

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – JANUARY 16, 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: Woykowski, Higgins, Turner, Oakley and Van Deursen –
5 Present.

Absent: Cioni, Housel

Also Present: Richard J. Sheola, Borough Manager
Richard P. Cushing, Esq., Municipal Attorney
Gerald Philkill C.M.E., Borough Engineer
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:

Thomas Efstathiou – Borough Tax Assessor

Mr. Efstathiou reported the usable sales for the Borough from July 2005 to June 2006 are 132. The one year sales to assessment ratio is 60%; meaning the Borough is assessing property at 60% of the sales price. The 2006 assessment ratio was 74% and the 2007 assessment ratio is 66% indicating that prices in the Borough continued to rise in 2006.

Last year the Borough had 117 added assessments which yielded 1.4 million in assessed value bringing in \$53,417.00 in taxes.

Five properties in the downtown qualified for the five year abatement; however only three properties filed for the abatement.

Mayor Van Deursen thanked Mr. Efstathiou for his report and thanked him for his service to the Borough.

MINUTES:

Regular Meeting – January 2, 2007

Executive Session January 2 ,2007

Mayor Van Deursen entertained additions or corrections to the minutes of the regular meeting held January 2, 2007 and the executive session held January 2, 2007.

Councilwoman Woykowski noted two corrections on page 25. Councilman Higgins noted that there was no roll call vote for Resolution 6-2007.

It was therefore moved by Turner, seconded by Oakley that the minutes of the regular meeting held January 2, 2007 and the executive session held January 2, 2007 be approved with the corrections.

January 2, 2007 Regular Meeting Minutes

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

Ayes: 5, Nays: 0. Motion carried.

January 2, 2007 Executive Meeting Minutes

Roll Call: Woykowski, Van Deursen, Turner, and Oakley – Yes
Higgins – Abstain

Ayes: 4, Nays: 0, Abstain: 1 Motion carried.

COMMUNICATIONS:

The following communications were entered into the Record:

1. NJLM Re: Comptroller Bill/Levy Cap Bill in the Works
2. NJLM Re: Proposed Rules Concerning Mandatory Municipal Appropriations for Libraries.
3. NJLM Re: Update on BRAC Bill
4. NJLM Re: Negotiation of Employee Health Benefits
5. NJLM Re: Pipe Inspection Technique Workshops
6. NJLM Re: State of the State

Mayor Van Deursen stated she had received a verbal communication from Doug Steinhardt indicating that Chad Chamberlain was withdrawing his appointment request for the position of Warren County Clerk.

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: 5, Nays: 0.
Motion carried.

AUDIENCE:

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

Gail Bakker – 240 West Warren Street.

Ms. Bakker wanted to discuss with Council the issue of the sewer charges in the Borough. Ms. Bakker stated the flat sewer usage fee charged by the Borough is unfair and inequitable.

Ms. Bakker stated that for a single person who works full time; the flat rate is highly unjustified. Ms. Bakker respectfully requested that the Council look into this issue and consider charging a per usage fee for sewer use rather than a flat rate.

Mayor Van Deursen explained Council has discussed this issue in the past and will be revisiting the topic sometime in the future. When Council discusses this topic again; Ms. Bakker will be invited back to participate in the discussion.

Councilman Higgins stated that one of the reasons that there is a flat rate for sewer usage is due to the fact the Borough financed the sewer plant project; a portion of the charge is used to pay down the debt.

Ms. Bakker reiterated she feels the flat rate charge is highly unjustified and would like to see a prorated charge based on usage.

Mark Mateo – Washington Theatre

Mr. Mateo gave an overview to the Mayor and Council on the current happenings at the Washington Theatre. He informed Council that the Washington Theatre will turn 80 years old on January 24, 2007. Mr. Mateo also informed Council of old film footage of the Borough recently found in the Midwest. Currently, a group of NYU students are working to restore the film and when completed will present the images to the Washington Theatre.

Hearing no further audience comments, it was moved by Oakley, seconded by Higgins to close the audience portion of the meeting.

Ayes: 5, Nays: 0.
Motion carried.

ORDINANCES:

None

REPORTS:

It was moved by Turner, seconded by Oakley that the Council acknowledge, receive and file the Borough Manager's, Borough Engineer's, Highway Department, Municipal Court, Fire Prevention, Veolia Monthly Operations, and Veolia Monthly Call Out report for Gardner's Court.

Ayes: 5, Nays: 0

Motion Carried

Discussion: Councilman Turner had a question regarding the Veolia Water Operations report. Councilman Turner asked what could be done to stop the non biodegradable bi-products from jamming the sewer pump. He pointed out that it seems to be a continuous problem. Manager Sheola that one possibility is replacing the grinder that is prone to failure. Councilman Turner stated we should not just accept the fact that we can't stop the non biodegradable bi-products from entering the system. Councilman Turner asked who will be paying for the new grinder. Manager Sheola stated the Borough would pay for the grinder.

Mayor Van Deursen requested that Manager Sheola ask the Sewer Plant Manager, Kevin Shoudt for more information and a recommendation regarding this problem.

Councilman Turner stated that when oil was in the sewer system the Borough was able to trace the origin of the oil to one block; we should be able to do the same thing in this instance.

Councilwoman Woykowski suggested that Manager Sheola ask Mr. Shoudt for alternative solutions to the problem as well.

Councilman Higgins stated that under the maintenance agreement with Veolia Water; it states that Veolia Water is responsible for normal wear and tear. What constitutes normal wear and tear? Manager Sheola will confirm the terms of the contract and maintenance agreement between Veolia and the Borough.

Councilman Turner questioned the repair and replace bill from Veolia Water for a pump that was installed improperly on Pershing Avenue. Manager Sheola stated the amount of the bill was deducted from the final bill of the contractor. Councilman Turner asked that in the future please clarify on these types of bills who is responsible financially.

Councilman Turner also suggested asking Mr. Shoudt to appear before Council sooner than his scheduled time to discuss Gardner's Court.

Councilman Turner asked Manager Sheola if the Borough could advertise items being sold on E-Bay on the Borough's website. Manager Sheola felt there was no reason why we could not do this.

Manager Sheola gave an update to the Council on the Code Enforcement Officials car. Manager Sheola explained several options to Council in regards to either leasing a car or buying something used for the Enforcement Official. Due to the amount of

community service workers the Code Enforcement Official transports; he does need a vehicle with room for passengers. Mayor Van Deursen suggested asking the County for a used vehicle if the Borough was going to continue taking on so many community service people.

COUNCIL COMMITTEE REPORTS

Mayor Van Deursen reminded the Chairpersons of Council Committee's to periodically submit a report to Council in order to update everyone on the Committee's progress.

Website Committee Report – Mayor Van Deursen stated that the committee has accomplished many of the original goals. Some of the committee's mid-term goals will be discussed at the second Council Workshop meeting. Mayor Van Deursen also reported that the website will have an ongoing reminder about the Borough's volunteer needs.

Senior Services Advisory Committee Report – Councilman Turner reported that he has obtained all of the information from the previous chairperson so that there would not be any duplication of accomplishments. Councilman Turner stated he has reached out to various civic organizations (Boy Scouts, Girl Scouts, etc.) to assist with snow removal and taking garbage to the curb. He has also reached out to the churches in the area to try and get the various youth groups involved as well.

Councilman Turner and Councilwoman Oakley are discussing meeting dates for 2007.

Mayor Van Deursen asked Councilman Turner when the committee anticipates having their first meeting with the senior citizens. Councilman Turner stated the meeting will hopefully take place in mid February, weather permitting.

Councilman Turner also indicated that he has spoken with the Code Enforcement Officer to see if the garbage ordinance could be modified to allow for the garbage containers to be brought out to the curb earlier than 6:00 p.m.

Mayor Van Deursen suggested that the Senior Services Committee present a report to Council on the survey conducted with the senior citizens. It would be interesting to see what the needs of the seniors are.

VOUCHERS & CLAIMS:

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

Councilman Higgins questioned whether the bill for Fire Department Vehicle Maintenance should be charged to the Police Department. Manager Sheola stated that Councilman Higgins was correct and the bill list will be corrected.

Hearing no further comments it was therefore moved by Higgins, seconded by Oakley that the vouchers and claims be paid in the amount of \$1,122,541.35 as reflected in the debit/credit memorandum on file in the Collector-Treasurer's office.

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

Ayes: 5, Nays: 0.
Motion carried.

OLD BUSINESS:

Willow Street Traffic

Mayor Van Deursen commented that the Willow Street Traffic report was excellent.

Manager Sheola summarized the report for the Mayor and Council. Only 20 responses were received out of 71 surveys mailed out. There were mostly negative responses to the questions asked on the survey. Most respondents were not in favor of making Willow Street one way either west or east, they were also not in favor of a three way stop, and were also not in favor of making South Lincoln Ave. one way.

Mayor Van Deursen suggested sending a copy of the report to all participants in the survey and to those who did not respond and ask for their comments back.

North Prospect Street Light

Borough Engineer, Gerald Philkill summarized the report on the North Prospect Street Traffic Calming and Safety Issues. Mr. Philkill's recommendation to Council is to consider speed humps or speed tables as an option to calming traffic. The Borough may also want to consider narrowing the intersection or making it a four way intersection.

Councilwoman Oakley asked if the Department of Transportation needed information indicating the need for a four way stop. Mr. Philkill stated that generally the D.O.T. would be looking for an engineering report of some kind, explaining the need for this type of stop.

Councilwoman Woykowski stated it is her understanding that installing any type of traffic calming device will re-route traffic to other streets. She questioned whether or not the engineer has looked into this situation and how it would affect the other streets in the area. Mr. Philkill indicated the study was limited to North Prospect Street.

Councilwoman Oakley pointed out that North Prospect Street is the only street in the area without any type of stop sign or intersection.

Councilman Turner asked the Borough Engineer if the D.O.T. had relaxed some of the restrictions on installing stop signs within a municipality. Mr. Philkill stated that an Engineering report would still have to be submitted to the D.O.T. Councilman Turner asked Mr. Philkill to clarify that point with the D.O.T.

Councilman Turner also indicated that the speeding issue on North Prospect Street is possibly an enforcement problem. He also asked for a status on the Speed Machine from Washington Township.

Mayor Van Deursen thanked the Borough Engineer for a very thorough report.

The Borough Engineer confirmed that he will follow up with the D.O.T. on the rules for a municipality installing a four way stop sign.

NEW BUSINESS

New Jersey – Pennsylvania Lackawanna Cut-Off Passenger Rail Service Restoration Project.

Manager Sheola informed Council on Public Meetings being held in the area restoration of this rail line. Manager Sheola indicated he would like to attend the session being held at the Blirstown Municipal Building from 3:00 p.m. – 8:00 p.m. on January 29, 2007.

Mayor Van Deursen suggested calling NJ Transit to find out if this rail line will benefit the Borough.

Approval of NJ State Firemen’s Association Membership Application.

Mayor Van Deursen asked the Borough Clerk if the paperwork was in order for new applicant – Richard McGuire. The Borough Clerk state the paperwork is in order.

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

Ayes: 5, Nays: 0

Motion Carried.

Resolution #34-2007 – Authorizing Refund of 2006 Tax Overpayment

The following Resolution was moved by Turner seconded by Higgins and adopted:

RESOLUTION #34-2007

A RESOLUTION AUTHORIZING A REFUND OF 2006 TAX OVERPAYMENT

WHEREAS, the Tax Collector’s records show that an overpayment of \$115.32 on a 4th quarter 2006 added assessment was applied to the 1st quarter 2007 with the authorization of Wells Fargo Real Estate Tax Service. Wells Fargo Real Estate Tax Service subsequently requested that the overpayment be refunded to them instead, due to the fact that it would affect their loan holder’s year-end escrow accounts. This request was made on behalf of the property owner, John and Beverly Neusch, Block 002.03, Lot 003, also known as 97 McDonald Street.

WHEREAS, the Tax Collector’s office has received a written request that the above amount should be refunded to Wells Fargo Real Estate Tax Service, and mailed to:

Wells Fargo Real Estate Tax Service, LLC

1 Home Campus, MAC # x2301-03D
Des Moines, IA 50328

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

Roll Call: Woykowski, Higgins, Van Deursen, Turner and Oakley
Ayes: 5, Nays: 0.
Motion carried.

Resolution 35-2007 – Redemption of Tax Sale Certificate

The following Resolution was moved on a motion made by Turner, seconded by Higgins, and adopted.

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE
As per N.J.S.A.54:5

KNOW ALL MEN BY THESE PRESENTS, THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on December 27, 2006 to Park Finance LLC, PO Box 109, Cedar Knolls, NJ 07927, in the amount of \$199.28 for taxes or other municipal liens assessed for the year 2005 in the name of Rush, Anthony A, as supposed owners, and in said assessment and sale were described as 182 Broad Street Rear, Block 088 Lot 011, which sale was evidenced by Certificate #423-06; and

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 01-09-07 and before the right to redeem was cut off, as provided by law, Anthony A Rush, claiming to have an interest in said lands, did redeem said lands claimed by Park Finance, LLC, by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,832.63, which is the amount necessary to redeem Tax Sale Certificate #423-06.

WHEREAS, the Tax Collector was notified by Park Finance that Certificate #423-06 was not recorded, therefore the amount of \$40.00 needs to be refunded to Anthony A Rush, 8 Sunrise Terrace, Washington, NJ 07882.

NOW THEREFORE BE IT RESOLVED, on this 16th day of January, 2007 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Park Finance, LLC, PO Box 109, Cedar Knolls, NJ 07927 in the amount of \$1,792.63.

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 088 Lot 011 from the tax office records.

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

Ayes: 5, Nays: 0
Motion Carried.

Resolution #36-2007 Resolution to Amend the Temporary Budget

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

RESOLUTION #36-2007

**A RESOLUTION PROVIDING FOR AMENDING
TEMPORARY CURRENT FUND
APPROPRIATIONS**

WHEREAS, N.J.S.A. 40A: 4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the 2007 Budget, temporary appropriations should be made for the purpose and amount required in the manner and time therein provided; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey do hereby make the following amendments to the temporary appropriations:

TEMPORARY APPROPRIATIONS – 2007 BUDGET

Animal Control	
Other Expenses	500.00
Fire Hydrants	
Other Expenses	3,150.00
TOTAL AMENDMENTS TO APPROPRIATIONS:	3,650.00

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

Ayes: 5, Nays: 0

Motion Carried

Resolution #37-2007 – Transfer of Reserve Appropriations

The following Resolution was moved by Higgins, seconded by Turner for discussion:

Councilman Higgins questioned the engineering bill and if this was an outstanding bill. Manager Sheola explained that the money is being transferred from the Social Security line item to General Engineering in order to pay the engineering bill.

Councilwoman Oakley asked why there is so much money sitting in the Social Security line item. Manager Sheola stated that it was an error when calculating salaries.

Roll Call: Woykowski, Turner, Oakley, and Van Deursen – Yes

Higgins – No

Ayes: 4, Nays: 1

Motion Defeated

Resolution #38--2007 – Professional Services Agreement – Janitorial Services Borough Hall.

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

Manager Sheola stated that Clean-Net submitted the lowest proposal at \$659.00 per month three days a week. They will also be cleaning after 5:00 p.m.

RESOLUTION #38-2007

RESOLUTION AUTHORIZING THE BOROUGH MANAGER TO SIGN A CONTRACT WITH CLEAN-NET, INC. AND THE BOROUGH OF WASHINGTON, WARREN COUNTY

WHEREAS, the Borough of Washington has the need for building maintenance services; and

WHEREAS, Clean-Net is in the business of cleaning office and municipal buildings and provides such services; and

WHEREAS, the proposal submitted by Clean-Net of \$659.00 per month for cleaning (3) three days per week is acceptable to the Borough of Washington; and

NOW, THEREFORE, BE IT RESOLVED, by the governing body of Borough of Washington, in the County of Warren, State of New Jersey that the Borough Managers is authorized to sign and complete requirements for an agreement with Clean-Net for building maintenance services at the rate of \$659.00 per month from February 1, 2007 – March 31, 2008.

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

Ayes: 5, Nays: 0.
Motion carried.

Resolution #39-2007 – Authorizing the Mayor and Borough Clerk to enter into an Agreement with Department of Transportation – Traffic Signal Rt. 57 and Prospect Street.

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

RESOLUTION # 39-2007

A RESOLUTION AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE AN AGREEMENT BETWEEN THE BOROUGH OF WASHINGTON AND THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR A TRAFFIC SIGNAL AT ROUTE 57 AND PROSPECT STREET

WHEREAS, a traffic condition exists at the intersection of Route 57 and Prospect Street in the Borough of Washington, County of Warren, which requires the installation and operation of a semi-actuated traffic control signal with pedestrian push buttons and areas of presence detection in order to minimize the possibility of accidents; and

WHEREAS, it is necessary to expedite the safe movement and conduct of pedestrian and vehicular traffic; and

WHEREAS, the State of New Jersey has indicated its willingness to install a traffic control signal at said intersection; and

WHEREAS, the State of New Jersey has proposed a form of Agreement pertaining to maintenance of said traffic signal;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Clerk of the said Borough of Washington be and hereby is authorized to enter into an Agreement with the State of New Jersey, acting through its Commissioner of

Transportation, for the purpose aforesaid, a copy of said agreement being attached hereto and made a part hereof;

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

Ayes: 5, Nays: 0.
Motion carried.

Resolution 40-2007 - A RESOLUTION OPPOSING A GUBERNATORIAL APPOINTMENT TO FILL THE OFFICE OF WARREN COUNTY CLERK

This Resolution was pulled from the agenda due to the withdrawal of the appointment request to the Governor.

Approval of Release of Draft Curfew Ordinance

Permission was given to the Borough Clerk to Release the Draft Curfew Ordinance as prepared by Richard Cushing's office in September of 2006. An invitation will be extended to the requestor to participate on the Curfew Committee.

Resolution 41-2007 – Washington Borough Business Improvement District Budget.

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

Council Discussion: Manager Sheola informed Council that this Resolution conforms to New Jersey Statutes and the Borough Ordinance.

RESOLUTION # 41-2007

**INTRODUCING AND APPROVING THE BUDGET OF
THE WASHINGTON BOROUGH SPECIAL IMPROVEMENT DISTRICT**

WHEREAS, the governing body of the Borough of Washington on June 4, 2003 adopted Ordinance 7-2003 creating the Washington Borough Special Improvement District; and

WHEREAS, the governing body of Borough of Washington designated the Washington Borough Business Improvement District Management Corporation as the District Management Corporation for the Special Improvement District; and

WHEREAS, the Washington Borough Business Improvement District Management Corporation Board of Directors have approved a 2007 Special Improvement District Budget for submittal to Borough Manager for submission to the Mayor and Council of the Borough of Washington for their consideration; and

WHEREAS, pursuant to N.J.S.A. 40:56-80 and N.J.S.A. 40:56-84, the governing body of Borough of Washington is required to approve the budget and fix the time and place for the holding of a public hearing upon the budget;

WHEREAS, the governing body of Washington Borough has determined that at least one (1) week prior to the hearing a complete copy of the proposed budgets shall be: (a) posted on the bulletin board in the Borough Municipal Building; (b) made available to each person requesting the same before and during the public hearing; (c) a copy of the budget shall be advertised along with the date, time and place of the hearing in a newspaper published in the county and circulating in the municipality at least 10 days prior to the hearing; and (d) the hearing shall be held not less than 28 days after the approval of the budget.

NOW, THEREFORE, BE IT RESOLVED the governing body of the Borough of Washington that:

The Washington Borough Special Improvement District budget is hereby introduced and approved by the governing body of the Borough of Washington for the period of January 1, 2007 – December 31, 2007 in the amount of \$237,650 to the Washington Borough Business Improvement District Management Corporation;

The hearing on the Washington Borough Special Improvement District Budget shall be Tuesday, February 20, 2007;

A special assessment will be imposed and will be collected with either the regular tax payment (or payment in lieu of taxes), or otherwise, on properties located within the

Borough of Washington as set forth within Ordinance 7-2003 as amended from time to time and the assessment proposed will be determined by the Borough Assessor;

Payments received by the Borough of Washington for the District will be transferred to the Washington Borough Business Improvement District Management Corporation to be expended in accordance with the approved budget;

The Borough Clerk will be authorized to forward a certified copy of the adopting resolution to Washington Borough Business Improvement District Management Corporation, the Warren County Board of Taxation, and the Director of the Division of Local Government Services in the State of New Jersey Department of Community Affairs after the public hearing and adoption by a majority vote of the full membership of the governing body.

(5) The proposed Budget is attached and made part of this Resolution.

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

Ayes: 5, Nays: 0.

Motion Carried.

COUNCIL REMARKS:

Mayor Van Deursen polled Council for remarks.

Councilwoman Woykowski and Councilman Turner had no comments.

Councilman Higgins reminded Council of taking a very good look at the budget received today from the Managers Office. Councilman Higgins also informed Council that local Assemblyman Michael Doherty has a bill pending in the state legislature. This bill proposes that volunteer firefighters and EMS (rescue squad) personnel receive a \$500.00 income tax credit per year. Councilman Higgins would like to have a resolution drafted in support of this pending legislation and have the resolution sent to Trenton and the other municipalities within the county asking for their support as well.

Councilwoman Oakley asked for a status on a resolution that had previously been discussed regarding Truancy Officers in the school. Manager Sheola stated he does need to discuss with Attorney Cushing the details of the Resolution.

Mayor Van Deursen had no comments.

RECAP

Manager Sheola stated he will make the one change in the bill list discussed this evening. He will also discuss with Kevin Shoudt the possibility of tracking through the sewer system where certain “clogs” are coming from prior to replacing the grinder. Manager Sheola will also discuss with Mr. Shoudt other possible ways of preventing these types of problems in the sewer system in the future. He will also take a look at the maintenance agreement with Veolia to see which party is responsible for payment of these types of items. Manager Sheola will place a call to Warren County to see if they have any surplus vehicles for sale; due to the fact that the Borough takes on many of the county’s Community Service workers. Manager Sheola will also send out the report to all seventy one recipients of the Willow Street survey and ask for their comments back.

Executive Session

Resolution 43-2007

It was moved by Turner, seconded by Oakley that Council go into **Executive Session**.

RESOLUTION 42-2007

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:
 - Negotiations
 - Litigation

Ayes: 5, Nays: 0.
Motion carried.

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

Ayes: 5, Nays: 0.
Motion carried.

Resolution 42-2007 – Approving Settlement

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

RESOLUTION # 42 -2007

APPROVING SETTLEMENT

WHEREAS, the Borough of Washington filed suit against Washington Enterprise, Ltd. and Highland Associates, Ltd. to collect past due payment in lieu of taxes payments (“Pilot Payments”); and

WHEREAS, the parties conducted negotiations in an attempt to settle this matter; and

WHEREAS, the Township Attorney, after consultation with and approval by the Borough Manager and Borough Tax Collector, has reported to the Mayor and Council recommending the proposed settlement; and

WHEREAS, the Mayor and Council have considered the positives and negatives of the proposed settlement set forth by the Township Attorney; and

WHEREAS, the Mayor and Council have determined that entering into the proposed settlement would be in the best interest of the Borough of Washington;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, Warren County, New Jersey, that the Township Attorney is authorized to enter into a Consent Judgment with defendants pursuant to the terms set forth in the Consent Judgment attached hereto as Exhibit A in settlement of this lawsuit.

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

Ayes: 5, Nays: 0
Motion Carried

Hearing no further business to come before Council, it was moved by Turner, seconded by Oakley that the meeting be adjourned at 11:00 p.m.

Ayes: 5, Nays: 0.
Motion carried.

Marianne Van Deursen, Mayor

Kristine Blanchard, RMC
Borough Clerk