

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – November 21 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: Van Deursen, Woykowski, Buoye, Oakley, Housel – Present.
Turner, Glaser - Absent

Also Present: Richard J. Sheola, Borough Manager
Richard P. Cushing Esq., Borough Attorney
Gerald D. Philkill, PE, CME, Borough Engineer
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.

Council Appearance

Kay Stasyshan – Tax Collector/Treasurer

Ms. Stasyshan gave an overview of her department to the Mayor and Council. Currently, she has three full time account clerks. Her office handles the processing of tax and sewer payments, and the processing of all of the bills for the Borough. This past May she attended the Tax Collector’s and Treasurer’s Association Spring Conference. She also attended the Northeast Conference Tax Collector’s Conference in September of this year. Ms. Stasyshan thanked the Mayor and Council for allowing employees to attend seminars and conferences as they are important in obtaining continuing education credits.

Ms. Stasyshan informed the Mayor and Council that the Borough tax sale will be held on December 27, 2006. Advertisements and mailings have begun this week. There are fifty five properties included on the tax sale list. Thirty properties are for sewer, eleven properties are for tax, and eleven more properties are for sewer and taxes combined.

Ms. Stasyshan reported that she is very pleased with the new sewer billing system.

Ms. Stasyshan also reported that bids were accepted today for the December 1, 2006 Bond Anticipation Note Sale. The BAN sold for \$10,545,529.00 to Commerce Capital at a 4% interest rate with a net interest rate of 3.715.

Councilman Housel asked Ms. Stasyshan who authored the memo that went out to all of the department heads this past week in reference to receiving authorization for any

expenditure over \$10.00. Ms. Stasyshan stated that it was discussed between her and the Borough Manager prior to her authoring the memo.

Mayor Van Deursen thanked Ms. Stasyshan for her excellent report.

MINUTES:

Regular Meeting – November 6, 2006

Mayor Van Deursen entertained additions or corrections to the minutes of the regular meeting of November 6, 2006.

Councilwoman Woykowski noted that the vote for the Raffle Application – St. Joseph's Church should reflect that Mayor Van Deursen and Councilwoman Oakley abstained.

Hearing no further corrections or changes, it was moved by Housel, seconded by Oakley that the minutes of November 6, 2006, be approved.

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

Ayes: 5, Nays: 0.

Motion Carried

COMMUNICATIONS:

The following communications were entered into the Record:

1. NJLM Re: Seminar for Newly Elected and Re-Elected Officials
2. County of Warren Re: Continuity of Operations Planning/Continuity of Government (COOP/COG)
3. Marcia A. Karrow Re: Deer Carcass Removal
4. NJLM Re: Legislative Bulletin
5. NJLM Re: Joint Committee Reports and Property Tax Reform

Hearing no comments it was moved by Housel, seconded by Oakley that the communications numbered #1 thru #5 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.

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

Ayes: 5, Nays: 0.
Motion carried.

ORDINANCES:

None

REPORTS

It was moved by Buoye, seconded by Oakley that the Managers Report, Municipal Court Report, Police Reports, Fire Prevention Report, Veolia Monthly Operations Report, Administration and Executive Report, and the Engineers Report be accepted as presented and filed.

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

Ayes: 5, Nays: 0
Motion Carried.

VOUCHERS:

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

Manager Sheola informed Council that on page 10 of the bill list, purchase order number 22627 should be removed.

Hearing no further comments or questions it was moved by Housel, seconded by Buoye that the vouchers and claims be approved for payment in the amount of \$647,160.88 as reflected in the debit/credit memorandum on file in the Collector/Treasurer's office.

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

Ayes: 5, Nays: 0.
Motion Carried.

OLD BUSINESS

Belvidere Avenue – Section One

Manager Sheola updated Council on the bidding schedule for first section of Belvidere Ave. Bids will be received at Borough Hall on December 14, 2006. Construction will tentatively begin in April of 2007. Mayor Van Deursen asked if the weather warms up quicker can the construction begin earlier. Borough Engineer, Gerald Philkill stated the earliest construction could begin would be May of 2007.

Redevelopment Grant Funds

Manager Sheola explained that the spreadsheets included in the Council packets were the printed out version of what was given to Council electronically at the last meeting. Councilwoman Woykowski stated she does have several questions but will discuss them with the Borough Manager first.

NEW BUSINESS

Taylor Street Curb/Sidewalk

Manager Sheola explained that the Borough has some funds left over from the paving projects that were done over the summer. He explained that the curbs on Taylor Street have deteriorated. The Borough Engineer solicited quotes from vendors for fixing the curbs and sidewalks. Concrete Masters was the lowest at \$15,000.00; this is the same vendor who will begin work on Cornish Street next week. Since the amount is under the bid threshold the Borough will not have to go out to bid.

Councilman Housel asked Manager Sheola if this was a budgeted item. Manager Sheola explained that this was not a budgeted item but the funds are available in capital budget right now.

Councilman Housel stated that in just a few weeks the weather will turn cold and snowy and he is concerned about tearing the sidewalks up while school is in session, leaving no place for children to walk to and from school. Councilman Housel stated that the council would not be setting a very good example if we ask department heads to formally request any spending over \$10.00 and Council spends \$15,000.00 on the sidewalks and curbs on Taylor Street.

Mayor Van Deursen asked if the funds can be held until next year. Manager Sheola confirmed that the funds could be held until next year. Councilman Housel asked if maybe Council should consider holding off on Cornish St. as well. Manager Sheola indicated the pre-construction meeting is tomorrow morning so we will have a good indication as to when they want to start.

Mayor Van Deursen asked Council if they agree to hold off on the Taylor St. curbs and sidewalks until spring and hold off on Cornish Street until March as well. Council concurred.

Vacation of Paper Street Near Mozart Ave.

Manager Sheola informed Council about the existence of a paper street near Mozart Ave. Manager Sheola would like to vacate the street, and in accordance with statute sell the parcel off to the contiguous property owners. The street is completely landlocked and serves no purpose. Most of the property owners are using it as an extension of their backyards.

Mayor Van Deursen asked Manager Sheola how the Borough became aware of this. Manager Sheola explained this was discovered during the inventory of Borough owned properties this past spring.

Councilwoman Woykowski asked if this is the lot behind Jack's Glass. Manager Sheola confirmed that the property in question is behind Jack's Glass. Councilman Housel indicated that the property needs to be cleaned up as well.

Mayor Van Deursen asked Attorney Cushing what would happen if some of the contiguous property owners are not interested in purchasing the property. Attorney Cushing believes the statute indicates that the property may automatically be assigned to the contiguous property owners if it is just an easement. The Borough will need to take a closer look at the title to this property.

Councilwoman Woykowski stated that the owner of Jack's Glass has paperwork going back several generations as to ownership that may be helpful to the Borough. Attorney Cushing stated that a title search would need to be done on this property first before any decisions are made. Attorney Cushing advised that we need to find out what ownership interest the Borough has including the history of the particular area. This will require a title search. Attorney Cushing asked Council whether he was authorized to start the title search.

Councilman Housel made a motion to approve the title search, which was seconded by Councilwoman Oakley.

Ayes: 5, Nays 0
Motion Carried

Mayor Van Deursen requested an update at the next meeting.

New Jersey Smart Choices Leadership Institute

Manager Sheola explained to Council that he received an email several weeks ago inviting him to attend the New Jersey Smart Choices Leadership Institute. It may be beneficial in regards to the Borough's redevelopment issues. The seminar is over a period of four days in March of 2007.

Mayor Van Deursen asked what the benefit to the municipality would be. Manager Sheola stated the benefit would be the ability to have other planners and professionals at the institute work with the Borough to give a different perspective on some of the issues that the Borough is facing regarding redevelopment. Manager Sheola does not believe that there is any monetary value in attending the leadership institute. Council concurred that if there is no monetary valuing in attending it may not be beneficial to the Borough. Councilman Housel suggested confirming what the Borough could potentially receive from attending the seminar.

Resolution 242-2006 – 243-2006

The following Resolutions were moved on a motion made by Councilman Housel, seconded by Councilwoman Oakley and adopted.

RESOLUTION # 242-2006

**A RESOLUTION TO REFUND OVERPAYMENT
ON 2006 CURRENT YEAR REAL ESTATE TAXES**

WHEREAS, according to the Tax Collector's records, there is an overpayment of \$1,846.11 on 2006 4TH Quarter Regular Taxes paid on property located at 132 Sunrise Terrace, also known as Block 066.02 Lot 003, and in the name of Loudon, Brian P and Sofield, Jennifer; and

WHEREAS, Title Agency Trust paid the 2006 4th Quarter Regular Taxes on October 6, 2006 on behalf of Loudon and Sofield. On October 13, 2006, Countrywide Home Loans paid the 2006 4th Quarter Regular Taxes also for Loudon and Sofield, which created the overpayment; and

WHEREAS, the Tax Collector has received a written request from Countrywide Home Loans requesting that the tax overpayment 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, to hereby authorize the Tax Collector and Treasurer to refund the amount of \$1,846.11 payable to:

Countrywide Home Loans
PO Box 5012
Woodland Hills, CA 91365-5012

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

Ayes: 5, Nays: 0
Motion Carried

RESOLUTION # 243-2006

A RESOLUTION TO REFUND TAX MONIES PER TAX COURT APPEAL

WHEREAS, the Tax Collector has received a Tax Court Judgment for the year 2006 for the property listed below:

<u>BLOCK</u>	<u>LOT</u>	<u>NAME OF OWNER/ PROPERTY LOCATION</u>	<u>YEAR</u>	<u>AMOUNT</u>
023	004	20 West Washington, LLC 9 W Church Street	4R2006 Taxes	1,421.82
			TOTAL	1,421.82

Refund payable to: Dovenmuehle Mortgage, 1216 St. Charles Rd, 2nd Floor, Elgin, IL 60120

WHEREAS, due to Tax Court Judgment #004849-2006 the assessed value for the improvements has been reduced in 2006 from 809,500 to 737,600 which changed the amount of taxes due from \$9,260.49 to \$7,838.67 thus creating the overpayment.

WHEREAS, First American/Dovenmuehle sent in the original amount due, not the adjusted amount through a diskette with other payments included on their diskette.

WHEREAS, First American/Dovenmuehle after being contacted concerning this overpayment have made the request to have the amount 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, to hereby authorize the Tax Collector and Treasurer to refund the above tax overpayment.

Resolution 244-2006

The following resolution was moved on a motion made by Councilman Housel, seconded by Councilwoman Oakley and adopted.

RESOLUTION # 244-2006
A RESOLUTION TO ADJUST SEWER BILLINGS IN
ACCORDANCE WITH CHAPTER 70, SECTION 28B OF
THE CODE OF THE BOROUGH OF WASHINGTON.

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

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

WHEREAS, notice has been provided to the owner(s) of the property or

properties listed below of the action proposed to be taken with the date, time and place where the Mayor and Council will meet to consider change(s) in the E.D.U.'s assigned to the property or properties listed below; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the following changes in the sewer service charge(s) are approved:

BLOCK/LOT	NAME/ADDRESS	REASON/ADJUSTMENT
19.01/7	Robert Antognoli 16 West Warren St. Washington, NJ 07882 Property Location: 16 West Warren St.	Change in Use 1 E.D.U. to 2 E.D.U.s Effective: Nov. 2006

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

Councilwoman Woykowski asked if the property owners had been notified of this change. Manager Sheola and Kay Stasyshan indicated that the property owners had been notified.

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

Ayes: 5, Nays: 0
Motion Carried.

Resolution 246-2006

The following Resolution was moved on a motion made by Councilman Housel, seconded by Councilwoman Oakley and adopted.

RESOLUTION 246-2006
A RESOLUTION AUTHORIZING THE REFUND OF THE BOROUGH'S
SEWER SERVICE CHARGE.

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

Block/Lot	Property Owner	Amount
-----------	----------------	--------

2.06/16	Estate of Neil Walsh 317 North Prospect St.	\$45.00
---------	------------------------------------------------	---------

The former owner made an overpayment during the closing procedures on the above property location. A refund of \$45.00 should be mailed to the Executor of the Estate of Neil Walsh.

Christopher Walsh
22 Dayton Road
Denville, NJ 07834

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

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

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

Ayes: 5, Nays: 0
Motion Carried.

Resolution 247-2006

The following Resolution was moved on a motion made by Councilman Housel, seconded by Councilwoman Oakley and adopted.

RESOLUTION # 247-2006

**A RESOLUTION TO REFUND OVERPAYMENT
ON 2006 CURRENT YEAR REAL ESTATE TAXES**

WHEREAS, according to the Tax Collector's records, there is an overpayment of \$1,188.83 on 2006 4TH Quarter Regular Taxes paid on property located at 2 Lenape Trail, also known as Block 101.01 Lot 036, and in the name of Smith, Susan L; and

WHEREAS, LSI/First American Real Estate Tax Service paid the 2006 4th Quarter Regular Taxes on October 16, 2006 on behalf of Susan Smith. On October 27, 2006, U S Bankcorp paid the 2006 4th Quarter Regular Taxes also for Susan Smith, which created the overpayment; and

WHEREAS, the Tax Collector has received a written request from First American Real Estate Tax Service requesting that the tax overpayment 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, to hereby authorize the Tax Collector and Treasurer to refund the amount of \$1,188.83 payable to:

First American Real Estate Tax Service
1 First American Way
Mail Code: DFW 1-3
Westlake, TX 76262
Attn: Tax Refunds

Resolution 248-2006

The following Resolution was moved on a motion made by Councilwoman Oakley, seconded by Councilman Housel and adopted.

Councilman Housel asked if this was going to be the only appropriations transfer this year. Manager Sheola indicated that he believes there will be more; however he does not know the dollar amounts yet.

RESOLUTION # 248-2006

A RESOLUTION AUTHORIZING THE TRANSFER OF APPROPRIATIONS

WHEREAS, N.J.S.A. 40A: 4-58 provides for the transfer of excess appropriations by not less than 2/3 vote of the full membership of the governing body during the last two months of the fiscal year; and

WHEREAS, the Borough Manager and the Chief Financial Officer have determined that excess appropriations do exist in some accounts and there is a need for supplemental appropriations in other accounts.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey, that the following appropriation transfers are hereby approved:

<u>Transfer From</u> <u>Amount</u>	<u>Transfer To</u>	
GENERAL ADMINISTRATION Other Expenses	MAYOR AND COUNCIL Other Expenses	413.00
LEGAL Other Expenses	AUDITING Other Expenses	625.00

PLANNING BOARD	FINANCIAL ADMINISTRATION	600.00
Other Expenses	Other Expenses	

TOTALS OF ALL TRANSFERS		\$1,638.00
-------------------------	--	------------

Resolution 249-2006

The following Resolution was moved on a motion made by Councilman Houzel, seconded by Councilwoman Oakley and adopted.

Councilman Buoye asked Manager Sheola if we had the emergency route signs yet. Manager Sheola stated it would be approximately three weeks.

RESOLUTION # 249-2006

A RESOLUTION ESTABLISHING SNOW EMERGENCY AND EVACUATION ROUTES WITHIN WASHINGTON BOROUGH, COUNTY OF WARREN

WHEREAS, during times of emergencies, there need to be roads and streets within the Borough of Washington that can be free of parked vehicles and;

WHEREAS, during snowstorms, it is imperative that roads and streets within the Borough of Washington be accessible to only vehicles with snow tires or chains, and;

WHEREAS, it has been determined by the Office of Emergency Management, the following roads are critical to the effective delivery of emergency services to the residents of the Borough of Washington:

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

<i>Name of Street</i>	<i>Side</i>	<i>Hours</i>	<i>Location</i>
North Prospect Street	Both	During Periods of Snow or Emergency Evacuations	From Kinnaman Avenue to Route 57
Belvidere Avenue/			From Jackson Valley Road

Broad Street	to Route 31
Carlton Ave.	From Alvin Sloan Ave to Belvidere Ave
Lincoln Avenue	From Carlton Avenue to Route 31
Kinnaman Ave/Pleasant Valley Way/Jackson Valley Road	From Route 31 to Route 57

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

Ayes: 5, Nays: 0
Motion Carried.

Raffle Application for Habitat for Humanity

Mayor Van Deursen asked the Clerk if all of the paperwork was in order for this raffle. Borough Clerk, Kristine Blanchard indicated that all of the necessary paperwork had been filed in her office and was in order.

Councilman Housel made a motion to approve the raffle application for Habitat for Humanity, seconded by Councilwoman Oakley.

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

Ayes: 5, Nays: 0
Motion Carried.

COUNCIL REMARKS:

Councilwoman Oakley wished everyone a happy Thanksgiving and congratulated the election winners. She stated that she will miss Councilman Buoye and Councilwoman Glaser.

Councilwoman Woykowski wished everyone a happy Thanksgiving. She asked if anyone was attending the Delaware River Basin Continuity and Continuation Planning Meeting. She indicated that the notice stated if the Borough participates we may be eligible for funding. Manager Sheola stated he passed this information along to the Office of Emergency Management.

Councilman Buoye congratulated the winners of the election and wished everyone a happy Thanksgiving.

Councilman Housel wished everyone a happy Thanksgiving and told Councilman Buoye he would miss him on the Council.

Mayor Van Deursen congratulated the election winners and she looks forward to working with everyone. She wished everyone a happy Thanksgiving filled with family, fun, and happiness.

At this time Grace McGinnis of 57 Grand Avenue requested permission to speak publicly as she had missed the public portion of the meeting. She asked the Mayor and Council if the citizens were responsible for cleaning the leaves out of the gutters of the streets. Manager Sheola and Attorney Cushing agreed that the citizens should not be responsible for cleaning the leaves out of the gutters along the streets. According to the D.O.T. the Borough is responsible for cleaning the gutters and sweeping the street one time per month.

Councilwoman Woykowski stated she has observed citizens in other municipalities sweeping the leaves onto the streets and wondered how they can do this. Mayor Van Deursen agreed and stated she is also concerned with leaving the leaves on the street as this can cause a dangerous situation. Mayor Van Deursen requested that the Borough Manager check the procedures for disposal of leaves that municipalities are supposed to be following.

RECAP

Manager Sheola and the Borough Engineer will discuss with the contractor the possibility of holding off on Cornish Street until spring. Manager Sheola will check on the benefits of the Smart Choices Leadership Institute, he will also check on the language and requirements of leaf collection.

Councilwoman Woykowski asked Manager Sheola if he had followed up on the City Connections invoice. Manager Sheola indicated that the bill from City Connections had been taken care of. Councilwoman Woykowski also asked for an update about the possibility of changing the sequence of lights at the corner of Belvidere Avenue and

Route 57. Manager Sheola spoke with someone from the D.O.T. at the League Convention and they will be sending someone up to take a look at the light.

Councilwoman Woykowski asked the Borough Engineer for an update on the South Prospect Street traffic light and also an update on the issue with the gas company on McKinley Ave. when he has had the opportunity to get up to speed with these issues.

Councilman Housel stated that it may be a good idea to send a letter to our legislators and our assembly asking them to get on the D.O.T. about the outstanding issue of the light on South Prospect Street; it has been several years that the Borough is waiting for this traffic light.

Councilwoman Woykowski asked Attorney Cushing for an update on the Pedophile Free Ordinance that Councilman Turner had requested. Attorney Cushing stated that he had prepared for Councilman Turner an outline of the law. The law basically states that for a tier two offender there is notification of the schools and community organizations and that is of the discretion of the County Prosecutor. It is also not required that the Governing Body be given notice. Attorney Cushing stated that he would forward the information he passed along to Councilman Turner to the rest of the Council.

EXECUTIVE SESSION:

It was moved by Councilwoman Oakley, seconded by Councilman Housel that Council go into Executive Session.

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

Ayes: 5, Nays: 0.

Motion Carried.

RESOLUTION 250-2006

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:

- Personnel
- Negotiations
- Litigation

It was moved by Housel, seconded by Oakley that Council go out of Executive Session and back into open session.

Ayes: 5, Nays: 0.
Motion Carried.

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

Marianne Van Deursen
Mayor

Kristine Blanchard, RMC
Borough Clerk