

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY  
WASHINGTON BOROUGH COUNCIL MINUTES – September 18, 2007**

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: Higgins, Woykowski, Cioni, Van Deursen, Housel, and Oakley  
Turner - (9:00 p.m.)

Also Present: John Corica, Borough Manager  
Richard Cushing, Esq. Municipal Attorney  
Kristine Blanchard, RMC 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.

**COUNCIL APPEARANCE**

**Kay Stasyshan - Tax Collector/Treasurer**

Ms. Stasyshan gave a brief overview of her office. She currently has three full time account clerks, Paula Drake, Sue Fleming, and Katherine Papp. Ms. Stasyshan thanked Ms. Fleming and Ms. Papp for all of the extra work they have been doing to collect payments prior to this year’s tax sale. This years Borough tax sale will be held October 25, 2007.

Ms. Stasyshan thanked the Mayor and Council for allowing her to attend the Tax Collectors and Treasurers Association Spring Conference where she had the opportunity to earn credits towards re-certification.

Ms. Stasyshan also informed Council that the new Veolia water and sewer software system is working very well and the department is very pleased with it.

Councilman Cioni asked Ms. Stasyshan if the Borough uses PNC Bank. She stated that yes the Borough does use PNC Bank. Councilwoman Woykowski asked how many line items the Borough currently has. Ms. Stasyshan informed Council that the Borough currently has 2,276 line items.

Mayor Van Deursen thanked Ms. Stasyshan for her informative report and the work that her department does for the Borough.

## **CIT-E-NET William Benzie - Presentation**

Mr. Benzie provided an overview of his company Cit-E-Net to Council. Cit-E-Net provides web based solutions for on-line payment of property taxes. He explained that the web based software will work seamlessly with the Borough's current website and tax payment software provided by First Byte. The software will provide the ability for credit card payments and ACH payments.

The on-line payment system is updated every night with an extract file that is sent to Cit-E-Net electronically. This file will update their records with the most current taxpayer information.

Councilman Housel asked if the name on the property is cross referenced with the block and lot. Mr. Benzie indicated that all identification fields in the software program are cross referenced. Mayor Van Deursen asked about security; would someone have the ability to look up their neighbors property tax information. Mr. Benzie indicated that all information contained in the records is public information.

Mr. Benzie briefly demonstrated the software application to the Governing Body and audience members.

Mayor Van Deursen suggested that the Mayor and Borough Manager contact other municipalities who use this application for more information and to get a sense of how the application works in other offices.

Councilwoman Woykowski stated that when Princeton Borough added the credit card payment option the usage of the online payment system increased and asked about the costs associated with credit card payments. Mr. Benzie stated that credit card transactions must be negotiated with the Borough's bank. He noted that the Borough must be proactive and get the information out the tax paying public so they are aware that this option exists for paying property taxes.

Councilman Cioni stated that the online survey done to ascertain how many residents of the Borough would be interested in this type of service showed that 183 residents are in favor of an online payment option vs. 45 residents who were not interested. Councilwoman Oakley noted that statistics show that ten percent of people pay their bills online now and this trend will continue to grow.

Councilman Housel asked Mr. Benzie about the costs associated with the program. Mr. Benzie stated the set up fee is \$2500.00 and the annual subscription fee is \$1250.00. This does not include any costs associated with First Byte or costs that may be associated with the bank for credit card processing.

Councilman Higgins asked the Tax Collector how many residents are currently not escrowing their taxes. Ms. Stasyshan stated the Borough has approximately 1200 line items that are not escrowed.

Councilman Cioni asked if the service could be expanded to include other departments such as recreation. Mr. Benzie stated that other applications for payment processing are available. Additional applications would have additional set up fees and subscription costs.

Mayor Van Deursen asked for any questions from the public. Dawn Higgins asked if payments are reflected immediately. Mr. Benzie stated that payments are received immediately and posted to the tax account when the tax department downloads the information and posts to the account.

Councilwoman Woykowski suggested that the Borough check with the website vendor. They may charge a set up fee as well.

Councilman Housel suggested that more information be obtained and that this topic be placed on a future agenda for discussion.

**MINUTES:**

Mayor Van Deursen entertained additions or corrections to the minutes of the regular meeting held September 4, 2007 and the executive session held September 4, 2007.

Hearing no comments it was moved by Higgins, seconded by Oakley that the minutes of the regular meeting held September 4, 2007 and the executive session held September 4, 2007 be approved.

Roll Call: Woykowski, Higgins, Van Deursen, Cioni, Oakley and Housel.

Ayes: 6, Nays: 0  
Motion Carried.

**COMMUNICATIONS:**

The following communications were entered into the Record:

1. JCP&L Annual Proposal for Basic Generation Service
2. NJLM Re: Governor Signs Ethics Bill
3. Keep it Green Re: Resolution in Support of the Green Acres, Farmland, Blue Acres, Historic Preservation Bond Act of 2007
4. Elizabethtown Gas Re: Notice of Public Hearings
5. NJLM Re: Community Building through Economic Development Seminar
6. Senator Leonard Lance Re: Abbott District Reform
7. NJLM Re: Plan Endorsement Guidelines

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

It was moved by Higgins, seconded by Oakley that the communications be acknowledged, received and filed.

Ayes: 6, Nays: 0.  
Motion carried.

## **AUDIENCE:**

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

Councilman Turner arrived at 9:00 p.m.

### **Fran and John Wheeler - 67 North Jackson Avenue**

Ms. Wheeler explained to the Mayor and Council that there is a twelve foot grass alley behind their property and three other homes along North Jackson Avenue. She stated that it is their interest to acquire the property and have the Borough vacate the alley. The previous Borough Manager suggested that they contact their neighbors to find out if they are interested in purchasing the property behind their homes as well. The Borough Engineer has also determined that there seems to be no reason for the Borough to maintain the alley as there are no utilities associated with it.

Ms. Wheeler explained that they have contacted two out of their three neighbors. One neighbor shows a definite interest. Ms. Wheeler asked Council how she should proceed in order to request the Borough vacate the land. She also asked for a detailed cost estimate of the vacation process from the Borough Attorney.

Mayor Van Deursen stated that the Borough Manager and the Municipal Attorney should collaborate on sending a formal letter to the property owners in the surrounding area. The costs associated with the vacation process would be split between four people.

Mayor Van Deursen asked if Council had any objections to the Borough Manager meeting with the Wheelers and sending a formal letter to the adjacent property owners. Council does not have any objection.

Attorney Cushing stated that the Borough Manager also needs to verify that this is definitely a Borough property.

Councilwoman Woykowski indicated that last year the Borough Assessor made a list of all Borough properties. She suggested that the Borough Manager confirm with the Assessor.

### **Robert Pereira - 26 Vannatta Street**

Mr. Pereira stated that he is concerned over the condition of his sidewalk and street. He is also very concerned about cars coming up the hill the wrong way on a one way street. He requested another do not enter sign be placed near the Bagel Shop.

Mayor Van Deursen requested that the Borough Manager discuss the possibility of placing another do not enter sign in the vicinity of Vannatta Street with the Chief of Police and the DPW Supervisor.

Mayor Van Deursen also stated that the streets committee would take into consideration the condition of Vannatta Street when they are reviewing streets for prioritization.

**Jim Sheldon – Business Improvement District Director**

Mr. Sheldon thanked the Mayor and Council for their support recently on the Main Street Grant Program. He apologized that it did not work out this time.

He reminded Council that the Festival in Borough is scheduled for Oct. 6, 2007. He asked if Council would consider covering the cost of police overtime for the day. The cost is \$1800.00.

Councilwoman Oakley asked if this was put into the 2007 budget. It was determined that this is not in the 2007 budget.

Councilman Higgins reminded Council that the BID contributes to the Borough and we should pay for the police services.

Councilwoman Woykowski noted that last year the Borough charged the BID for the use of the police officers and we should continue to do so.

Councilman Turner asked who pays for police services during the festivities on the 4<sup>th</sup> of July. Mayor Van Deursen stated the Borough pays for the police services during the parade and other activities on the 4<sup>th</sup> of July.

Councilman Turner noted that the relationship between the Borough and the BID is a public/private partnership and the Borough should pay for the services.

Housel stated that Council did discuss this topic during budget hearings and as a good will gesture the Borough should pay the police overtime for that day.

Councilman Housel made a motion to have the Borough pay for the police overtime during the Festival in the Borough on October 6<sup>th</sup> 2007, seconded by Councilman Higgins.

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

Ayes: 7, Nays: 0

Motion Carried

Mayor Van Deursen stated that this is a huge activity for the Borough and everyone benefits from it. She requested that in the future the BID submit a formal request during budget hearings.

Councilman Higgins noted that the BID Board anticipated paying for the police this year however corporate sponsorship is down. That is the reason the BID is asking for the Borough to pay this expense.

Councilman Housel asked Mr. Sheldon to provide a plan for downtown business recruitment and retention. He would like to see what the BID Board of Directors is doing in those areas. Mr. Sheldon indicated he would be able to have that information for the second meeting in October.

Motion made by Higgins, seconded by Oakley to close the public portion of the meeting.

Ayes: 7, Nays: 0

Motion Carried

**ORDINANCES:**

**Ordinance 10-2007 – AN ORDINANCE TO AMEND, REVISE, AND SUPPLEMENT THE CODE OF THE BOROUGH OF WASHINGTON, CHAPTER 3 “ADMINISTRATION OF GOVERNMENT, SECTION 3-52 “ENGINEERING DIVISION.”**

Ordinance 10-2007 was moved by Councilman Turner, seconded by Housel.

It was further moved by Turner, seconded by Housel that the Clerk read Ordinance #10-2007 by title only.

The Clerk read Ordinance #10-2007 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 available upon request from the Clerk’s office.

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

Ayes: 7, Nays: 0.  
Motion carried.

Public Hearing:

Hearing no comments from the public Councilman Higgins motioned to close the public hearing seconded by Councilwoman Oakley.

Ayes: 7, Nays: 0  
Motion Carried

Council Discussion: None

Mayor Van Deursen entertained a motion to adopt on final passage.

Motion made by Councilman Higgins, seconded by Councilwoman Oakley to adopt Ordinance 10-2007 on final passage.

Roll Call: Woykowski, Van Deursen, Turner, Oakley, Cioni, Higgins, and Housel

Ayes: 7, Nays: 0  
Motion Carried

**ORDINANCE NO. 10-2007**

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

**AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT THE CODE  
OF THE BOROUGH OF WASHINGTON, CHAPTER 3 “ADMINISTRATION OF  
GOVERNMENT, SECTION 3-52 “ENGINEERING DIVISION”**

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of Washington, Warren County, New Jersey, that Chapter 3 of the Code of the Borough of Washington, Warren County, is hereby amended to read as follows:

Chapter 3-52            “There shall be an Engineer appointed by the Manager for a term of three (3) years:....” shall be deleted and replace as follows:

“There shall be an Engineer appointed in accordance with statute;...”

The remainder of Chapter 3-52 shall remain unchanged.

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

**Ordinance 11-2007 – CAPITAL ORDINANCE PROVIDING FOR IMPROVEMENTS OF THE SANITARY SEWERAGE SYSTEM IN, BY, AND OF THE BOROUGH OF WASHINGTON WARREN COUNTY NEW JERSEY APPROPRIATING THE SUM OF \$88,546.00 FROM THE SEWER CAPITAL IMPROVEMENT FUND OF THE BOROUGH.**

Ordinance 11-2007 was moved by Councilman Housel, seconded by Councilman Turner.

It was further moved by Housel, seconded by Turner that the Clerk read Ordinance #11-2007 by title only.

The Clerk read Ordinance #11-2007 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 available upon request from the Clerk’s office.

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

Ayes: 7, Nays: 0.  
Motion carried.

Public Hearing:

Hearing no comments from the public Councilwoman Oakley motioned to close the public hearing seconded by Councilman Turner.

Ayes: 7, Nays: 0

Motion Carried

Council Discussion:

Councilman Turner asked if this money was going to be used for Gardner's Court and Green Street. Manager Corica stated that this money may be used for those two issues as well as other sewer related issues Council deems appropriate.

Mayor Van Deursen entertained a motion to adopt on final passage.

Motion made by Councilwoman Oakley, seconded by Councilman Cioni to adopt Ordinance 11-2007 on final passage.

Roll Call: Woykowski, Van Deursen, Turner, Oakley, Cioni, Higgins, and Housel

Ayes: 7, Nays: 0

Motion Carried

**ORDINANCE #11-2007**

**CAPITAL ORDINANCE PROVIDING FOR IMPROVEMENTS OF THE SANITARY SEWERAGE SYSTEM IN, BY AND OF THE BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY APPROPRIATING THE SUM OF \$88,546 FROM THE SEWER CAPITAL IMPROVEMENT FUND OF THE BOROUGH.**

**BE IT ORDAINED** BY THE MAYOR AND COUNCIL OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY AS FOLLOWS:

Section 1. The Borough of Washington (the "Borough"), Warren County, New Jersey is hereby authorized to make the following improvements in, by and for the Borough, including all work, materials, engineering, legal and appurtenances necessary and suitable therefore:

Repair and replacement of sewer mains within the Borough \$88,546

Section 2. The aggregate sum of \$88,546 is hereby appropriated from the Sewer Capital Improvement Fund of the Borough as payment of the cost for the authorized improvements described in Section 1 *supra*.

Section 3. The improvements described in Section 1, *supra* are hereby respectively authorized as general capital improvements to be made or acquired by the Borough having a period of usefulness of at least five (5) years

Section 4. The said purposes described in Section 1 of this ordinance are not current expenses and is an improvement which the Borough may lawfully make as general

improvements, and no part of the costs thereof has been or shall be specially assessed on property specially benefited thereby.

Section 5. Amounts not exceeding \$25,000 in the aggregate for engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law may be included as part of the costs of said improvements and are included in the foregoing estimate thereof.

Section 6 The sewer capital budget of the Borough is hereby amended to conform with the provisions of this capital ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and available for public inspection.

Section 7. This capital ordinance shall take effect twenty (20) days after final adoption, and publication as required by law.

**Ordinance 12-2007 – CAPITAL ORDINANCE OF THE BOROUGH OF WASHINGTON WARREN COUNTY NEW JERSEY AUTHORIZING THE ACQUISITION OF IMPROVEMENTS TO REAL PROPERTY IN BY AND FOR THE BOROUGH APPROPRIATING THE SUM OF \$760,000.00 FROM THE CAPITAL IMPROVEMENT FUND OF THE BOROUGH.**

Ordinance 12-2007 was moved by Councilman Turner, seconded by Councilman Housel.

It was further moved by Turner, seconded by Housel that the Clerk read Ordinance #12-2007 by title only.

The Clerk read Ordinance #12-2007 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 available upon request from the Clerk's office.

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

Ayes: 7, Nays: 0.  
Motion carried.

Public Hearing:

Hearing no comments from the public Councilman Higgins motioned to close the public hearing seconded by Councilwoman Oakley.

Ayes: 7, Nays: 0  
Motion Carried

Council Discussion: None

Mayor Van Deursen entertained a motion to adopt on final passage.

Motion made by Councilwoman Oakley, seconded by Councilman Turner to adopt Ordinance 12-2007 on final passage.

Roll Call: Woykowski, Van Deursen, Turner, Oakley, Cioni, Higgins, and Housel

Ayes: 7, Nays: 0

Motion Carried

**ORDINANCE #12-2007**

**CAPITAL ORDINANCE OF THE BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY AUTHORIZING THE ACQUISITION AND IMPROVEMENTS TO REAL PROPERTY IN, BY AND FOR THE BOROUGH AND APPROPRIATING THE SUM OF \$760,000 FROM THE CAPITAL IMPROVEMENT FUND OF THE BOROUGH.**

**BE IT ORDAINED** BY THE MAYOR AND COUNCIL OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY AS FOLLOWS:

Section 1. The Borough of Washington (the "Borough"), Warren County, New Jersey is hereby authorized to make the following improvements and acquisitions in, by and for the Borough, including all work, materials, engineering, legal and appurtenances necessary and suitable therefore:

Acquisition and improvements to one or more parcels of Real Property \$760,000

Section 2. The aggregate sum of \$760,000 is hereby appropriated from the Capital Improvement Fund of the Borough as payment of the cost for the improvements to, and acquisition of one or more parcels of real property authorized and described in Section 1 *supra*.

Section 3. The improvements described in Section 1, *supra* are hereby respectively authorized as general capital improvements to be made or acquired by the Borough having a period of usefulness of at least five (5) years.

Section 4. The said purposes described in Section 1 of this ordinance are not current expenses and each is a property or improvement which the Borough may lawfully acquire or make as a general improvement, and no part of the costs thereof has been or shall be specially assessed on property specially benefited thereby.

Section 5. Amounts not exceeding \$150,000 in the aggregate for engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of said Local Bond Law may be included as part of the costs of said improvements and are included in the foregoing estimate thereof.

Section 6 The capital budget of the Borough is hereby amended to conform with the provisions of this capital ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and available for public inspection.

Section 7. This bond ordinance shall take effect twenty (20) days after final adoption, and publication as required by law.

### **REPORTS:**

It was moved by Housel, seconded by Oakley that the Council acknowledge, receive and file the Municipal Court Report, DPW Overtime Report, Police Activity Report, Borough Engineer's Report, and the Issues/Details Report.

#### Council Discussion:

Councilwoman Woykowski asked for a status update on Vara Field in regards to the preparation of the field prior to the installation of the sod. Manager Corica indicated that Centex is doing the prep work as part of their punch list items. Manager Corica also stated that he is coordinating the prep work with the Recreation Commission in order to have the field graded in time for the arrival of the sod.

Councilwoman Woykowski asked if the Willow Street stream issue is still ongoing. Manager Corica stated that the item is closed and will be removed from the Engineer's Report.

Councilman Higgins stated that the update on Cornish Street is confusing and needs clarification. Manager Corica will follow up with the Engineer.

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

Ayes: 7, Nays: 0  
Motion Carried.

### **COMMITTEE REPORTS:**

#### **Redevelopment Committee:**

Councilwoman Woykowski attended the Mayors Conference at Princeton University on behalf of the Borough. A full report from this conference is forthcoming.

Councilwoman Woykowski thanked the Mayor and the Deputy Mayor for allowing her to represent the Borough. She reported that there were top notch professionals in attendance from both the private and the public sector. On the last day of the seminar, the Borough of Washington presented their case study to the professionals. Jim Sheldon, Director of the BID was in attendance and represented the Borough extremely well.

Mayor Van Deursen stated the Governing Body should send a letter to the BID Board thanking Mr. Sheldon for his contribution during the presentation.

Mayor Van Deursen also noted that Eileen Swan from the Highlands Council is interested in meeting with the Governing Body. She suggested inviting Ms. Swan to the workshop meeting in October.

Mayor Van Deursen explained the situation with the Main Street Grant Program to Council. Unfortunately, the Bid Board was reluctant to sign the letter of intent. There was a concern of the Bid Executive Board members that there would be too much of a financial and time burden for them to partner with the Governing Body right now.

Councilman Housel stated that the Main Street Program is supposed to help municipalities and Bid's recruit and retain businesses. He stated that is why he asked the Bid for that information this evening.

Councilman Woykowski stated that this is unfortunate; the projects that the Main Street Program would have helped with still need to be done. Now the projects will need to be done without the help of the Main Street Program.

Mayor Van Deursen explained the Bid Board was concerned over how much money would need to be spent.

**DPW Garage:** The Resolution awarding the contract is on this evening's agenda.

**Sewer Committee:** This topic will be discussed in Executive Session.

**Streets Committee:** Nothing to Report

**Finance Committee:** Councilwoman Woykowski noted that this committee has made great progress as is evident by the dwindling questions pertaining to the bill list.

**Shared Services Committee:** Kristine Blanchard, Borough Clerk informed Council that she attended a PARIS Grant information meeting at the Warren County Freeholders Building in early September. The grant process is moving along as planned. The Freeholders will be approving the contract with Chenoa next week. Chenoa is the company that will be assisting the municipalities with the needs assessment and the strategic plan. She also stated that she has spoken to Kathleen Knaack, Record Manager at Warren County and requested that the Borough of Washington and Mansfield Township be assessed simultaneously due their partnership in the Council of Governments. Kathleen Knaack agreed and also stated that the two municipalities will be the first to go through the process.

Councilman Higgins stated that the Washington Township Committee will forward a formal letter to the Library Board of Directors in regards to the possible partnership between Washington Township and the Washington Borough Library.

**Senior Services:** Nothing to Report

**Website Committee:** A meeting is scheduled for tomorrow evening.

**Curfew Committee:** Nothing to Report

**Pedophile Committee:** Resolution on for adoption this evening.

**Bid** – Nothing to Report

**VOUCHERS AND CLAIMS**

Mayor Van Deursen entertained questions or additions to the vouchers and claims for payment that were not previously addressed before the meeting.

Hearing no comments or questions the vouchers and claims were approved for payment in the revised amount of \$ 1,477,188.08.

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

Ayes: 7, Nays: 0.  
Motion carried.

**OLD BUSINESS:**

**Green Acres**

Manager Corica explained that a few years ago the Recreation Commission had applied for funding through Green Acres. The application was denied. The Recreation Commission would like to send another letter to Green Acres for this round of funding in order to reactivate the application. T&M Associates, under the direction of the Recreation Commission, has prepared a letter to be sent to Green Acres with Council's approval.

Councilman Turner moved to approve the letter to be sent to Green Acres to reactivate the original application, seconded by Councilman Cioni.

Ayes: 7, Nays: 0  
Motion Carried

**NEW BUSINESS**

**Port Colden Mall**

Manager Corica reported that the sewer operating company has brought to his attention that the owners of the Port Colden Mall may want to bring in a laundry mat. Currently, the Port Colden Mall does flow into our system. They were given an allocated amount of 4,000 gallons a day. If they exceed that amount, there is an additional charge. There was also a provision in the original agreement to have the flow metered which was never done.

There was another methodology in the agreement that would allow the Borough to look at the water meter flows and make a determination as to what the sewer flow was. The finance

department has had difficulty securing the necessary information from the Port Colden Mall in the past. Earlier this year, the necessary paperwork was finally received and the mall is less than 4,000 gallons.

Manager Corica explained that the concern is if the laundry mat goes into the mall, they may exceed 4,000 per day and the Borough will not have any way to determine how much water is being used. Manager Corica requested Council's approval to invoke the agreement to meter the outflow.

This request was moved on a motion made by Councilman Higgins, seconded by Councilman Turner and approved.

Ayes: 7, Nays: 0  
Motion Carried

Councilman Turner also suggested sending a letter to the DCA stating that they should not receive the certificate of occupancy until they fulfill their contractual obligations.

Manager Corica informed Council that right now, the Port Colden Mall has 10,000 gallons of reserve capacity.

Councilman Turner stated that the Borough should also notify Washington Township's Land Use Board, as they may not be aware of our situation. Attorney Cushing stated that it could be a permitted use in that zone however; it would not hurt to notify the township.

Councilman Housel suggested sending a letter to Washington Township's Planning Board and Township Committee reminding them of what their capacity is.

#### **Approval of Social Affairs Permit for Washington Fire Department October 6, 2007.**

Approval for the Social Affairs Permit for the Washington Fire Department was moved on a motion made by Housel, seconded by Turner and adopted.

Roll Call: Housel, Tuner, Higgins, Oakley, Van Deursen, Cioni, and Woykowski.

Ayes: 7, Nays: 0  
Motion Carried

#### **Resolution 205-2007 Resolution in Support of Assemblywoman Marcia Karrow's Introduced Assembly Bill A-639**

Resolution 205-2007 was moved on a motion made by Higgins, seconded by Oakley and adopted.

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

Ayes: 7, Nays: 0  
Motion Carried.

## **RESOLUTION 205-2007**

**WHEREAS**, the Mayor and Council of the Borough of Washington (“Borough”) have become very concerned about the safety of the Borough’s children by virtue of the fact that the Megan’s Law Registry has revealed that there are one or more pedophiles living in the Borough of Washington; and

**WHEREAS**, the Borough believes that there is a potential risk to the children of the Borough by virtue of the fact that pedophiles are living within its boundaries, and, in particular, in close proximity to the schools, playgrounds and other places where children congregate; and

**WHEREAS**, the Borough, in an effort to protect its youngest citizens, has adopted an ordinance that limits the geographic area within which pedophiles may reside so as to attempt to keep convicted pedophiles away from areas where children congregate; and

**WHEREAS**, the adoption of that ordinance was a good faith legislative attempt by the governing body of the Borough of Washington to take reasonable steps to protect its youngest and most vulnerable citizens; and

**WHEREAS**, there have been several recent Court decisions that have called into question whether a municipality is authorized under New Jersey law to adopt an ordinance limiting where pedophiles may reside; and

**WHEREAS**, one of the legal issues raised by those Court cases pertains to the issue as to whether the State of New Jersey, through its regulations of convicted pedophiles and sex offenders, has preempted the ability of municipalities to regulate the activities of pedophiles within their borders; and

**WHEREAS**, the Mayor and Council of the Borough of Washington believe that it is proper and necessary that the State of New Jersey pass legislation which will authorize municipalities to adopt lawful regulations as to where pedophiles may reside; and

**WHEREAS**, Assemblywoman Marcia A. Karrow has prepared and introduced Assembly Bill A-639 which permits municipalities to regulate the residency of pedophiles within its borders; and

**WHEREAS**, A-639 is a good first step toward protecting safety of the State’s most vulnerable citizens; and

**WHEREAS**, the Mayor and Council further request that the Legislature of the State of New Jersey take such additional actions as may be necessary in order to assure that convicted pedophiles are not permitted to be released into the community until such time as there is substantial proof that those pedophiles will not present a further risk to society’s youngest members.

**WHEREAS**, the Mayor and Council point out that only the Legislature may prescribe regulations that limit the freedom of pedophiles whose reentry into the community cannot be vouched for, and, therefore, considering the extreme and irreparable damage that can be done to children by pedophiles, it requests that the Legislature reexamine the statutes and rules that permit the release of pedophiles and amend them so that only those pedophiles who present absolutely no risk to society are released to live on their own; and

**WHEREAS**, the Borough of Washington seeks the support of Governor Jon Corzine and requests and urges him to sign all necessary legislation to further these goals.

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

1. The Mayor and Council direct that copies of this Resolution be forwarded to the Governor and the Legislature of the State of New Jersey so that they may understand the strong feelings of the citizens of the Borough of Washington with respect to the danger presented by pedophiles and the need for the Governor and the Legislature to take aggressive steps to protect the Borough's most vulnerable citizens from potential attack.

2. The Mayor and Council direct that copies of this Resolution be sent to the following:

- A. Governor Jon Corzine.
- B. Each member of the Legislature of the State of New Jersey.
- C. To each municipality of the State of New Jersey.
- D. The Board of Freeholders of each of the 21 Counties of the State of New Jersey.

3. The Mayor and Council respectfully request that the governing body of each county and municipality of the State of New Jersey adopt a Resolution in similar form and transmit same to the Governor and each member of the Legislature to demonstrate the depth of feeling of this citizens of this State with respect to the danger presented to children by pedophiles.

4. The Mayor and Council of the Borough of Washington support Assembly Bill A-639 introduced by Assemblywoman Marcia A. Karrow and urge that this Bill, or one providing similar or stronger protections, be adopted by the Legislature of the State of New Jersey.

4. The Mayor and Council urge the Governor and the Legislature to re-examine the statutes and rules concerning the release of pedophiles and to adopt new legislation that limits

the release of pedophiles into the community until such time there is complete assurance that a released pedophile will not present any risk to children.

**Resolution 230-2007 Refund of Sewer Overpayment**

Resolution 230-2007 was moved on a motion made by Oakley, seconded by Cioni and adopted.

**RESOLUTION #230-2007**

**Resolution Authorizing a Refund of a Sewer Overpayment**

**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>
6/72	Home Loan Services 154 North Lincoln Ave.	\$ 92.91

The former owner made an overpayment during the closing procedures on the above property location. A refund of \$92.91 should be mailed to:

Home Loan Services, Inc.  
Attn: REO Dept.  
150 Allegheny Center Mall  
Pittsburgh, PA 15212

**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.

**Resolution 231-2007 Award of Department of Public Works Garage Bid**

Resolution 231-2007 was moved on a motion made by Housel, seconded by Turner.

Council Discussion:

Manager Corica stated that attached to the Resolution is a letter from the Borough Engineer stating that there is a deficiency in the bid submission. One of the sub-contractors public works registration certificate expired in 2006. There is evidence that the sub-contractor applied to the State of New Jersey for the new certificate but has not yet received it.

Manager Corica stated that he has discussed this matter with legal council and the recommendation is to award the bid contingent upon legal council researching whether or not the expired certificate in the bid packet is a fatal flaw.

Councilman Housel amended his motion to approve Resolution 231-2007 subject to the Borough Attorney reviewing the Public Contracts Law as to whether or not a fatal flaw exists in the bid packet, amendment seconded by Councilman Turner.

Councilwoman Woykowski noted that the Resolution needs to be corrected to reflect the correct bid amount of \$1,653,027.00. Manager Corica stated the Resolution will be corrected.

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

Ayes: 7, Nays: 0  
Motion Carried.

**RESOLUTION #231-2007**

**A RESOLUTION AWARDING A CONTRACT TO CONSTRUCT A PUBLIC WORKS GARAGE AND SALT STORAGE SHED.**

WHEREAS, bids were publicly advertised for the construction of a public works garage and salt storage shed; and

WHEREAS, bid were opened and publicly read on 6 September 2007; and

WHEREAS, 3 bids were received per the attached bid tabulation prepared by Hatch Mott MacDonald, the Borough engineers; and

WHEREAS, Robert Miller, of Hatch Mott MacDonald has reviewed the bids and has found the lowest responsible bidder to be Intermark Building & Design of Hackettstown, NJ with a bid amount of \$1,653,027 to construct a Pre-Engineered Metal Building, Electrical, HVAC and Plumbing, a Salt Storage Shed and Electrical; and

WHEREAS, Robert Miller has recommended that a contract be awarded to Intermark Building and Design; and

WHEREAS, the Chief Financial Officer of the Borough as certified that there are sufficient funds available to award the contract per the attached.

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

1. A contract is hereby awarded to Intermark Building & Design, 400-D Valentine Street, Hackettstown, NJ 07840 to construct a Pre-Engineered Metal Building, Electrical, HVAC and Plumbing, a Salt Storage Shed and Electrical for an amount not exceed \$1,653,027 per their bid specification submitted 6 September 2007.

2. The Mayor and Clerk are hereby authorized and directed to execute all documents necessary to enter into said contract.

3 That an executed copy of the contract between the parties be on file with the Office of the Clerk and be available for public inspection in accordance with the law.

Councilman Turners inquired as to what the \$30,000.00 in engineering fees actually covers. Manager Corica explained the engineer's price estimate included \$4,600.00 to finalize the bid documents and go out to bid the balance of \$26,200.00 covers the inspection and the administration of the contract. The scope of services exceeds what we could reasonably expect the Borough's staff to do. Manager Corica recommended awarding administration of the contract to finalize the project. This would be done by Professional Services Agreement at the next Council meeting.

Councilwoman Woykowski requested that the wording "not to exceed" be included in the agreement.

**Resolution 232-2007 Authorizing an Agreement Between the Borough of Washington and Paul and Michelle Terick.**

This agreement was moved on a motion made by Higgins, seconded by Turner and approved.

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

Ayes: 7, Nays: 0  
Motion Carried

**Resolution 232-2007**

**WHEREAS**, Paul L. Terick and Michelle Terick have requested the Borough to permit them to erect a fence on their property but in an easement owned by the Borough of Washington; and

**WHEREAS**, the Mayor and Council have concluded that there is a benefit to the Tericks to permit the erection of the fence but no significant harm to the Borough by permitting it; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Clerk of the Borough of Washington, Warren County, New Jersey are authorized to execute a License Agreement with Paul L. Terick and Michelle Terick.

**Resolution 233-2007 Authorizing Solicitation of Professional Requests for Proposals and Qualifications.**

Resolution 233-2007 was moved on a motion made by Higgins, seconded by Oakley and adopted.

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

Ayes: 7, Nays: 0  
Motion Carried

**RESOLUTION # 233 - 2007**

**OF THE MAYOR AND COUNCIL OF THE BOROUGH OF  
WASHINGTON, WARREN COUNTY, TO AUTHORIZE  
SOLICITATION OF PROFESSIONAL REQUESTS FOR  
PROPOSALS AND QUALIFICATIONS**

**WHEREAS**, Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey wish to solicit proposal for professional services for the following appointments for the year 2008 as provided under N.J.S.A. 19:44A-20.4, et. seq.

Special Legal Counsel for Redevelopment  
Bond Counsel  
Attorney  
Engineer  
Sewer Engineer  
Planner  
Auditor  
Labor Attorney  
Prosecutor  
Public Defender

**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 Manager is hereby authorized to solicit Requests for Proposal and Qualifications for the above Council appointed positions for the year 2008.

Mayor Van Deursen asked for an explanation of why the Borough should solicit for a Labor attorney. Manager Corica explained this person would be appointed for contract negotiation matters.

Mayor Van Deursen asked why the Borough is including legal council for redevelopment in the request for proposals. Councilwoman Woykowski stated this was done by her suggestion. She feels that the legal issues surrounding redevelopment require special attention so that nothing will get by the Borough during the process.

Council discussed and agreed that the RFP will be ready for advertisement on October 1, 2007 with proposals requested back to the Borough by October 22, 2007.

Mayor Van Deursen stated that the Planning Board is requesting proposals as well and the Borough Manager should work with the Planning Board to coordinate the effort. She asked if the Borough could have a different planner than the Planning Board planner. Attorney Cushing stated he strongly recommends that you do not have two different planners for the Borough.

### **COUNCIL REMARKS:**

Councilwoman Oakley requested that the council committee reports be given only once a month or on a quarterly basis. Council concurred that reports could be given as needed. Councilwoman Oakley also voiced her concern regarding the intersection of Rt. 31 and Rt. 57 as there was another accident at the intersection over the weekend. She requested the Borough Manager contact the DOT to see if there is anything they can do. Mr. Sheldon noted that the DOT is studying that intersection and working with Hatch Mott McDonald. Councilwoman Oakley also requested the Borough Manager to have the police patrol the area of School Street. The new daycare is causing traffic problems with parents not obeying parking signs.

Councilman Higgins noted the parking lot should be cleaned up; the fall festival is in two weeks. He also suggested the Army Corps of Engineers should be contacted to see if the Shabbecong can be dredged to alleviate flooding. There may be things in the Shabbecong that we are not aware of. Manager Corica stated he had made a contact with the Army Corps. of Engineers and a meeting will be arranged.

Mayor Van Deursen informed Council of a very complimentary letter to the editor of the *Express Times* in regards to the downtown and advised everyone to read it. She also stated she had received many positive comments about the efforts going on downtown.

Councilwoman Woykowski – no comments.

Councilman Cioni asked if the letter to the DEP had gone out. Manager Corica stated it will be going out this week. Councilman Cioni also asked what Van Note Harvey is doing for the Borough and when can we expect something from them. Manager Corica stated they have been asked to submit proposal to the Borough for review of the Modern Valet property and to give a recommendation as to how to proceed in getting a no further action letter from the DEP. They are also giving a proposal to the Borough in regards to obtaining Brownfield grant money. Councilman Cioni asked if a confirmation had been received on the letter sent to the EPA. Manager Corica indicated we had not received confirmation.

Mayor Van Deursen asked if the letter had gone out in regards to filling the Emergency Management Coordinator position. Manager Corica stated it would be going out this week.

### **EXECUTIVE SESSION**

Councilman Higgins motioned to enter executive session after a five minute recess; this motion was seconded by Councilman Turner.

Ayes: 7, Nays: 0

Motion Carried

Councilman Housel and Councilman Cioni excused themselves from the remainder of the meeting.

**RESOLUTION 234 -2007**

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:

Contract Negotiations

Council returned to open session at 11:40 p.m.

Hearing no further business to come before Council, it was moved by Higgins, seconded by Turner that the meeting be adjourned at 11:40 p.m.

Ayes: 5, Nays: 0.  
Motion carried.

---

Mayor Marianne Van Deursen

---

Kristine Blanchard, RMC Borough Clerk