RMC, Borough Clerk

The flag salute was led by Mayor Van Deursen.

Mayor Van Deursen read the following Statement into the Record:

“The requirements of the ‘Open Public Meetings Law of 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 – June 20, 2006**

Mayor Van Deursen entertained additions or corrections to the minutes of the regular meeting of June 20, 2006.

The following corrections were noted: Manager Sheola stated the minutes should reflect that he arrived at the June 20, 2006 at 8:30 p.m.

Page 26, paragraph 8: Councilwoman Woykowski suggested a change in language in paragraph 3-12 of the Borough Code from, “*approval of the Mayor*” to “*approval of the Mayor and Council*”. The council concurred.

Hearing no additional corrections, it was moved by Turner, seconded by Oakley that the minutes of June 20, 2006 be approved with corrections.

Ayes: 4, Nays: 0.  
Abstain: 1 (Buoye)  
Motion Carried

**COMMUNICATIONS:**

The following communications were entered into the Record:

1. NJLM Re: League Sponsors Anti-Gang Programs
2. Comcast Fax Re: Rate Adjustment
3. Comcast: Comcast Sponsorship of the Festival in the Borough
4. NJLM Re: Prompt Payment of Construction Contracts & Expansion of Health Coverage.
5. Comcast Fax Re: WPIX the Tube
6. NJLM Re: Update on Interlocal Services.
7. NJLM Re: Brownfields Seminar
8. Cozen & O'Connor Re: Joint Petition of New Jersey American Water Company, Inc., Elizabethtown Water Co., and Mount Holly Water Co. for Approval of Increased Tariff Rates and Charges for Water and Sewer.
9. NJLM Re: Redevelopment and Eminent Domain Reform.
10. NJLM Re: Prompt Pay Proposal.
11. NJLM Re: State Budget Deadlock Threatens Tax Relief.

Hearing no additional comments it was moved by Turner, seconded by Oakley that the communications numbered #1 thru #11 be acknowledged, received and filed.

Ayes: 5, Nays: 0.  
Motion carried.

**AUDIENCE:**

Mayor Van Deursen entertained remarks from the audience on items that do not appear on the meeting agenda.

**Kevin Patrick Turner – 41 Grand Avenue –** Mr. Turner requested an update from the Borough Manager in reference to damage that was done to his car last year during construction on Grand Avenue. Mr. Turner stated he was denied by the Borough's insurance company and that he would have to seek damages from the contractor's insurance company. He spoke with the contractor and was informed that the contractor's insurance expired on July 1, 2006.

Manager Sheola informed Mr. Turner that the contractor's insurance was in effect at the time of the incident.

Attorney Cushing suggested that the agent be contacted in this matter. Manager Sheola stated that he would contact the agent of record for the contractor's insurance. Mayor Van Deursen suggested that Manager Sheola contact the Borough's Risk Manager and the insurance agent and try to rectify the situation for Mr. Turner.

Attorney Cushing asked Mr. Turner how much the amount of the claim was for. Mr. Turner stated the claim was for \$515.00

Manager Sheola informed Mr. Turner that he would be in touch with him as soon as he spoke to the appropriate parties.

Mr. Turner thanked the Mayor and Council for their time.

**Jack Paulus – Principal, Warren Hills Middle School** – Mr. Paulus stated that he would like to testify before the Mayor and Council in reference to the proposed Curfew Ordinance. He explained that the middle school's primary concern is during school hours. The middle school has had an increase in attendance problems over the last year. He stated that the cases pursued in municipal courts have been moved to Belvidere. He has spoken with the Warren County Prosecutor's office and was informed that they can't do anything until it goes through Crisis.

Mr. Paulus also explained to Council that the law states, if a child is not in school five consecutive days the school needs to send the police to the home to inquire about the child. He stated that because of truancy, the attendance at the middle school is off the charts. The middle school is facing corrective action this year due to the No Child Left Behind Act.

Mayor Van Deursen asked Mr. Paulus if he supports the Curfew Ordinance. Mr. Paulus stated that he does support the adoption of the Curfew Ordinance.

Attorney Cushing asked Mr. Paulus how serious is the truancy at the middle school. Mr. Paulus stated they have had 27 cases of truancy this year. The attendance in prior years was much better when they were able to take the families to court. It puts pressure on the parents to make sure their children are getting to school and staying there.

Mr. Cushing asked Mr. Paulus to define truancy. Mr. Paulus stated that truancy is defined as an unauthorized absence from school.

**Dave Smith – Assistant Principal - Warren Hills Middle School** – Mr. Smith stated that of the 27 documented truancies, in many cases, the child was seen in town, either on the shuttle, or walking down the street. When the parents were contacted, the parents claimed that they were supervising their children all day. Mr. Smith stated that there is nothing that they can do about that. He has spoken with the Assistant Prosecutor in Belvidere and has been told that the school would never win the truancy case if a parent states that the child was with him/her all day.

Councilwoman Oakley asked Mrs. Smith what would happen if a child is truant, and something happens to that child, for example: gets hit by a car, who would bear the burden of that, the parent or the school?

Mr. Smith replied that if the child never set foot in the school than probably the parent. If a child entered the school and left the premises, the school would probably be responsible for that child.

Councilwoman Oakley stated that her concern is the parent that believes their child is at school.

Mr. Smith stated that the school uses an automated calling system to call the parent and report the absence.

Mayor Van Deursen asked Mr. Smith if he was in favor of the Curfew Ordinance. Mr. Smith stated that he was in favor of the Curfew Ordinance.

Councilwoman Woykowski inquired if the number of times that children are being truant increased or the number of children truant increased. Mr. Smith replied

that the Warren Hills Middle School enrollment decreased this year by 60 students and the truancies, absences, and tardiness increased.

**Lance Rosa – Superintendent of Borough Schools** - Mr. Rosa stated that he has less of an occurrence of truancy than the middle school; probably about 8 cases which is a slight increase over the past few years. Mr. Rosa also stated that he is in favor of the Curfew Ordinance however; he wanted to point out that the overwhelming majority of the youngsters are doing the right thing, and that council should recognize that these students may be engaged in lawful activities beyond 11:00 p.m.

**Maria Liloia – 117 Sunrise Terrace** – Mrs. Liloia stated that she has lived in the Borough for 19 years, and has been a volunteer in the Borough as well. She stated that she appreciates what the Council is doing for the community however, she is not in favor of the Ordinance because of the way it was written. Mrs. Liloia stated that the way the ordinance is written, it is attacking an entire population of children who may be out doing lawful activities during school hours and in the evening.

Mrs. Liloia stated that truancy is already a punishable offense. If the truancy laws were completely enforced, then there would be no need for the curfew. She stated it is the same with loitering and vandalism. These are already punishable offenses in the Borough and adding the curfew will not benefit the community.

She stated the way the ordinance is written, children need written permission to be out during the curfew hours. She has a child that is home schooled and who is out in the public during the day. She does not want to have her child carry a paper when he is doing a lawful activity. Mrs. Liloia asked Council to re-write the Ordinance.

Attorney Cushing asked Mrs. Liloia what she would like added to the Ordinance that would address some of her concerns. Mrs. Liloia stated that at this point she would like to see it dismissed and voted against. If the ordinance is passed the police would have every right to stop them and ask them for papers and if they didn't have those papers they would be faced with community service and up to a \$1,000.00 fine. She explained that the Ordinance states that children need permission **prior** to being stopped.

Attorney Cushing stated that as long as the child has the parent's permission to be out there would be no penalties. He asked if the phrase "prior to" was removed, would she be more comfortable with the Ordinance. Mrs. Liloia stated that she would have to see it re-written and would be happy to give her opinion at that time.

Attorney Cushing also pointed out that loitering is not a punishable offense and has been deemed unconstitutional.

**Laurie Finnegan – 23 Youmans Avenue** – Mrs. Finnegan stated that she wanted to discuss the Curfew Ordinance. She stated that she is against this curfew, and as the mother of ten children, she believes that passing this ordinance, the Borough is infringing upon her and her children's freedom.

Mrs. Finnegan stated that the police have the right to question the children now if they are out during school hours. She also stated that if the Borough saw more police foot patrol it may make a difference. Mrs. Finnegan pointed out that by listening to the educators this evening, it sounded as if the problem is with the Crisis Division in Belvidere.

She also stated that 1/3 of the people in the Borough live in single family homes, and 1/3 of those people live in poverty. She asked Council how fining people are going to help them with their children. She stated the Borough should want to help families and strengthen them. She stated that the Curfew Ordinance is an injustice to the children of Washington Borough and an infringement upon their civil liberties.

**Jim Benson – 96 Ryeman Rd Washington Township, Manager of Quick Chek -** Mr. Benson stated that there is definitely a problem with loitering and truancy during the day. It is not uncommon to see 12 year old children out at 2:00 a.m. Quick Chek has done everything they could think of to try and stop the loitering such as, replacing windows, putting up no loitering signs, etc. Mr. Benson stated that he is in support of the Ordinance.

**Ann Hardiman – West Stewart Street –** Ann Hardiman stated that she has concerns about the Loitering Ordinance being replaced with the Curfew Ordinance. She asked why the police were unable to stop loitering on private property.

Attorney Cushing stated that the police can enforce “no trespassing” on private property, but not loitering on a public road or public place.

Ann Hardiman inquired whether or not the school lost funding due to truancy. Mr. Smith, Assistant Principal stated that funding is not an issue, but the school certainly has to report its daily attendance as part of the No Child Left Behind Act.

Ann Hardiman also wanted to update council on the incident on North Prospect Street. She found out recently that the police report she filed when the child was hit by the car, was not on file and this was the second time a report she filed was missing.

Mayor Van Deursen asked Ann Hardiman if she was in favor of the Curfew Ordinance. She replied she was not in favor of the Curfew Ordinance.

**Josh Devoe – 7 Fairview Ave – Lt. Washington Borough Fire Department.** Mr. Devoe wanted to make the Mayor and Council aware that in 2008 it will be the 125<sup>th</sup> Anniversary of the fire department. At this time, the fire department is scheduling a parade for June 7, 2008. Mr. Devoe stated that he will keep Council up to date with the status of the festivities every couple of months.

**Officer Magyar – Washington Police Department –** Officer Magyar stated that he wanted to keep the Mayor and Council up to date on the recent occurrences in the Borough while council is still considering the Curfew Ordinance. Officer Magyar discussed with Council the recent calls regarding juveniles. The Police Department has had 29 calls regarding juveniles between 10:00 a.m. and 4:00 a.m. since June 20, 2006. Out of those calls there have been six arrests. Officer Magyar wanted council to understand that these are the problems the Police Department is facing.

Officer Magyar also stated that he would be supportive of the re-writing of the ordinance to eliminate the need for a child to carry a note from his parents stating he/she is home schooled, works at night, etc. Officer Magyar suggested that the Police Department keep a log book of these children identified as exempt.

Attorney Cushing asked Officer Magyar if he was using the log book now or did he plan on using the log book after the ordinance was adopted. Officer Magyar stated that

if the Ordinance goes into affect then this log book will be used. Attorney Cushing requested that the log book be faxed to him for review.

Attorney Cushing also asked Officer Magyar if the Police Department intended to follow up with the parents or guardians of the children they questioned. Officer Magyar stated that is what procedure will be.

Attorney Cushing inquired as to how Officer Magyar felt if the Ordinance was amended to state that the investigating officers initially would not apprehend the children, but simply follow up with the parent/guardian as long as the children provided factual information.

Officer Magyar replied that he would be fine with that scenario, and added that the Police Department had intended to operate in that manner.

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

Ayes: 5 Yes, Nays: 0.  
Motion carried.

### **ORDINANCES:**

#### **Ordinance #12-2006 – AN ORDINANCE TO AMEND SECTION 94-40 BUFFERS OF THE CODE OF THE BOROUGH OF WASHINGTON AS PERTAINING TO THE AR-7 ZONE. (Final Passage)**

Mayor Van Deursen entertained a motion to introduce **Ordinance #12-2006**.

An Ordinance to Amend Chapter 94-40 Buffers of the Code of the Borough of Washington as Pertaining to the AR-7 Zone was introduced by Councilwoman Oakley.

It was further moved by Oakley, seconded by Turner that the Clerk read Ordinance #12-2006 by title only.

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

Ayes: 5, Nays: 0.  
Motion carried.

The Clerk read Ordinance #12-2006 by title only and stated that this ordinance had been published in the Star Gazette as required by law, a copy was posted on the bulletin board, and copies are available from the Clerk's office upon request.

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

Hearing none, it was moved by Oakley, seconded by Turner that the public hearing portion of the ordinance be closed.

Ayes: 5, Nays: 0.  
Motion carried.

Council Discussion: None.

It was therefore moved by Turner, seconded by Oakley that Ordinance #12-2006 be adopted on final passage and that final publication be made as prescribed by law.

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

Ayes: 5, Nays: 0.  
Motion carried.

**BOROUGH OF WASHINGTON  
ORDINANCE #12-2006**

**AN ORDINANCE TO AMEND SECTION 94-40 – BUFFERS - OF THE CODE OF  
THE BOROUGH OF WASHINGTON AS PERTAINING TO THE AR-7 ZONE**

- F. Notwithstanding any of the provisions contained herein to the contrary, where a non-residential development abuts the Active Adult Residential Zone District created by Ordinance 14-2005, the buffer area shall be ten (10) feet in width.

**Ordinance #13-2006 – AN ORDINANCE OF THE BOROUGH OF  
WASHINGTON AUTHORIZING THE ACQUISITION OF CERTAIN PARCELS  
OF REAL ESTATE. (Final Passage)**

Mayor Van Deursen entertained a motion to introduce **Ordinance #13-2006**.

An Ordinance Authorizing the Acquisition of Certain Parcels of Real Estate was introduced by Councilman Turner.

It was further moved by Turner, seconded by Oakley that the Clerk read Ordinance #13-2006 by title only.

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

Ayes: 5, Nays: 0.  
Motion carried.

The Clerk read Ordinance #13-2006 by title only and stated that this ordinance had been published in the Star Gazette as required by law, a copy was posted on the bulletin board, and copies are available from the Clerk's office upon request.

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

Hearing none, it was moved by Oakley, seconded by Turner that the public hearing portion of the ordinance be closed.

Ayes: 5, Nays: 0.  
Motion carried.

**Council Discussion:**

Councilwoman Woykowski stated that she would like to hear an explanation regarding the correlation between Ordinance 13-2006 and Resolution 155-2006.

Attorney Cushing explained that the purpose of the Ordinance is to authorize the Borough to acquire three properties. The Resolution authorizes the Mayor and Council to execute the agreement, when the Borough Attorney is satisfied with the contract. The agreement is an assignment of the Van Cleef contracts to the Borough.

Councilman Turner questioned item number three. Councilman Turner stated that he was under the impression that the entire paragraph was eliminated according to his notes. He explained that this paragraph sounds like it gives the Borough Manager and Borough Attorney permission to acquire other properties without Mayor and Council consent.

Attorney Cushing stated that the paragraph in question pertains to the three property owners only. He also stated that he would revise the line to read, “these three properties only.”

Councilwoman Woykowski stated that in item number four in the last line. The line, “pursuant to this Ordinance” implies freedom to the Borough Manager and Borough Attorney to condemn without prior approval.

Attorney Cushing explained that the paragraph includes, “with Mayor and Council approval.”

Attorney Cushing also explained that discussions are ongoing with Mr. Van Cleef’s attorney. Attorney Cushing noted that Councilwoman Woykowski had concerns about the Borough being paid the \$750,000.00 and what would happen if Mr. Van Cleef decides not to pursue the project.

Councilwoman Woykowski also pointed out that the deadline for entering into the agreement is September 30, 2006 and the deadline for Mr. Van Cleef is January 1, 2007. She stated that she does not see a contingency plan in place.

Attorney Cushing stated that the contracts, with the property owners, are contingent upon receiving the money from Mr. Van Cleef in order to protect the Borough.

It was therefore moved by Turner, seconded by Buoye that Ordinance #13-2006 be adopted on final passage and that final publication be made as prescribed by law.

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



Ayes: 5, Nays: 0.  
Motion carried.

**Resolution 153-2006 – A Resolution Designating Ordinance #13-2006 to be an Emergency Ordinance.**

A motion was made by Buoye, seconded by Oakley that Resolution 153-2006 be adopted.

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

Ayes: 4, Nays: 0  
Abstain: 1  
Motion Defeated

**Resolution 155-2006 – A Resolution Authorizing the Agreement between the Borough of Washington and Mr. Van Cleef.**

**Resolution 155-2006**

**WHEREAS**, the Borough of Washington adopted Ordinance No. 13-2006 which authorized the Borough of Washington to acquire certain parcels of real estate; and

**WHEREAS**, as part of the acquisition of that real estate, the Borough of Washington is about to enter into a contract with John Van Cleef, d/b/a Van Cleef Enterprises which will provide for the acquisition of that property.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Washington, Warren County, New Jersey, that the Mayor and Clerk are authorized to execute all necessary documents, including the contract with John Van Cleef, d/b/a/ Van Cleef Enterprises, providing that said contract contains language that is acceptable to the municipal attorney and approved by council.

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

Ayes: 5 Nays: 0  
Motion Carried

At this time Councilwoman Woykowski made a motion to have the recordings of the Council meetings from June 6 and July 5, 2006 be saved until further notice. This motion was seconded by Councilman Turner.

Ayes: 5, Nays: 0  
Motion Carried.

**REPORTS:**

It was moved by Turner, seconded by Oakley that the Borough Manager's, Borough Clerk's, Recreation Commission, Finance, and WWTP Monthly Operations reports be accepted as presented and filed.

Ayes: 5, Nays: 0  
Motion Carried

Council Discussion:

Councilman Turner stated he was pleased to see a report from the Recreation Commission. Manager Sheola stated that he had several questions for the Recreation Commission and would follow up.

**VOUCHERS:**

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

Council Discussion:

Councilman Buoye questioned the bill from First Byte. He inquired as to whether or not the charges are included in the contract. Manager Sheola explained that unfortunately, the hardware is not covered in the contract.

Councilman Buoye suggested giving the Mayor and Council a copy of the First Byte contract. Manager Sheola will give the Mayor and Council a copy.

It was moved by Buoye, seconded by Turner that that the vouchers and claims be approved for payment in the amount of \$1,356,511.27 as reflected in the debit/credit memorandum on file in the Collector/Treasurer's office.

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

Ayes: 5, Nays: 0.  
Motion Carried.

At this time Councilman Turner made a motion to take a five minute break at 9:45 p.m., seconded by Oakley.

Ayes: 5, Nays: 0  
Motion Carried

Mayor Van Deursen called the meeting back to order at 9:50 p.m.

At this time Mayor Van Deursen deviated from the agenda to entertain Resolution 154-2006.

**Resolution 154-2006 – Treatment Works Approval for Regency at Washington.**

**Resolution 154-2006**

A RESOLUTION AUTHORIZING THE APPLICATION  
FOR TREATMENT WORKS APPROVAL FOR THE  
EXTENSION OF SEWER LINES TO SERVE REGENCY  
AT WASHINGTON

WHEREAS, Jade Development has prepared a Treatment Works Approval Application on behalf of the Borough of Washington for the construction and operations of sanitary sewers to service the Regency at Washington subdivision; and

WHEREAS, the Borough of Washington's sanitary sewer consulting engineers, Hatch Mott MacDonald, have reviewed the plans and specifications for the project and have determined they are in proper form for approval.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey that the Borough of Washington does hereby approve the proposed extension of sanitary sewer to serve the proposed Regency at Washington.

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

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

Ayes: 5, Nays: 0

Motion Carried.

**OLD BUSINESS**

Discussion of Administrative Code, Article II: 3-12, 3-13, 3-15.

Mayor Van Deursen suggested that the Recap of Meeting be included in section 3-12 - Order of Business. Councilwoman Woykowski questioned the Opening and

Reading of Bids. Council concurred that this will be removed from section 3-12 - Order of Business.

Councilman Turner suggested that Council be notified when Bids are going to be opened.

Councilwoman Woykowski suggested that the same be done for pre-construction meetings. Councilwoman Woykowski also stated that she would like section B of 3-12 to read, "Except for emergency matters, which may be added at any time with the approval of the Mayor and Council."

Mayor Van Deursen asked Council if everyone was in agreement with the proposed changes for section 3-12.

Ayes: 5, Nays: 0

Manager Sheola stated that in section D of 3-15 – "Ordinances shall be drafted by the Municipal Attorney" should be changed to "Ordinances shall be drafted by the Municipal Attorney or Borough Manager."

Manager Sheola stated that in section E of 3-15 – "No Ordinances shall take effect less than 20 days after final passage" should be removed.

Attorney Cushing stated that he will confirm that the 20 day waiting period can be removed.

Manager Sheola also stated in Section G it states, "Vote of Council on very ordinance and resolution shall be by roll call vote." Manager Sheola also stated that for Ordinances, Council takes three roll call votes before passing the Ordinance.

Mayor Van Deursen asked Manager Sheola and Attorney Cushing to bring their proposed changes to this section to Council when they are available.

**NEW BUSINESS**

**Resolution 152-2006 – To Refund Overpayment of Sewer Block 2.03 Lot 4**

**RESOLUTION #152-2006**

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

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

<b><u>BLOCK/LOT</u></b>	<b><u>PROPERTY OWNER/ PROPERTY LOCATION</u></b>	<b><u>AMOUNT TO BE REFUNDED</u></b>
2.03/4	Konyok, Cindy 91 McDonald Street	\$ 41.00

The former owner made an overpayment during the closing procedures on the above property location. A refund of \$41.00 should be mailed to the Executor of the Estate of Mary Smith.

Cindy Konyok  
5 Barren Hill  
Easton PA 18042

**WHEREAS**, the Borough Treasurer's office has received a written request that the above amount be refunded.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Borough Treasurer is authorized to refund the above overpayment amount.

### **Broad Street Railroad Crossing**

Manager Sheola stated that the original plan for the removal and repair of the railroad crossing on Broad Street was slated to begin on July 26 and end July 29, 2006, however due to the temporary closing of the State of New Jersey this may be off by a few days. The work will probably begin on a Wednesday with the street re-opening on Saturday.

### **Correspondence from Jim Sheldon – Director of the Business Improvement District.**

Mayor Van Deursen discussed with the Council and Mr. Sheldon the basis of Mr. Sheldon's letter. Mr. Sheldon and the BID are asking the Mayor and Council to waive the fee for Police Services at the "Festival in the Borough."

Mayor Van Deursen explained to Mr. Sheldon that unfortunately, due to budget constraints, any agency using police protection has to fund the overtime.

Mr. Sheldon stated that he would rather reinvest the \$3,500.00 in the downtown area. Mayor Van Deursen and Council concluded that this year the BID would have to fund the police services for the "Festival in the Borough."

Mr. Sheldon asked Manager Sheola for a copy of the invoice from last years "Festival." Manager Sheola will provide the BID with a copy of that invoice.

### **Restitution for Vandalism at the Pool.**

Manager Sheola explained to the Mayor and Council that several months ago there was some minor vandalism at the Borough Pool. The vandals were subsequently caught and the Borough has received word from the Warren County Probation Department that the Borough will receive \$400.00 as restitution from the vandals.

### **RECAP**

Manager Sheola stated that he would contact the Borough's Risk Manager and the Insurance Agent in reference to the status of Mr. Turner's car as discussed in the public portion of the meeting. Manager Sheola also stated that he would provide the Mayor and Council with the contract for First Byte.

Manager Sheola will provide to Jim Sheldon, BID Director the cost of police services from last years “Festival in the Borough.”

Manager Sheola and the Attorney Cushing will provide the revised version of the discussed sections of the Administrative Code at an upcoming meeting.

**COUNCIL REMARKS:**

Mayor Van Deursen polled Council for their remarks.

Councilwoman Oakley wished Kristine Blanchard, good luck in her new job as Municipal Clerk and also stated that she missed the fireworks at the middle school this year.

Councilman Turner inquired as to whether or not the Fourth of July Carnival could be held at the Railroad Ave. Park. Mayor Van Deursen stated that access to the park on Railroad Ave. is limited.

Mayor Van Deursen stated that the problem with parking at this year’s fireworks was a communication issue. Mayor Van Deursen also stated that she would not be at the next Council Meeting and Deputy Mayor Turner would chair the meeting.

Councilman Buoye stated that since he was not in attendance at the last meeting, he wanted to thank Linda Hendershot, former Borough Clerk, for all her years of dedicated service. He also welcomed Kristine Blanchard to the Borough.

Councilwoman Woykowski questioned the status of the Environmental Protection Agency and the monitoring station they want to set up in the Borough. Manager Sheola stated that the EPA wants to do some well testing at a site in the Borough. The EPA wants to park trucks and clean equipment at the sewer plant every day. The proposal and agreement is still being worked out. The Borough is still waiting for the revised agreement from the Environmental Protection Agency.

Councilwoman Woykowski also questioned the status as to Resolution 153-2006. Five council votes are needed in order to pass this type of Resolution. Councilwoman Woykowski stated that she would vote on the Resolution again if there were some clarification. Attorney Cushing stated that if they do not re-vote on the Resolution the Ordinance would go into effect in 20 days.

Mayor Van Deursen asked why this needed to be an emergency ordinance. Manager Sheola stated that if Mr. Van Cleef hands us the money to purchase the property, we won’t be able to legally accept it for another 20 days.

Councilwoman Woykowski stated her concern is the money will be spent out of the redevelopment fund without approval from Council. Manager Sheola stated that money was only spent on a redevelopment group meeting, followed by a meeting with Jack Van Cleef and his attorney.

Attorney Cushing stated that this type of project is very complex. Attorney Cushing stated he respects the Mayor and Council's opinion and is certainly going to obtain the appropriate approvals prior to moving forward with this project.

Councilwoman Woykowski explained that the initial \$250,000.00 will be received by the Borough prior to the signing of the agreements. The Borough's deadline to sign the contracts is September 30, 2006. Councilwoman Woykowski explained that if Mr. Van Cleef does not get the final Planning Board Approval, the Borough is obligated to return the initial payment to Mr. Van Cleef. She stated there will be no obligation between the Borough and Mr. Van Cleef. Councilwoman Woykowski stated that there is no contingency plan for that scenario.

Attorney Cushing stated that the Borough is not obligated in any way to purchase the properties unless the money is received from Mr. Van Cleef.. Attorney Cushing also explained that any purchase of the properties from the seller will be contingent upon the Borough receiving \$750,000.00 from Jack Van Cleef. Attorney Cushing also confirmed that if Mr. Van Cleef pulls out of the agreement the Borough is under no obligation to purchase the properties.

At this time Councilman Turner made a motion to reconsider Resolution 153-2006 – Resolution Designating Ordinance 13-2006 to be an Emergency Resolution, seconded by Councilwoman Oakley.

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

Ayes: 5, Nays: 0

Motion Carried

#### **RESOLUTION # 153-2006**

#### **A RESOLUTION DESIGNATING ORDINANCE #13-2006 TO BE AN EMERGENCY ORDINANCE.**

**WHEREAS**, Chapter 3, Article II, Section 15, Subsection E of the Code of the Borough of Washington, states that Ordinances shall become effective 20 days after final passage unless the Council, by an affirmative vote of five (5) Council Members, adopts a resolution declaring the Ordinance to be an emergency upon which said Ordinance will take effect upon final passage; and

**WHEREAS**, the project enumerated within the above captioned Ordinance are necessary for the betterment of the residents of the Borough of Washington and;

**WHEREAS**, the 20 day waiting period is not in the best interest of the residents

and employees of the Borough of Washington and;

**WHEREAS**, the Mayor and Council desire have the projects listed begun and completed as expeditiously as possible.

**NOW, THEREFORE, BE IT RESOLVED** by the members of the Borough of Washington of the Borough of Washington, in the County of Warren, State of New Jersey that Ordinance #13-2006 in accordance with Chapter 3, Article II, Section 15, Subsection E of the Code of the Borough of Washington and that this Ordinances shall take effect immediately upon final passage.

### **Executive Session**

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

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

Ayes: 5, Nays: 0.

Motion carried.

### **Resolution 156-2006 – Resolution to Enter into Executive Session**

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the exclusion of the public from a meeting under certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

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

1. The public shall be excluded from the remaining portion of this meeting.
2. The general nature of the subject matter to be discussed is as follows:
  - Negotiations
  - Possible Litigation



It was moved by Glaser, seconded by Turner that Council go out of Executive Session and back into open session at 11:30 PM.

Ayes: 5, Nays: 0.

Motion carried.

Hearing no further business to come before the governing body, it was moved by Turner, seconded by Oakley that the meeting be adjourned.

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Marianne Van Deursen, Mayor

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Kristine Blanchard, RMC  
Acting Deputy Borough Clerk