

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – FEBRUARY 20, 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, Cioni, Housel arrived at 8:10 p.m – 7 Present

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.

PUBLIC HEARING 2007 BID BUDGET

Mayor Van Deursen opened the public portion of the hearing for the proposed 2007 Bid Budget.

Hearing no comments Councilman Higgins motioned to close the public hearing for the 2007 BID Budget, seconded by Councilwoman Oakley.

Ayes: 6 Nays: 0
Motion Carried

Resolution73-2007 Approval of the BID Budget

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

Council Discussion:

Councilman Higgins asked about the \$4,000.00 for snow removal for downtown. He also asked if the BID has to pay for the snow removal downtown. Manager Sheola indicated that they would have to pay for the snow removal downtown. Councilman

Higgins stated that in the Codebook under the establishment of the BID; the Borough can not charge the BID for any service that the Borough normally provides. The Borough normally provides snow removal from the curb so this is not something we can charge the BID for.

Councilman Turner indicated that in years past the snow removal from the curb has been at the expense of the Borough. Councilman Turner also stated that if the Borough wanted to receive money from the BID for snow removal the original Ordinance that formed the BID would have to be amended.

Mayor Van Deursen stated that the snow removal issue does not impact their budget for this year but it is a valid point that should be looked at.

Attorney Cushing agreed with the comments of Councilman Higgins stating that if the service is something the Borough normally provided prior to the formation of the BID; the Borough would not be able to charge for the service now as per the Ordinance.

RESOLUTION # 73-2007

APPROVING THE BUDGET OF THE WASHINGTON BOROUGH SPECIAL IMPROVEMENT DISTRICT

WHEREAS, at its meeting of January 16, 2007, the governing body of the Borough of Washington introduced and approved the Washington Borough Special Improvement District budget for the period January 1, 2007 – December 31, 2007, which budget is annexed hereto; and

WHEREAS, after notice and advertisement in a newspaper of general circulation, the governing body of Washington Borough conducted a public hearing on February 20, 2007; and

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 were (a) advertised; (b) posted in the Borough Clerk's office; and (c) made available to each person requesting the same before and during the public hearing; and

WHEREAS, all persons having interest in the budget were given the opportunity to present objections; and

WHEREAS, the governing body of Borough of Washington having considered the comments at the public hearing is of the opinion that it is appropriate and desirable to ratify and adopt the budget without amendment as advertised; 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 adopt the budget by resolution after closing the hearing;

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

- (1) The Washington Borough Special Improvement District budget is approved by the governing body of the Borough of Washington and it is approved for the period of January 1, 2007 – December 31, 2007 in the amount of \$237,650.00 to the Washington Borough Business Improvement District Management Corporation
- (2) This special assessment is hereby imposed and shall 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 and the assessment as follows:
- (3) Payments the District received by the Borough of Washington shall be transferred to the Washington Borough Business Improvement District Management Corporation to be expended in accordance with the approved budget; and
- (4) The Borough Clerk is hereby authorized to forward a certified copy of this 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.

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

Ayes: 6, Nays: 0
Abstain: 1
Motion Carried.

MINUTES:

Regular Meeting – February 6, 2007

Special Workshop Meeting January 30, 2007

Mayor Van Deursen entertained additions or corrections to the minutes of the regular meeting held February 6, 2007 and the Workshop meeting held January 30, 2007.

Councilman Higgins noted an addition to the discussion on page four of the February 6, 2007 minutes. Borough Engineer, Gerald Philkill also noted that Resolution number 64-2007 should be corrected to read Professional Planner.

Hearing no further corrections it was moved by Housel, seconded by Higgins that the minutes of the regular meeting held February 6, 2007 and the Workshop Session held January 30, 2007 be approved with the corrections.

February 6, 2007 Regular Meeting Minutes

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

Ayes: 7, Nays: 0. Motion carried.

January 30, 2007 Special Workshop Meeting Minutes

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

Ayes: 6, Nays: 0, Abstain: 1 Motion carried.

PROCLAMATION:

At this time Mayor Van Deursen presented a Proclamation to Charles F. Wright for outstanding service to the Washington Borough Fire Department.

**A PROCLAMATION OF THE BOROUGH OF WASHINGTON
EXPRESSING APPRECIATION TO CHARLES F. WRIGHT FOR HIS SERVICE
TO THE WASHINGTON BOROUGH FIRE DEPARTMENT**

WHEREAS, Charles F. Wright has honorably served the Borough of Washington in the capacity as a dedicated member of the Washington Borough Fire Department for the past fifty-one years; and

WHEREAS, Charles F. Wright, joined the Washington Borough Fire Department in January 1956; and

WHEREAS, Charles F. Wright served as Chief of the Department from January 1980 to December 1981; and

WHEREAS, the Borough of Washington has benefited greatly from his guidance in all matters affecting the operations of the Washington Borough Fire Department during his long tenure; and

WHEREAS, Charles F. Wright has devoted himself to the betterment of the Borough of Washington and;

WHEREAS, as the elected representatives of the Borough of Washington, the Mayor and Council desire to formally express the heartfelt appreciation of the entire community to Charles F. Wright for his many years of outstanding and dedicated service to the Borough of Washington.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington in the County of Warren, State of New Jersey that the appreciation of the community is hereby expressed to Charles F. Wright for his fifty-one

years of dedicated and honorable service to the citizens of the Borough of Washington and our sincerest best wishes are expressed to him and his family now and in the future.

BE IT FURTHER RESOLVED that the Borough Clerk be directed to have this proclamation duly embossed and framed for presentation by the Mayor of the Borough of Washington on February 20, 2007 and to have a certified copy of this proclamation recorded in the permanent record of the Borough of Washington in perpetuity.

Mr. Wright thanked the Mayor and Council for the Proclamation. He stated that fifty one years is a long time and most of his family has been a member of the Washington Fire Department. Mr. Wright stated that he truly appreciated the recognition by the Mayor and Council.

COMMUNICATIONS:

The following communications were entered into the Record:

1. Department of Transportation Traffic Signal Route 57 and Prospect St.
2. Michael Schmidt Re: Abatements
3. Warren County Department of Human Services Re: United We Ride Initiative.
4. NJLM Re: New League Publication
5. Recreation Facilities Consultant.
6. New Jersey Department of Environmental Protection Re: Priorities and Action Plan Booklet - on File in Clerk's Office.
7. William and Jeanine Gleba Re: Grace's Law Thank You
8. Congressman Scott Garrett Re: Federal Funding Opportunities.
9. NJ Transit Public Hearing Notice
10. Comcast Re: March Channel Changes.
11. NJLM Re: Senate Passes A-1/S-20 Caps and Credits.
12. NJLM Re: Federal Budget
13. NJLM Re: S-2249 Paid Family Disability Leave
14. NJLM Re: Clarification of Lazy Bidder Law
15. NJLM Re: Tax Levy Cap Bill
16. NJLM Re: No Monday Bid
17. NJLM Re: Mayors Support Troops on Active Duty

Mayor Van Deursen indicated that there was an additional communication handed out to Council that she received at home.

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

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

Ayes: 7, Nays: 0.

Motion carried.

Council Discussion:

Mayor Van Deursen asked about the communication in regards to the traffic signal at Route 57 and Prospect Street. Manager Sheola explained that he spoke to Assemblywoman Karrow and it was this conversation that sparked the communication from the DOT.

Councilman Higgins asked if anyone had read the communication in regards to federal funding opportunities. Councilwoman Woykowski stated that she had read it briefly; but would like more information on it as well. Manager Sheola will take a look at the information and follow up with an email before the week is over.

Councilman Higgins also stated he would like to pass a Resolution in support of the “Mayors Support Troops on Active Duty” communication received from the League of Municipalities. A resolution will be prepared for the next meeting.

AUDIENCE:

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

Councilman Turner told the Mayor and Council that he received some phone calls from some of the senior members of the community. They are concerned about the interest rate of 8% on the first \$1,500.00 of delinquency and 18% on anything over \$1,500.00. Most seniors own their own homes and there is no mortgage company involved. It can be difficult for seniors to pay this interest living on a fixed income. Councilman Turner asked if the threshold of \$1,500.00 could be raised to \$2,500.00. Manager Sheola stated that the interest rates are statutory and there is nothing that can be done about raising the threshold. Councilwoman Oakley asked if the ten days grace period could be extended. Manager Sheola explained that this was also statutory.

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

Ayes: 7, Nays: 0.

Motion carried.

ORDINANCES:

Ordinance #1-2007 – An Ordinance to Amend, Revise, and Supplement the Code of the Borough of Washington, Chapter 24 “Zoning and Land Use” to add a New Section, Section 94-79.1 Permitting Clustering in the Mountain District.

Mayor Van Deursen entertained a motion to introduce **Ordinance #1-2007**.

Ordinance #1-2007 was introduced by Councilwoman Oakley. It was further moved by Oakley, seconded by Cioni that the Clerk read Ordinance #1-2007 by title only.

Roll Call: Woykowski, Housel, Cioni, Van Deursen, Turner, and Oakley – Yes
Higgins - No

Ayes: 6, Nays: 1.
Motion carried.

The Clerk read Ordinance #1 – 2007 entitled, “**An Ordinance to Amend, Revise, and Supplement the Code of the Borough of Washington, Chapter 24 “Zoning and Land Use” to add a New Section, Section 94-79.1 Permitting Clustering in the Mountain District.**”

Council Discussion:

Councilwoman Woykowski noted that the way the Ordinance is written it takes away from the original Ordinance of one unit per three acres. The tract that we are discussing consists of 125 acres and Council has always discussed 41.66 units in that area. Sixty % of the land will be used for open space, which leaves 75 acres 50 of which are buildable. The way the ordinance reads now the minimum lot size is 100 ft. x 175 ft. If you multiply that out it comes to a little less than ½ acre. The Ordinance should be reworded so that someone will not have the opportunity to build 124 units in those 50 acres which is a lot more than the original number of 41.66 units.

Attorney Cushing stated that the density is regulated by 3 acre lot size. Councilwoman Woykowski clarified that she is just concerned that the Ordinance is not binding enough to protect the Borough in the future.

Attorney Cushing explained that the only change from the current Ordinance is section E which is the clustering option. It does nothing more than continue the same density for the tract which is calculated by gross tract size divided by the number of acres. Attorney Cushing indicated that Councilwoman Woykowski’s calculation is correct but there is a further stipulation pertaining to this case limiting them to 40 units maximum.

Councilman Housel asked about the minimum front yard requirements. He is concerned about the fire department being 35 feet away from a building. Councilman Housel asked to hear from the fire department in the audience. Emergency Management Coordinator Keith Gonzales that usually this discussion will take place during the

Planning Board process however he thanked Council for their concern for the fire department.

Councilman Higgins stated that in 2004 this same discussion was brought up and Council adopted the current Ordinance; why are we revisiting it. Attorney Cushing explained that during the course of litigation the planner noted in his report the justification for 3 acre zoning was the steep slopes existing on that property, the existence of wetlands, and the forested cover that existed on the slopes. The planner indicated the problem with 3 acre zoning without a cluster component was that if the developer went ahead and developed the property if you went with the 3 acre zoning you would end up with a lot less preservation than you would with smaller lots. The planner's suggestions were brought before Council and Council agreed to consider to amend the Ordinance to include clustering.

Councilman Higgins made Council aware of several other items concerning that area. The ridge in the area has the second highest water recharge level in Warren County. Additionally the railroad bed is on limestone. If the Borough uses an impervious surface such as concrete, and we rearrange the water flow what will happen to the limestone beds? That may lead to problems with the limestone and possible cause wells to go dry which is worst case scenario. Councilman Higgins also raised concern over that area being in the Highlands planning area. The planner stated that that area was not in the planning area. Attorney Cushing said that the area is in the highlands planning area.

Councilman Turner stated that it is within the planning area but the new proposed rules may refer to that area where development should be discouraged. This approach is consistent with the proposed designation.

Councilman Turner addressed the concern that Councilman Higgins discussed. He clarified that with the clustering option you reduce the impervious surface by reducing the actual length of the road. With the new stormwater regulations contractors are installing tanks that take rainwater from the gutters into the tanks and put the water back into the ground quickly.

Councilman Higgins asked whether or not the Planning Board has seen the proposed Ordinance. Attorney Cushing stated that after the Ordinance introduction by Council; it is sent to the Planning Board who will review it prior to Council adoption. The Planning Board will review and have to concur that it does not interfere with the Master Plan.

Councilman Higgins stated that he still does not understand why we need to change the original Ordinance. Attorney Cushing explained that in reference to Councilman Higgins concerns if the limestone exists and if it is an issue that is something the Planning Board would gather information on. With respect to the water issue that would require a hydro geological study and again would be addressed at the Planning Board.

Councilman Turner agreed that it would be beneficial to Council to have some additional background on the original Ordinance. Attorney Cushing was in agreement stating that it would be a good idea to have the planner at the public hearing for this Ordinance.

Councilman Housel indicated that clustering was discussed at that time but with many more homes. When the Council decided to go with Mountain Zoning; clustering was never discussed.

Councilman Turner explained that the original idea was to preserve as much as the ridgeline as possible and the cluster option does exactly what the Mountain Zoning was intended to do which is maximum preservation.

Attorney Cushing recommended that the title of the Ordinance be rephrased as follows, “An Ordinance to Amend, Revise and Supplement the Code of the Borough of Washington, Chapter 24 “Zoning and Land Use to add New Sections, Permitting Clustering in the Mountain District.”

Councilman Turner indicated that he has requested the minutes from the previous meetings regarding this topic from the Planning Board secretary and will forward them on to the rest of Council.

The Borough Engineer pointed out that “square feet” should be included in the minimum lot area section.

Mayor Van Deursen entertained a motion to approve Ordinance 1-2007 with changes on first reading.

It was moved by Oakley, seconded by Turner that Ordinance 1-2007 be approved with changes on first reading.

Roll Call: Woykowski, Housel, Cioni, Van Deursen, Turner, and Oakley – Yes
Higgins – No

Ayes: 6, Nays: 1
Motion Carried.

It was further moved by Oakley, seconded by Turner that Ordinance 1-2007 be advertised in the Star Gazette on March 2, 2007 and public hearing of Ordinance 1- 2007 be scheduled for March 20, 2007.

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

Ayes: 7, Nays: 0
Motion Carried.

ORDINANCE NO. 1-2007

**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 94 “ZONING AND LAND
USE” TO ADD NEW SECTIONS, PERMITTING CLUSTERING IN THE
MOUNTAIN DISTRICT**

WHEREAS, the governing body of the Borough of Washington, County of Warren, has determined that portions of Chapter 94 “Zoning and Land Use” should be amended, revised and supplemented to include provisions permitting clustering in the Mountain District.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Washington, Warren County, that Chapter 94 “Zoning and Land Use” of the Code of the Borough of Washington is hereby amended, revised and supplemented as follows:

§ 94-74 M-3 MOUNTAIN DISTRICT

- A. Purpose. The Mountain District is created to provide for large lot residential uses recognizing the existing remote character of the area, the rock conditions, difficult road access, steep slopes, heavy forest cover, and adjacent zoning in Washington Township.

- B. Permitted Uses.
 - 1. Single-family detached dwellings.
 - 2. Accessory uses customarily incident to the above use, provided that they do not include any activity commonly conducted for gain unless specifically permitted in this District.
 - 3. Permitted uses include home offices and instruction for musical instruments on one-to-one basis not entailing more than one student at any one time for one teacher in a residence.

- C. Area yard and bulk requirements (principals permitted uses)

| Use Type | Min Lot Area (acres) | Min. Lot Width (Feet) | Min. Lot Depth (Feet) | Min. Front Yard (Feet) | Min. Side Yard (Feet) | Min. Rear Yard (Feet) | Max. Bldg. Height (Feet) | Max. Lot. Cov. (Percent) |
|------------------------|----------------------|-----------------------|-----------------------|------------------------|-----------------------|-----------------------|--------------------------|--------------------------|
| Detached single-family | 3 | 225 | 300 | 75 | 40 | 40 | 35 | 8% |

| | | | | | | | | |
|----------|--|--|--|--|--|--|--|--|
| dwelling | | | | | | | | |
|----------|--|--|--|--|--|--|--|--|

D. Area yard and bulk requirements (Accessory uses)

1. Any accessory building or deck constructed of any material attached to a principal building is part of the principal building and shall adhere to the yard requirements for the principal building.
2. The minimum distance of any accessory building to a property line or to be a building on the same lot shall be five (5) feet.
3. Height and area. Accessory buildings shall not exceed fifteen (15) feet in height and may not occupy an area totaling more than twenty-five percent (25%) of a required rear yard or a maximum of nine hundred (900) square feet, whichever is smaller.
4. Location. An accessory building may be erected in the side or rear yard only. If erected on a corner lot, it shall be set back from the side street to comply with the setback line applying to the principal building.

E. Cluster Option – A single family residential cluster option is permitted within the M-3, Mountain District Zone. All cluster developments shall meet the following requirements:

1. Permitted uses as set forth in §94-74 B.
2. Minimum tract area required for cluster options is one-hundred acres (100 ac).
3. Maximum Gross Density for cluster option is (1) dwelling unit per three (3) acres (total tract area divided by three (3))
4. A minimum of sixty percent (60%) of the gross tract area shall be reserved for open space as defined in NJSA 40:55D-5. The open space may be offered to the Borough of Washington or other governmental agencies or non-profit land conservation entities and if accepted by borough, other government agencies, by deed at the time of Final Subdivision approval.

F. Area and yard bulk requirements for cluster option (principal permitted use)

| Use Type | Min Lot Area | Min. Lot | Min. Lot | Min. Front | Min. Side | Min. Rear | Max. Bldg. | Max. Lot. |
|----------|--------------|----------|----------|------------|-----------|-----------|------------|-----------|
|----------|--------------|----------|----------|------------|-----------|-----------|------------|-----------|

| | (square feet) | Width (Feet) | Depth (Feet) | Yard (Feet) | Yard (Feet) | Yard (Feet) | Height (Feet) | Cov. (Percent) |
|---------------------------------|---------------|--------------|--------------|-------------|-------------|-------------|---------------|----------------|
| Detached Single-family dwelling | 17,500 | 100 | 175 | 35 | 15 | 40 | 35 | 40% |

G. Area and yard bulk requirements (accessory uses)

1. Any accessory building or deck constructed of any material attached to a principal building is part of the principal building and shall adhere to the yard requirements for the principal building.
2. The minimum distance of any accessory building to a property line or to be a building on the same lot shall be five (5) feet.
3. Height and area. Accessory buildings shall not exceed fifteen (15) feet in height and may not occupy an area totaling more than twenty-five percent (25%) of a required rear yard or a maximum of nine hundred (900) square feet, whichever is smaller.
4. Location. An accessory building may be erected in the side or rear yard only. If erected on a corner lot, it shall be set back from the side street to comply with the setback line applying to the principal building.

H. Affordable Housing

1. All development shall comply with the growth share provisions as adopted by Ordinance 10-2006 or as subsequently amended.

In accordance with Chapter 3, Article II, Section 15, Subsection E of the Code of the Borough of Washington, this Ordinance shall become effective 20 days after final passage unless the Council, by an affirmative vote of five (5) Council Members, shall adopt a resolution declaring the Ordinance to be an emergency upon which said Ordinance will take effect upon final passage.

REPORTS:

It was moved by Housel, seconded by Higgins that the Council acknowledge, receive and file the Borough Manager’s Report, Police Activity Reports, Municipal Court Report, DPW Overtime Report, Borough Engineers, and Fire Official Reports.

Ayes: 7, Nays: 0
Motion Carried

Council Discussion:

Councilman Cioni asked Manager Sheola for more information on the DPW Garage. Manager Sheola stated that the committee has looked at several design options. After all the discussions the budget number the committee is using is two million dollars for everything. The line item in the budget will remain the same.

Mayor Van Deursen asked if the building has changed at all structurally from the original design. Councilman Turner stated that the proposed building will be a wooden frame rather than a steel frame.

Manager Sheola stated that the Ordinance needs to be put together for the balance of the funds prior to going out for bid. The budget should be at least introduced prior to adopting the Ordinance for funding.

Councilman Higgins asked if the Borough has an approved plan for the DPW garage. Manager Sheola indicated the original plan is very close to what is being used. Councilman Turner stated that there will be input from potential bidders to ascertain what certain segments of the market are capable of doing and then there will be a standard put out to bid.

Councilman Housel noted that the committee found a cost savings by including the office area under the same roof line as the main building.

Councilman Higgins asked if the previous drawings for this building are going to be used. Manager Sheola stated the architect's plans from 2006 will not be used. Councilman Higgins stated that the Borough paid \$40,000.00 for those plans and now they are not going to be used.

At this time Borough Engineer, Gerald Philkill gave Council a brief summary of this engineers report. He noted that Washington Meadows field has been stabilized with mulch. In regards to the Downtown Project, Berto Construction has begun preliminary preparation work. At this time they do not know what to expect in terms of frost but will be able to make a determination once they start excavating. Berto is doing the drainage portion of this project. Mayor Van Deursen requested the Borough Engineer type some information up to be included on the website in order to alert the residents.

The Borough Engineer indicated that there are some issues with the second contractor. There is a meeting on Thursday to clarify some issues with them.

Councilman Higgins asked Mr. Philkill about the site grading at the DPW garage. The engineers report indicates that the site grading is 90% complete; however the grading was done two years ago. There are catch basins without tops on them that are now full of dirt. The site may have been level at one time but is not anymore. Councilman Higgins feels that the Borough will need to redo the grading at the site. Councilman Higgins asked Mr. Philkill if the site will be ready to be built on without re-grading it. Mr. Philkill

stated that he has not seen the site and is not able to answer that question this evening. If Council wishes he will go out to the site and review the re-grading.

Councilman Turner asked if a site that has been sitting for two years will be subject to soil erosion. Mr. Philkill stated the degree of soil erosion will be dependent upon the concentration of water.

Councilman Higgins stated that there are pipes laying in the driveway that have been there for a year. There are concrete drainage pipes that are broken. These are items that the Borough has already paid for. The water lines are still sitting there too.

Councilman Higgins said that he thought the DPW department was supposed to be doing this work. Manager Sheola clarified that the water lines have only been there since October. Councilman Higgins pointed out that the lines are still sitting there and they need to get in the ground.

Council discussed who will go out and take a look at the DPW garage site to determine whether or not the site needs to be re-graded and to what extent. Councilman Turner suggested that the Road Superintendent should be able to make that determination. Councilman Higgins requested that the Road Superintendent report back to Council as to the condition of the site.

Mr. Philkill also reported that he has provided Council with a memo regarding the North Prospect traffic calming issues. He has provided the statutory requirements for implementing four way stop signs and speed humps.

Councilman Turner commented on the South Lincoln traffic issues. He would like to suggest that the Borough block off the portion that goes from Broad Street to South Lincoln for a time period of about two weeks to see how that affects the flow of traffic. It would just be the wooden barricades that are used during the Fourth of July parade so that emergency management people would still be able to get through. Councilman Turner stated the Borough created this mess by paving that section of the road. The railroad did not pave it. We should try to resolve the issue. It is a temporary solution and if it does not work they can easily be removed.

Manager Sheola stated that barricades will probably be gone in six hours. It may be better to place Do Not Enter signs at the area. Attorney Cushing suggested contacting the railroad due to the fact that the Borough does not own the property. If you are going to do something along a road it has to be done in accordance with engineering standards. The Borough does not want to create a safety or traffic hazard.

Manager Sheola suggested that the Borough should follow the proper engineering protocol due to the fact it may need additional traffic control devices too. Councilman Turner stated he feels that is completely unnecessary for a simple portion of black top that should not exist in the first place.

Councilwoman Oakley suggested contacting the Railroad Company to ask them if Council can put a barrier there for a two week period to determine the traffic issue when a barrier is installed. Mayor Van Deursen polled Council. Higgins – No, Oakley – yes, Turner- Yes, Woykowski – No Comment, - Cioni – Do Nothing, Housel – This needs to be done the right way.

Mayor Van Deursen requested that the Borough Manager contact Norfolk Southern in regards to this request and get back to Council for the next meeting.

Councilman Higgins requested that the Borough Manager include in future reports what was sold on E-bay, who the Borough sold the item to, and for how much. Manager Sheola explained that the recent sales included the tractor from the sewer plant. The selling price on the tractor was around \$5,000.00. The Borough also sold a 1987 Dump Truck that was sold for \$5,800.00

Councilman Cioni asked about the drainage ditch. He noted that the permits were received on January 22, 2007 but there was no update. Manager Sheola explained that the weather has not been favorable and work will begin when the weather clears up.

VOUCHERS & CLAIMS:

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

Councilman Turner asked several questions in regards to vouchers. On page one the payment of 838.50 to Scottsdale Insurance Company, Councilman Turner would like to see more information on that payment as this case goes back to 2005.

On page three there is a payment for legal services for the Board of Adjustment application and review. This should probably be escrow. Council requested that Manager Sheola confirm.

Councilman Higgins questioned why the sewer clerk's salary is charged to the sewer utility account. Manager Sheola explained that the job is 95% sewer related therefore the sewer utility is charged the clerks salary.

Councilman Housel inquired about a charge to the Emergency Management for Computer Rx. Manager Sheola explained that this purchase was for UPS systems (battery backup) for all computers in Borough Hall. Councilman Housel asked if this item was budgeted for. If the items are not budgeted for then they should not be purchased. Councilman Housel stated he was under the impression that as per the statute the money in that line item could only be used for purposes related to the fire official or fire department.

Hearing no further comments it was therefore moved by Oakley, seconded by Turner that the vouchers and claims be paid in the amount of \$558,710.13 as reflected in the debit/credit memorandum on file in the Collector-Treasurer's office.

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

Ayes: 7, Nays: 0.
Motion carried.

OLD BUSINESS:

Managers Goals

This item was tabled until the March 6, 2007 meeting.

Council Goals

This item was tabled until the March 6, 2007 meeting.

Resolution 72-2007

At this time Mayor Van Deursen deviated from the agenda to entertain questions or comments on Resolution 72-2007 – Approving Developers Agreement and Assignment Agreement – Midtown at Washington.

Attorney Cushing gave a brief update to the Mayor and Council in regards to the Midtown agreements. The three main issues surrounding the agreements are the placement/maintenance of the garbage shed, the parking stickers for the Midtown parking lot, and the relationship and timing of the agreements and payment of \$760,000.00 for acquiring parking.

The Mayor and Council discussed the responsibility of maintenance of the garbage shed. The recommendation is to construct attractive garbage shed; to be maintained by the Homeowners Association. The garbage shed will be constructed according to the specifications and plans prepared by Clarke Caton Hintz. Council concurred. The Borough will also enter into a lease with the developer for the land that the garbage shed will be situated upon.

The Mayor and Council also discussed the issuance of 96 parking “medallions” or stickers to the residents of Midtown at Washington. All units will receive two parking stickers. These stickers will allow the residents to park in any municipal parking lot. At this time Manager Sheola showed the Mayor and Council the map of where the 96 parking spaces will be.

The Mayor and Council also discussed the relationship between the agreements: Developers Agreement, Assignment Agreement, and the Tax Abatement Agreement. Attorney Cushing explained that Mr. Van Cleef is would like to feel comfortable that all of the agreements in question will be secured by the Mayor and Council. He would like to have the Tax Abatement Agreement agreed upon prior to paying the \$760,000.00. Mr. Van Cleef would like to have the agreements in place simultaneously Mr. Van Cleef and his attorney also asked the Mayor and Council for the payment of \$760,000.00 to be payable within 10 days to the Borough rather than 7 days. Attorney Cushing explained to the Mayor and Council that the tax abatement agreement draft should be available for the next Council meeting.

Councilman Housel raised concerns over doing the tax abatement at this time; as it would commit the Borough to a tax reduction. Attorney Cushing explained that even though the agreement is in place the developer would not receive any tax reduction until the project is completed. The Tax Assessor has control over that process. The agreement will be contingent upon the developer fulfilling his statutory duties.

Mayor Van Deursen polled Council as to their feelings in regard to the \$760,000.00 payment being received within 10 days. All council members are in agreement with the exception of Councilman Higgins who abstained.

Councilman Housel asked about the sewer hook-up fees. Attorney Cushing explained that the Borough Ordinance in regards to sewer hook up would be followed. The developer will have to comply with all aspects of the Ordinance and pay all sewer fees.

At this time a motion was made by Oakley, seconded by Cioni for the Municipal Attorney to make the language changes discussed to the Developers Agreement and Assignment Agreement. The Mayor and Council will review this information prior to executing the agreements.

Resolution 72-2007 – Approval of Developers Agreement and Assignment Agreement Midtown at Washington.

Resolution 72-2007 was moved on a motion made by Oakley, seconded by Cioni and adopted subject to the changes discussed and the review of the Mayor and Council.

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

Ayes: 6, Nays: 0
Abstain: 1
Motion Carried.

RESOLUTION # 72-2007

A RESOLUTION AUTHORIZING THE SIGNING OF DEVELOPERS AGREEMENT AND ASSIGNMENT AGREEMENT FOR MIDTOWN at WASHINGTON, LTD

WHEREAS, Van Cleef Enterprises (VCE) or its successor companies applied for and received site plan approval to construct a 48 units of residential condominiums and 7,000 square feet of retail space within the Borough of Washington; and

WHEREAS, part of the approval received by the developer VCE from the Planning Board of the Borough of Washington was to provide parking for the residents of the building or in lieu of parking, provide suitable property for parking to be constructed; and

WHEREAS, the developer has obtained contracts of sale for certain parcels contiguous to the development parcel and it may not be prudent or critical time for the developer to acquire these parcels for parking purposes; and

WHEREAS, in lieu of providing clear titles to the parcels in question, the developer and the Borough wish to enter in to an Assignment Agreement for the properties in question; and

WHEREAS, part of the process of approval and development call for the signing of a Developers agreement and Assignment Agreement; and

WHEREAS, Richard P. Cushing, Esq. – Borough attorney has determined the documents presented for signature are satisfactory and recommends they be signed by the appropriate Borough officials.

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 Mayor and Municipal Clerk are hereby authorized to sign the appropriate documents.

At this time Councilwoman Oakley motioned for a five minute break; seconded by Councilman Higgins.

Ayes: 7, Nays: 0
Motion Carried.

Council reconvened at 10:10 p.m. with everyone present.

North Prospect Street Calming

This topic was discussed during the Borough Engineer’s report.

Broad Street Driveway Borough Park

Recreation Chair Dawn Higgins discussed with Council the issue of traffic entering and exiting at the Broad Street driveway. Ms. Higgins explained that during events at the Borough Park, especially during swim meets the driveway becomes a parking lot with cars trying to enter and exit. She asked the Mayor and Council to considering putting up a Do Not Enter sign at the intersection of the driveway and Route 31. She also asked the Mayor and Council to consider making Broad Street a two – way driveway to ease the flow of traffic.

Mayor Van Deursen suggested that Ms. Higgins coordinate with the Borough Engineer, the Borough Manager, and Police Department to possibly have someone directing traffic at the end of swim meets to also ease the flow.

After a brief discussion Councilman Housel moved that the Borough Ordinance be amended to allow two way traffic at Broad Street, and to make the entrance to the park at Route 31 one way only (enter). This motion was seconded by Councilwoman Oakley.

Ayes: 7, Nays: 0
Motion Carried.

Drainage Pipe Borough Park

Council discussed the information provided by Bob Miller of Hatch Mott MacDonald in reference to the size of the pipe and why the Borough went out to bid to

replace the pipe at the Borough Park. Recreation Chair Dawn Higgins explained to the Mayor and Council that the night that the original pipe broke; the Borough Engineer suggested replacing the pipe during the reconstruction of the pool. The Borough did go out to bid last year for the replacement of the pipe but the bids came in too high.

Since the night of the original problem with the pipe there have been no problems. The work that was done that evening seems to have alleviated the problem.

Mayor Van Deursen stated that the pipe could be considered again during the planning/designing of the new pool.

Verification of Payment – Planners Bills

Manager Sheola provided this information to the Borough Mayor and Council.

Risk Managers Proposals

The Mayor and Council have reviewed the proposals from the three Insurance Agencies in regards to the Risk Manager.

A motion was made by Councilman Housel, seconded by Councilman Turner to have the three agents present their proposals at the next Council meeting on March 6, 2007.

Ayes: 7, Nays: 0

Motion Carried.

Treasurer/Recreation Commission Report Information

Manager Sheola explained to Council that the \$46,000.00 surplus in the Recreation Account is part of the contribution the Borough has made to the Recreation Commission, minus the Rec. expenses. Councilman Higgins asked Manager Sheola if there were outstanding encumbrances. There is \$15,000.00 in encumbrances which leaves \$4,600.00 in the Recreation Checking account. The account that the monies are deposited to is a Trust Account. Councilman Higgins asked if the Borough has \$46,000.00 sitting in a Trust Account. Manager Sheola indicated that he would need to get an explanation from the auditors who are in this week. Councilman Higgins stated that there is a problem with these accounts and it does need to be rectified.

Councilman Turner suggested the Council, CFO, and Auditors meet to discuss the Recreation Accounts. Recreation Treasurer, Rick Feldman indicated that he has met with the CFO several times and is scheduled to talk to her again in the morning. Mayor Van Deursen suggested doing a monthly report that includes a budget to actual analysis.

Mayor Van Deursen agreed that there is a discrepancy and that Manager Sheola will meet with the auditors to discuss.

NEW BUSINESS

Curfew Ordinance Discussion

Councilman Cioni raised the issue of 11:00 p.m. to 5:00 a.m. Attorney Cushing explained that 10:00 p.m. to 6:00 p.m. is the maximum and that 11:00 p.m. to 5:00 a.m. is acceptable.

Councilwoman Oakley stated she wanted to make exceptions for juveniles who have a legitimate reason to be out. Juveniles in automobiles are also excluded from the Ordinance.

Mayor Van Deursen suggested placing the Curfew Ordinance on the agenda for the next meeting for Introduction. She instructed the Borough Clerk to also place the Ordinance on the website after introduction for the public.

Resolution 66-2007 Redemption of Lien

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

RESOLUTION # 66-2007

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 October 25, 2005 to Crusader Servicing Corp, 179 Washington Lane, Jenkintown, PA 19046, in the amount of \$6,254.50 for taxes or other municipal liens assessed for the year 2004 in the name of Hummer, Leroy and Glenn A, as supposed owners, and in said assessment and sale were described as 58 W Stewart Street, Block 014 Lot 011, which sale was evidenced by Certificate #397-05; and

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 02-15-07 and before the right to redeem was cut off, as provided by law, Express Financial Services, Inc/Valtech Research claiming to have an interest in said lands, did redeem said lands claimed by Crusader Servicing Corp by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$19,971.87, which is the amount necessary to redeem Tax Sale Certificate #397-05.

NOW THEREFORE BE IT RESOLVED, on this 20th day of February 2007 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Crusader Servicing Corp, 179 Washington Lane, Jenkintown, PA 19046 in the amount of \$19,971.87.

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 014 Lot 011 from the tax office records.

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

Ayes: 7, Nays: 0
Motion Carried.

Resolution 67-2007

Resolution 67-2007 was moved on a motion made by Councilman Higgins, seconded by Councilman Turner and adopted.

Discussion:

Council discussed the release of the Centex performance bond. Some debate over the responsibility and ownership of a piece of land near Kinnamen Avenue exists. Councilman Higgins asked if the Kinnamen Avenue property was ever dedicated to the Borough. Manager Sheola indicated yes it was dedicated to the Borough. Councilwoman Woykowski indicated that she was under the impression a portion of the development was Washington Township Property. Mayor Van Deursen stated that this issue needs to be clarified. Attorney Cushing stated the Manager should check with the Borough Engineer.

Councilman Higgins asked if the Borough is releasing all of the money. Attorney Cushing indicated the developer has done everything that was previously agreed upon. The Borough agreed that if the sod was complete they would release the performance bond.

Mayor Van Deursen asked who will be responsible for maintaining the property. Attorney Cushing stated the Borough will need to address it. Councilman Cioni stated that a decision will need to be made before summer.

Manager Sheola will contact Bob Miller for clarification on the Kinnamen Avenue property.

RESOLUTION # 67-2007

A RESOLUTION AUTHORIZING THE RELEASE OF FUNDS FROM AN ESCROW ACCOUNT ESTABLISHED IN THE NAME OF CENTEX CORPORATION OR ITS SUCCESSOR COMPANIES AND HELD IN TRUST BY THE BOROUGH OF WASHINGTON.

WHEREAS, CENTEX Corporation or its successor companies (CENTEX) applied for and received site plan approval to construct a residential sub-division along

with other site improvements; and

WHEREAS, funds were posted in escrow to cover the cost of inspection services and to provide performance guarantee on site improvements; and

WHEREAS, Municipal Engineer Robert Miller, C.M.E., P.E. has determined that all site work required under the site plan approval has been completed in a satisfactory manner.

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 Municipal Treasurer is hereby authorized to issue a check to CENTEX Corporation for the balance in the inspection escrow account, after all outstanding bills have been paid for inspection services, and the performance guarantee account in CENTEX Corporation name established for the project noted above.

Roll Call: Woykowski, Housel, Cioni, Turner, Oakley, and Van Deursen. –Yes
Higgins – No

Ayes: 6, Nays: 0
Motion Carried.

Resolution 68-2007 Appointment of Justin Jewell to Planning Board

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

RESOLUTION 68-2007

Planning Board

WHEREAS, the Borough of Washington, Warren County, New Jersey is governed by Plan “E” of Municipal Charter Law; and

WHEREAS, under this plan the Mayor is directed and authorized to appoint members of the Planning Board.

WHEREAS, the Mayor has designated the following person as her appointee;

WHEREAS, The Council does approve of this appointment.

NOW, THEREFORE, BE IT RESOLVED, that the following named person is appointed to the Planning Board for a term ending January 1, 2011.

Justin Jewell

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

Ayes: 7, Nays: 0
Motion Carried.

Resolution 69-2007 – Petition to Change the Method of School Funding

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

RESOLUTION # 69-2007

***RESOLUTION OF THE BOROUGH OF WASHINGTON SUPPORTING
PETITION DRIVE TO CHANGE THE METHOD OF SCHOOL FINANCING***

WHEREAS, Senators Robert Singer, Joseph Malone and Ronald Dancer have forwarded a petition to change the method of school financing in New Jersey; and

WHEREAS, the method of financing public education in New Jersey is based, for the most part on property taxes; and

WHEREAS, the property tax system in New Jersey and the funding of local schools are not equitable and fair throughout the state; and

WHEREAS, the above named Senator have started a petition drive to send a message to the elected leadership in Trenton that meaningful and lasting property tax relief is needed now and that our schools and school children deserve a viable and common level of funding; and

NOW THEREFORE BE IT RESOLVED, the Common Council of the Borough of Washington wholeheartedly endorses the petition efforts of Senators Singer, Malone and Dancer and encourage all New Jersey residents to sign the petition and forward them to Governor Jon Corzine during the last week of March 2007.

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

Ayes: 7, Nays: 0
Motion Carried.

Resolution 70-2007 – Appropriations Transfer for 2006

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

Manager Sheola explained that this was the Resolution not adopted at the last Council meeting. Due to various additional projects during 2006 the costs for engineering exceeded the budget. This transfer allows the payment to the engineer without an over expenditure in 2006.

Councilman Higgins asked if the bills were held due to not having the appropriate money to pay for them. Councilman Housel stated that Council was never told the Borough was over expended in the Engineering line item.

Councilman Turner stated that in the future Council needs to be made aware of this issue. Mayor Van Deursen reminded Manager Sheola about having the professionals bill the Borough on time for services.

RESOLUTION # 70-2007

A RESOLUTION AUTHORIZING THE TRANSFER OF

RESERVE APPROPRIATIONS

WHEREAS, various 2006 bills have been presented for payment this year, which bills were not covered by purchase orders and/or encumbered at the time of appropriation transfers between 2006 budget accounts during the last two months of 2006; and

WHEREAS, N.J.S.A. 40A: 4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made by not less the 2/3 vote of the full membership of the governing body from unexpended balances which are expected to be sufficient to accounts with insufficient appropriation balances during the first three months of the succeeding 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, in the County of Warren, State of New Jersey that the following appropriation transfers are hereby approved:

| <u>TRANSFER FROM:</u> | <u>TRANSFER TO:</u> | <u>AMOUNT:</u> |
|---|----------------------------------|-----------------------|
| Public Building and Grounds Other Expenses | Planning Board Other Expenses | 1,000.00 |

| | | |
|------------------------|----------------------------|------------------|
| Social Security | General Engineering | 20,000.00 |
| Other Expenses | Other Expenses | |

| | | |
|-------------------------------|--|-----------|
| Total Appropriation Transfers | | 21,000.00 |
|-------------------------------|--|-----------|

Roll Call: Woykowski and Turner – Yes under duress.
Oakley, Housel, Cioni, and Van Deursen. – Yes
Higgins – No
Ayes: 6, Nays: 0
Motion Carried.

Resolution 71-2007 – Award of Contract Local Limits Study

This Resolution was moved on a motion by Higgins, seconded by Oakley for discussion.

Councilman Higgins commented that there is a big difference in the quotes received. Manager Sheola stated that he went out for three quotes. Councilman Higgins stated that he wants to see more than three quotes.

Councilman Turner asked why Veolia doesn't do this for the Borough. Manager Sheola stated that they do not have the ability to do this at the plant. Mayor Van Deursen asked if there was a time constraint around this. Manager Sheola stated it would have to be done fairly quickly. Mayor Van Deursen requested three more quotes for the next meeting.

Councilman Higgins stated he agrees and wants more quotes. He also stated that he wants Council to review all of them.

COUNCIL REMARKS:

Mayor Van Deursen polled Council for remarks.

Councilman Housel had no comments.

Councilwoman Woykowski had no comments.

Councilman Cioni had no comments.

Councilman Turner had no comments.

Councilman Higgins thanked Charlie Wright again for his service to the Community.

Councilwoman Oakley had no comments.

Mayor Van Deursen reminded Council of Irish Night on March 10, 2007 at St. Josephs.

RECAP

EXECUTIVE SESSION:

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

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

Ayes: 7, Nays: 0.
Motion Carried.

RESOLUTION 74-2007

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:
 - Personnel
 - Negotiations

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

Ayes: 7, Nays: 0.
Motion Carried.

Hearing no further business to come before Council, it was moved by Oakley, seconded by Turner that the meeting be adjourned at 12:30 a.m.

Ayes: 7, Nays: 0.
Motion carried.

Marianne Van Deursen, Mayor

Kristine Blanchard, RMC
Borough Clerk