

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – March 6, 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, Turner, Oakley and Van Deursen, Cioni
Housel, Woykowski arrived at 8:09 p.m. – 7 Present

Also Present: Richard J. Sheola, Borough Manager, Deputy Borough Clerk
Richard P. Cushing, Esq., Municipal Attorney

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.

EXECUTIVE SESSION

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

Roll Call: Cioni, Van Deursen, Turner, Higgins, Oakley – Yes
Woykowski, Higgins – Absent.

Ayes: 5, Nays: 0
Motion Carried

RESOLUTION 86-2007

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

It was moved by Higgins, seconded by Turner that Council go out of Executive Session and back into Open Session.

Roll Call: Cioni, Turner, Higgins, Oakley, and Van Deursen
Housel, Woykowski, - Absent
Ayes: 7, Nays: 0.
Motion Carried.

MINUTES:

Regular Meeting – February 20, 2007

Mayor Van Deursen entertained additions or corrections to the minutes of the regular meeting held February 20, 2007.

Councilman Higgins noted a correction on a correction on page 3 which was noted. Councilman Woykowski asked for a clarification on a statement on page 21. The statement was clarified by Councilman Higgins.

Hearing no further corrections it was moved by Oakley, seconded by Higgins that the minutes of the regular meeting held February 20, 2007 be approved with the noted correction.

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

Ayes: 7, Nays: 0.
Motion carried.

COMMUNICATIONS:

The following communications were entered into the Record:

1. Dawn Higgins Re: Recreation Commission Budget
2. Chief Cortellesi Re: Speed Sign
3. NJLM Re: Local Government News
4. State of N.J. Department of Corrections Re: Municipal Jail Inspection Report

5. NJLM Re: Acceptance of Fees by Mayors Performing Marriages and Civil Unions.
6. NJLM Re: Governor's Budget Proposal
7. NJLM Re: Clean Communities Program
8. NJLM Re: Sample Marriage/Civil Union Fee Ordinance
9. NJLM Re: Appeal of COAH Regs.
10. Robert Mayer Re: Speed Bumps

Mayor Van Deursen requested that item number one be moved to a budget hearing. She also requested item number five and eight be included as new business for the next Council meeting.

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: 7, Nays: 0.
Motion carried.

AUDIENCE:

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

Charles Weber – 263 Warren Street

Mr. Weber is concerned with the pedestrian and car traffic situation in the downtown area specifically at the intersection of Route 57 and Belvidere Avenue. He understands that the DOT is currently looking at the area. He is concerned about everyone being in a hurry getting through the light before it changes.

Manager Sheola explained that the Borough does have a meeting with the DOT on Monday morning and it will be discussed.

Councilman Turner stated that the Council has talked about changing the timing of the light in order to give pedestrians more time to cross the road. Councilman Cioni asked who is responsible for the timing of the light. Councilman Turner stated the DOT is responsible for the traffic signals. Councilwoman Oakley pointed out the other lights in the area would have to be timed accordingly. Councilman Cioni stated a delayed green is also another possibility.

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

Ayes: 7, Nays: 0.
Motion carried.

ORDINANCES:

Ordinance #2-2007 – An Ordinance Providing for Improvement of Washington Avenue in and by the Borough of Washington in the County of Warren, State of New Jersey, and Making a Supplemental Appropriation of \$498,265.00 Therefore Constituting Proceeds of a Grant From the New Jersey Department of Transportation.

Mayor Van Deursen entertained a motion to introduce **Ordinance #2-2007**.

Ordinance #1-2007 was introduced by Councilman Higgins. It was further moved by Higgins, seconded by Housel that the Clerk read Ordinance #2-2007 by title only.

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

Ayes: 7, Nays: 0.
Motion carried.

The Clerk read Ordinance #2 – 2007 entitled, “**An Ordinance Providing for Improvement of Washington Avenue in and by the Borough of Washington in the County of Warren, State of New Jersey, and Making a Supplemental Appropriation of \$498,265.00 Therefore Constituting Proceeds of a Grant From the New Jersey Department of Transportation.**”

Council Discussion:

Councilman Higgins clarified that this is grant money and not taxpayer money. Manager Sheola concurred. Councilman Housel questioned when the grant money was received? Manager Sheola stated that final commitment came through the early part of this year via email correspondence through the Borough’s contact with the DOT. The original appropriation dates back to early 2005. In order to have the funds received this supplemental ordinance is necessary. The Borough already has approximately 1 million of the funds. Councilman Housel asked if this was additional money. Manager Sheola indicated that yes it is additional money. It is the difference between what we originally thought we were receiving from the DOT and what the Borough will actually receive.

Councilwoman Woykowski asked why we could not just amend the original Bond Ordinance done in 2005. Manager Sheola stated that the auditor suggested the Borough to a supplemental appropriation.

Councilman Turner asked since this is money that the Borough did not anticipate receiving; can the Borough offset the Borough’s portion of the cost with this additional money? Manager Sheola stated no; this money is just expanding our ability to spend on this job. Manager

Sheola also said that when everything is complete there will be a balance. Councilman Higgins asked what will happen to the balance. Manager Sheola stated that if it is the Borough's money we can repay ourselves. If it is grant money he believes that DOT will ask for it back.

Councilman Turner stated that several items were taken out of the Streetscape Project to bring the costs closer to the budgeted amount and Council awarded the contract based on the money that we had. If this is additional DOT money we now could bring back the items that were taken out. He is concerned because those items that were removed cost a lot less than \$500,000.

Councilman Housel asked if this will cost the Borough anything now or in the future. Manager Sheola stated no. Councilman Cioni stated he would much rather see the extra money used for the Downtown Streetscape than giving it back to the DOT.

Manager Sheola suggested that between now and the adoption of this Ordinance we will go through all the contracts and funding and come up with a projected balance.

Councilman Higgins requested that Manager Sheola find out if the Borough can pay itself back with this money.

Mayor Van Deursen entertained a motion to approve Ordinance 2-2007 with changes on first reading.

It was moved by Oakley, seconded by Housel that Ordinance 2-2007 be approved on first reading.

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

Ayes: 7, Nays: 0
Motion Carried.

It was further moved by Oakley, seconded by Housel that Ordinance 2-2007 be advertised in the Star Gazette on March 15, 2007 and public hearing of Ordinance 2- 2007 be scheduled for April 3, 2007.

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

Ayes: 7, Nays: 0
Motion Carried.

ORDINANCE # 2-2007

ORDINANCE PROVIDING FOR IMPROVEMENT OF WASHINGTON AVENUE IN AND BY THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY, AND MAKING A SUPPLEMENTAL APPROPRIATION OF \$498,265 THEREFOR CONSTITUTING PROCEEDS OF A GRANT FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION.

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

The improvement described in Section 2 of this ordinance is hereby authorized as a general improvement to be made or acquired by the Borough of Washington, in the County of Warren, New Jersey, and there is hereby appropriated therefore the sum of \$498,265 constituting moneys received or expected to be received by the Borough from the New Jersey Department of Transportation as a grant-in-aid of financing said improvement (said sum being exclusive of the aggregate sum of \$1,350,000 heretofore appropriated therefore by ordinance number 1-2005 of the Borough).

The improvement heretofore and hereby authorized and purpose for the financing of which the appropriation is made as provided in Section 1 of this ordinance is the improvement of Washington Avenue (State Route 57) in and by the Borough, including the construction of a mid-block pedestrian crossing along Washington Avenue between Belvidere Avenue and School Street, the construction or reconstruction of a parking lot between Washington Avenue and East Church Street, the construction or reconstruction of roadways, curbing, sidewalks and pavers, and the installation of a bus shelter, trees, lamps, benches, trash receptacles, crossing lights and

bicycle racks, together with all inlets, drainage improvements, milling, equipment, signage, lighting, fencing, site work, work and materials necessary therefore or incidental thereto, all as shown on and in accordance with the plans and specifications therefore on file or to be filed in the office of the Borough Clerk and heretofore and hereby approved.

The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this 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 are available for public inspection.

This ordinance shall take effect after publication after final passage as provided by law.

Ordinance 3-2007 – An Ordinance Establishing a Curfew and Repealing the Loitering Ordinance.

Mayor Van Deursen entertained a motion to introduce **Ordinance #3-2007**.

Ordinance #3-2007 was introduced by Councilman Housel. It was further moved by Housel, seconded by Oakley that the Clerk read Ordinance #3-2007 by title only.

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

Ayes: 7, Nays: 0.
Motion carried.

The Clerk read Ordinance #3 – 2007 entitled, “**An Ordinance Establishing a Curfew and Repealing the Loitering Ordinance.**”

Council Discussion:

Councilwoman Oakley asked why evening was not removed on page two of the definitions. Attorney Cushing stated that it was his error and it will be removed.

Mayor Van Deursen entertained a motion to approve Ordinance 3-2007 with changes on first reading.

It was moved by Oakley, seconded by Cioni that Ordinance 3-2007 be approved on first reading.

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

Ayes: 7, Nays: 0
Motion Carried.

It was further moved by Oakley, seconded by Cioni that Ordinance 3-2007 be advertised in the Star Gazette on March 15, 2007 and public hearing of Ordinance 3- 2007 be scheduled for April 3, 2007.

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

Ayes: 7, Nays: 0
Motion Carried.

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

ORDINANCE #3-2007

**AN ORDINANCE ESTABLISHING A CURFEW AND REPEALING
THE LOITERING ORDINANCE**

WHEREAS, the New Jersey Legislature enacted N.J.S. 40:48-2.52, Chapter 132, PL 1992 which authorizes municipalities to adopt Ordinances regulating the presence of minors in public places between the hours of 10:00 p.m. to 6:00 a.m.; and

WHEREAS, the Mayor and the Council of the Borough of Washington concur with the sentiments of the New Jersey Legislature that limiting a juvenile's access to public places during these hours is in the minor's and society's best interests; and

WHEREAS, the Mayor and the Council of the Borough of Washington acknowledge the constitutional rights of juveniles to congregate in public places, but desire to balance that right

with the valid concerns of the community in keeping juveniles off the streets and safe from the potential hazards thereon; and

WHEREAS, the Mayor and the Council of the Borough of Washington acknowledge the dangers posed to the community and to juveniles by permitting juveniles unfettered access to public places during evening hours, and wish to afford protection to all its citizens; and

WHEREAS, the Mayor and the Borough of Washington believe that an evening curfew is a proactive and minimally intrusive device for combating violence perpetrated by and against juveniles, and for deterring crime; and

WHEREAS, the Borough wishes to repeal the Loitering Ordinance (Chapter 56 of the Revised Ordinances of the Borough of Washington) at this time;

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

SECTION A. Curfew. A curfew is hereby established in the Borough as follows:

1. Definitions. The following terms shall have the following meanings:

“Emergency” means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

“Extra curricular” means an activity relating to officially or semi officially approved and usually organized student activities (such as school plays, school trips, school club activities, athletics, etc.), connected with school.

“Juvenile” means an individual who is under the age of 18 years.

“Guardian” means a person, other than a parent, to whom legal custody of the juvenile has been given by court order or who is acting in the place of the parent or is responsible for the care and welfare of the juvenile.

“Properly authorized representative” means a parent, guardian or person specifically authorized in writing by a parent or guardian to speak for the juvenile with regard to an alleged violation of this Ordinance. Such person may include, but is not limited to, a doctor, a religious leader, a school administrator or teacher, or the representative of a legitimate organization located within the Borough of Washington.

“Public place” means any place to which the public has access, including but not limited to a public street, road, thoroughfare, sidewalk, bridge, alley, plaza, park, recreation or

shopping area, public transportation facility, vehicle used for public transportation, parking lot or any other public building, structure or area.

“Serious Bodily Injury” means any bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

2. **Curfew.** There is hereby imposed a curfew on juveniles in the Borough of Washington as follows:

It is unlawful for juveniles under the age of 18, to be in any public place between the hours of 11:00 p.m. and 5:00 a.m., unless accompanied by a parent or lawful guardian or unless the juvenile is engaged in an activity listed in Section 4.

3. **Parent(s)/Guardian(s) Obligations.** It shall be unlawful for any parent(s), lawful guardian(s) or Properly Authorized Representative(s) to intentionally permit, suffer or allow any juvenile in his or her care to violate this Ordinance.

4. **Exceptions.** Notwithstanding anything to the contrary herein, juveniles who are engaged in the activities listed below shall not be deemed to be in violation of this Ordinance:

- A. engaged in errands involving emergencies;
- B. attending extra curricular school activities;
- C. participating in or attending a legitimate evening activity sponsored by the Borough, the Board of Education, or some other legitimate adult supervised organization within the Borough, or other similar entity that takes responsibility for the juvenile, and shall include attendance at church and religious activities and school activities, including classes, dances and sports events, as well as public fireworks displays and other similar events;
- D. present on the sidewalk or curbside immediately adjacent to or across from his/her own residence;
- E. engaged in or traveling to or from a business or occupation which the laws of the State of New Jersey authorize a juvenile to perform;
- F. engaged in lawful, bonafide protests or other constitutionally protected activities; or
- G. in direct transit to or from such activities, without any detour or stop, listed above during curfew hours.

5. **Police Responsibility.** The Washington Borough Police Department shall have the following responsibilities with respect to the Curfew law:

- A. The police department shall keep a recording (The Log) of any juveniles who have been convicted or pled guilty to a violation of this Ordinance. The Log shall be kept in accordance with the laws pertaining to the confidentiality of information pertaining to juveniles. No less often than every six months the police department shall remove from said Log of persons:
 - I. Those over the age of 18 years;

- II. If convicted, the juvenile's name will be removed from the Log upon 18th birthday;
 - III. If juvenile's name is in the Log and charges do not result in conviction, his/her name will be removed after six (6) months;
 - IV. If the juvenile's name is on the Log and the juvenile is not charged, his/her name will be removed after six (6) months.
- B. A police officer who stops a juvenile for violation of this Ordinance, whose name does not appear on the Log, shall not arrest or issue a summons to the juvenile provided that the juvenile voluntarily supplies his/her name, address, telephone number and the name, address and telephone number of his/her parent(s) or legal guardian(s). In such cases, the officer shall follow up with the juvenile's parent(s) or legal guardian(s) about the reasons for the alleged violation. If the juvenile and his/her parent(s) or legal guardian(s) agree to meet with the juvenile officer of the department, or other designated member of the department, about the juvenile's alleged violation and the risks and hazards to unattended juveniles during curfew hours, no summons shall be issued to the juvenile or his/her parent(s) or legal guardian(s). However, the juvenile's name shall be recorded in the Log. If the parent(s) or legal guardian(s) refuse to meet with the juvenile officer or a member of the police department, then a summons will be issued to the parent(s)/legal guardian(s) for violation of the Ordinance.
- C. Provided that a juvenile supplies his/her name, address, telephone number and the name, address and telephone number of his/her parent(s) or legal guardian(s), no police officer who stops a juvenile for violation of this Ordinance shall issue a summons or arrest said juvenile if the juvenile presents to the officer a reason(s) authorized by this Ordinance to be in a public area until such time as the officer has had the opportunity to investigate the reasons expressed by the juvenile. Any such summons must be issued within thirty (30) days of the initial stop. No police officer shall arrest any juvenile for curfew ordinance violations unless:
- I. there is an immediate and clear risk to the health of the juvenile or any third party; or
 - II. the juvenile has been convicted on two or more occasions for violation of this Ordinance; or
 - III. the juvenile refuses to provide his/her name, address and telephone number and the juvenile's parent(s) or legal guardian(s)' name, address and telephone number or
 - IV. if the juvenile is under 13 years of age.
6. **Juvenile's Responsibility if Confronted by a Police Officer Regarding Potential Curfew Violations.** Any juvenile confronted by a police officer about whether the juvenile is in violation of this Ordinance shall provide the juvenile's name, address and telephone number and the juvenile's parent(s) or legal guardian(s)' name, address and telephone number. An individual over the age of 18 years shall present proof of his/her age.

7. **Juveniles in Automobiles.** No police officer of the Borough of Washington shall stop any motor vehicle lawfully upon the streets of the Borough of Washington based solely on a suspicion that a juvenile in the vehicle is in violation of this Ordinance. A juvenile who is in a vehicle operated by a properly licensed operator shall not be considered in violation of this Ordinance regardless of time of day.
8. **Violations.** Any person found guilty of having violated any portion of Section 2, Section 3, Section 4 or Section 5 of this Ordinance shall perform community service not to exceed ninety (90) days and/or be subject to a fine of no more than One Thousand (\$1,000.00) Dollars. If parents or guardians, as well as a juvenile, are found guilty of violating this Ordinance, the parents or guardians shall perform community service together with the juvenile.

SECTION B. Chapter 56 of the Code of the Borough of Washington, Loitering, is repealed in its entirety.

SECTION C. In accordance with Chapter 3, Article II, Section 15, Subsection E of the Code of the Borough of Washington, this Ordinance shall become effective twenty (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.

SECTION D. Severability: If any part(s) of this Ordinance are for any reason held to be invalid by a court of competent jurisdiction, such adjudication shall not affect the validity of the remaining portions of this ordinance.

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

Ordinance #4-2007 - An Ordinance to Amend, Revise, and Supplement the Code of the Borough of Washington Chapter 85 Vehicles and Traffic.

Mayor Van Deursen entertained a motion to introduce **Ordinance #4-2007**.

Ordinance #4-2007 was introduced by Councilman Higgins. It was further moved by Higgins, seconded by Oakley that the Clerk read Ordinance #4-2007 by title only.

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

Ayes: 7, Nays: 0.
Motion carried.

The Clerk read Ordinance #4 – 2007 entitled, “**An Ordinance to Amend, Revise, and Supplement the Code of the Borough of Washington Chapter 85 Vehicles and Traffic**”

Council Discussion:

Councilwoman Oakley asked for a visual description of the traffic changes. Manager Sheola showed Councilwoman Oakley the sketch from the Recreation Commission.

Mayor Van Deursen entertained a motion to approve Ordinance 4-2007 on first reading.

It was moved by Turner, seconded by Oakley that Ordinance 4-2007 be approved on first reading.

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

Ayes: 7, Nays: 0
Motion Carried.

It was further moved by Turner, seconded by Oakley that Ordinance 4-2007 be advertised in the Star Gazette on March 15, 2007 and public hearing of Ordinance 4- 2007 be scheduled for April 3, 2007.

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

Ayes: 7, Nays: 0
Motion Carried.

ORDINANCE NO. 4-2007

**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 85 “VEHICLES AND TRAFFIC”**

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Washington, Warren County, New Jersey, that Chapter 85 of the Code of the Borough of Washington, Warren County, is hereby amended to read as follows:

- | | | |
|---------------|------------------|--|
| Chapter 85-29 | Park Access Road | One way entrance only from Rt. 31 to a point 385 feet west of Route 31 |
| Chapter 85-30 | Park Access Road | Two-way traffic from Broad Street entrance to a point 418 feet east of Broad Street as marked. |
| Chapter 85-31 | Park Access Road | Stop Sign at westerly exit at Broad Street |

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

REPORTS:

It was moved by Higgins, seconded by Oakley that the Council acknowledge, receive and file the Borough Manager's Report, Borough Clerk's Report, Collector's Statement 2006, Admin and Executive Overtime Report, DPW Overtime Report, Zoning/Code Enforcement Report, Highway/DPW Report.

Ayes: 7, Nays: 0
Motion Carried

Council Discussion:

Councilman Cioni asked for an update on the DPW garage. Manager Sheola stated at this time there is no update. Councilman Cioni suggested on future Manager Reports please note no activity if there is no update.

Councilman Housel inquired about the DPW garage site re-grading. He asked if the money is available now to do the work required. Manager Sheola stated that the money is not available right now; but will be after the Bond Ordinance discussed at the budget hearing is adopted.

Councilwoman Woykowski noted that she was under the impression that the work was stopped due to insufficient funds. Manager Sheola stated that is not the case; the work was stopped due to the high bids that were coming in on the project and weather.

Councilman Higgins asked for clarification from the Borough Engineer and the Borough Manager on the reasons the work was stopped at the DPW site. In the last Borough Engineer's report it was reported that the work was stopped in February of 2005 and it was not due to weather. Councilman Higgins would like an update on this at the next meeting.

Councilman Higgins asked if the drainage ditch work was completed on Willow Street. Manager Sheola indicated the work has not begun yet; there is a meeting scheduled to discuss the logistics of the work. Councilman Higgins asked for clarification on what type of work the engineering firm did at the site. Manager Sheola stated they did a survey of the site and completed the permit application.

Councilman Turner asked for clarification on who owns the property on Willow Street. Manager Sheola stated as part of the survey the engineering firm determined it was part of Borough property.

Councilman Housel stated that the DPW building committee needs to schedule another meeting. It was determined that the committee will meet at 7:30 a.m. Monday morning March 12, 2007.

Councilman Turner questioned the Administrative and Executive Department's Report. He asked why the Administrative Clerk is typing the Police Manual. Manager Sheola stated he asked the clerk to type it because she would be able to complete it much faster than anyone else.

Councilman Turner also asked about the Highway Department's overtime report. Why does one individual have so much more overtime than the rest of the employees. Councilman Turner will go into more detail with Manger Sheola.

VOUCHERS & CLAIMS:

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

Councilman Higgins asked about the General Engineering payments on the bill list. He asked why the Borough is getting billed for the same projects on different days. Manager Sheola indicated that this will need to be verified by him.

Councilman Higgins asked about the engineering bills in August, October, November, and January for the speed hump survey. Councilman Higgins asked if the engineer was directed to do this survey. Council indicated that yes they had directed the engineering firm to conduct a survey. Councilman Higgins and Councilman Housel stated that from now on the Council needs to know how much projects like this will cost prior to directing the professionals to start projects.

Council discussed about having more detail on the invoices/vouchers from the professionals.

Mayor Van Deursen stated that the Borough Manager should be questioning the professionals when bills are received to find out exactly what they are for. The manager needs to have the answers available to the governing body.

Councilman Cioni questioned the amount of the invoice for the Christmas lights. Manager Sheola stated that there was additional charges this year

Hearing no further comments it was therefore moved by Higgins, seconded by Turner that the vouchers and claims be paid in the amount of \$809,996.37 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 20, 2007 meeting.

Council Goals

This item was tabled until the March 20, 2007 meeting.

Re-Cap from February 20, 2007 Meeting

Manager Sheola reviewed the memo to the Mayor and Council updating several items from the previous meeting.

NEW BUSINESS

Approval of Raffle License ARC of Warren County

Mayor Van Deursen entertained a motion to approve the Raffle License Application for the ARC of Warren County. Approval was moved by Turner, seconded by Oakley and approved.

Ayes: 6, Nays: 0
Abstain: 1 (Higgins)

Resolution 75-2007 Amendment to the 2007 Temporary Budget

This Resolution was moved to the end of the meeting.

Resolution 76-2007 To Replace and Void Check

Resolution 76-2007 was moved on a motion made by Councilman Higgins, seconded by Councilman Woykowski and adopted.

RESOLUTION #76-2007

A RESOLUTION TO VOID AND REPLACE A CHECK

WHEREAS, check #050490 was written February 7, 2007 in the amount of \$1,832.63 on Washington Borough's Operating Fund #8102360230 and payable to Park Finance, LLC; and

WHEREAS, the correct amount of the check should be \$1,792.63. The difference is the \$40.00 recording fee that was refunded back to the party who redeemed the lien after the Tax Collector was informed by Park Finance, LLC that they had not recorded the certificate.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington that the Treasurer be authorized to void check #050490 and issue a check in the amount of \$1,792.63 to Park Finance, LLC, PO Box 109, Cedar Knolls, NJ 07927.

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

Ayes: 7, Nays: 0
Motion Carried.

Resolution 77-2007

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

RESOLUTION # 77-2007

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR PROFESSIONAL

SERVICES WITHOUT SEEKING COMPETITIVE BIDS

WHEREAS, there exists a need for additional professional engineering services related to a Local Limits Study at the Borough Waste Water Treatment Facility; and

WHEREAS, funds are available in the Sewer Operating Fund for this purpose; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A: 11-1 et. seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids must be publicly advertised; and

WHEREAS, the Borough Manager on February 8, 2007 and February 21, 2007 requested proposals from four (4) qualified consulting firms and only three (3) responded; and

WHEREAS, Hatch Mott McDonald is familiar with the conditions surrounding the site as they have been associated with this project for many years; and

WHEREAS, the firm of Hatch Mott McDonald, Millburn, NJ has submitted a proposal dated February 15, 2007 to perform engineering and environmental testing services for the above property; and

WHEREAS, the services to be provided by Hatch Mott McDonald, constitutes professional services that need not be bid pursuant to the Public Contract Law (N.J.S.A. 40A: 11-1 et. seq.).

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. That the Mayor and Council hereby appoint of Hatch Mott McDonald, to provide professional engineering services to the Borough of Washington in matters pertaining to Local Limits Study as more specifically outlined in their proposed agreement, dated February 15, 2007.
2. The Mayor and Clerk are hereby authorized and directed to enter into an agreement with Hatch Mott McDonald of Millburn , NJ
3. The contract is awarded without competitive bidding as professional services in accordance with N.J.S.A. 40A: 11-5 in the amount not to exceed \$11,300
4. The necessary funds are available in the Sewer Operating Fund Accounts.
5. Notification of the contract award shall be printed in the Star Gazette.

6. 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.

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

Ayes: 5, Nays: 2
Motion Carried.

Resolution 78-2007 – Marvec Change Order

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

RESOLUTION # 78-2007
A RESOLUTION APPROVING
CHANGE ORDER #1-MARVEC CONSTRUCTION
FOR THE DOWNTOWN STREETSCAPE PROJECT

WHEREAS, the Borough of Washington is providing a new streetscape project in the downtown business district; and

WHEREAS, from time to time during the construction process, various field changes and adjustments are necessary; and

WHEREAS, the project engineers, Hatch Mott MacDonald have recommended the following Change Order:

Change in Time of Project Increase completion date by 126 days due to delays caused by weather. No increase in the cost of the project.

WHEREAS, the Mayor and Council of the Borough of Washington wishes to accept the change order for this work as it is in the best interest of 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 approve Change Order #1 and authorize the Borough Manager and Project Engineer to prepare the necessary documents as soon as possible and for the Borough Manager to execute the change order on behalf of Washington Borough; and

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

Ayes: 7, Nays: 0
Motion Carried.

Resolution 79-2007 – Berto Change Order

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

RESOLUTION # 79-2007

**A RESOLUTION APPROVING
CHANGE ORDER #1-BERTO CONSTRUCTION
FOR THE DOWNTOWN STREETScape PROJECT**

WHEREAS, the Borough of Washington is providing a new streetscape project in the downtown business district; and

WHEREAS, from time to time during the construction process, various field changes and adjustments are necessary; and

WHEREAS, the project engineers, Hatch Mott MacDonald have recommended the following Change Order:

Change in Time of Project Increase completion date by 134 days due to delays caused by weather. No increase in the cost of the project.

WHEREAS, the Mayor and Council of the Borough of Washington wishes to accept the change order for this work as it is in the best interest of 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 approve Change Order #1- Berto Construction and authorize the Borough Manager and Project Engineer to prepare the necessary documents as soon as possible and for the Borough Manager to execute the change order on behalf of Washington Borough.

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

Ayes: 7, Nays: 0
Motion Carried

Resolution 80-2007 – Change Order # 2 Marvec

This Resolution was moved on a motion by Higgins, seconded by Turner and adopted.

Council Discussion: Councilman Higgins asked for clarification on the mathematical errors on the original quote, he also questioned why the Borough did not have to go out for bid on this when the amount exceeds \$29,000.00. Manager Sheola explained when a change order does not exceed 20% of the original contract; price there is no re-bid necessary. Councilman Higgins asked if this additional cost will be covered by the money received from DOT. Manager Sheola stated yes.

**A RESOLUTION APPROVING
CHANGE ORDER #2-MARVEC CONSTRUCTION
FOR THE DOWNTOWN STREETScape PROJECT**

WHEREAS, the Borough of Washington is providing a new streetscape project in the downtown business district; and

WHEREAS, from time to time during the construction process, various field changes and adjustments are necessary; and

WHEREAS, the project engineers, Hatch Mott MacDonald have recommended the following Change Order:

Additional Work related to installation of electrical conduit, junction boxes and light fixture foundations. Increase: \$71,154.00

WHEREAS, the Mayor and Council of the Borough of Washington wishes to accept the change order for this work as it is in the best interest of 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 approve Change Order #2 and authorize the Borough Manager and Project Engineer to prepare the necessary documents as soon as possible and for the Borough Manager to execute the change order on behalf of Washington Borough.

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

Ayes: 7, Nays: 0
Motion Carried.

Resolution 81-2007 Transfer of 2006 Appropriations

Councilwoman Woykowski moved to table this resolution until further notice. This motion was seconded by Councilman Turner.

Ayes: 7, Nays: 0
Motion Carried

Resolution 82-2007 Policy on Use of DPW Equipment by Non-DPW Personnel

RESOLUTION #82-2007

A RESOLUTION ESTABLISHING A POLICY ON THE USE OF PUBLIC WORKS EQUIPMENT BY NON-PUBLIC WORKS PERSONNEL

WHEREAS, a written policy is needed in order to define the nature of the use of Department of Public Works equipment by non-Public Works Personnel; and

WHEREAS, the Borough of Washington desires to provide a safe, reliable equipment to its employees; and

WHEREAS, the Borough has limited manpower and equipment and must efficiently schedule its workload in order to meet the demand for said service.

NOW, THEREFORE BY IT RESOLVED:

That the Common Council of the Borough of Washington, Warren County, New Jersey does hereby enact the following policy:

Employees of the Borough shall be certified by the Public Works Supervisor before using any Borough Department of Public Works equipment. The certification process shall consist of demonstrating the use of the equipment before the Road Supervisor to a level satisfactory to him. If specific licenses are required, the employee shall provide copies of all pertinent licenses or other requirements prior to the demonstration. In no event shall an employee who does not maintain the specific license be allowed to use or operate any Borough equipment that requires such a license.

In the event the proposed operator is not a Borough employee, the same procedure as noted above shall apply with the addition of motor vehicle background check shall be performed prior to any operation of the equipment or vehicle. If the proposed operator passes the motor vehicle background check, then he shall be allowed to operate only specified equipment that he has been certified to use and only with the express permission of the Borough Road Supervisor.

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

Ayes: 7, Nays: 0
Motion Carried

Resolution 83-2007 Professional Services Agreement H2M

This Resolution was moved by Councilman Housel, seconded by Councilman Turner and adopted.

RESOLUTION # 83-2007

**A RESOLUTION AUTHORIZING THE MAYOR TO
ENTER INTO A CONTRACT FOR PROFESSIONAL
SERVICES WITHOUT SEEKING COMPETITIVE BIDS**

WHEREAS, there exists a need for additional professional engineering services related to a review of the work performed for the Extraneous Flow Project as part of the Borough Waste Water Treatment System; and

WHEREAS, funds are available in the Sewer Capital Fund for this purpose; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A: 11-1 et. seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids must be publicly advertised; and

WHEREAS, the Borough has received a proposal from a qualified engineering firm to review the work performed under the Extraneous Flow Contract; and

WHEREAS, H2M Group is familiar with the conditions surrounding the project; and

WHEREAS, the firm of H2M Group has submitted a proposal dated January 25, 2007 to perform engineering services for the above project; and

WHEREAS, the services to be provided by H2M Group, constitutes professional services that need not be bid pursuant to the Public Contract Law (N.J.S.A. 40A: 11-1 et. seq.).

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. That the Mayor and Council hereby appoint of H2M Group, to provide professional engineering services to the Borough of Washington in matters pertaining to a review of the Extraneous Flow Project as outlined in their proposal of January 25, 2007.
2. The Mayor and Clerk are hereby authorized and directed to enter into an agreement with H2M Group of Totowa, NJ
3. The contract is awarded without competitive bidding as professional services in accordance with N.J.S.A. 40A: 11-5 in the amount not to exceed \$4,900.00
4. The necessary funds are available in the Sewer Capital Fund Account.

5. Notification of the contract award shall be printed in the Star Gazette.

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

Ayes: 7, Nays: 0

Motion Carried

Resolution 84-2007 Approval of Contract with Warren County Municipal Alliance

This Resolution was moved by Councilman Housel, seconded by Councilman Turner and adopted.

RESOLUTION #84-2007

**A RESOLUTION OF THE BOROUGH OF WASHINGTON
APPROVING A CONTRACT WITH THE COUNTY OF
WARREN FOR MUNICIPAL ALLIANCE PROGRAMS
FOR THE YEAR 2007**

WHEREAS, the County of Warren Board of Freeholders have notified the various communities within the county of available grants for Municipal Alliance purposes; and

WHEREAS, the Borough of Washington is desirous of partaking in the grant opportunities with the County of Warren; 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, hereby approves the contract with the County of Warren for a Municipal Alliance grant in the amount of \$6,320 and that a like sum will be appropriated in the 2007 Municipal Budget and the Mayor and Borough Clerk are hereby authorized to execute the contract agreement.

6. 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.
- Roll Call: Housel, Turner, Cioni, Higgins, Oakley, Woykowski, and Van Deursen.

Ayes: 7, Nays: 0

Motion Carried

Resolution 85-2007 Consent to Access Property for Vapor Sampling

**RESOLUTION #85-2007
RESOLUTION TO AUTHORIZE ACCESS TO BOROUGH HALL FOR THE PURPOSE
OF PERFORMING VAPOR SAMPLING RELATIVE TO THE POHATCONG VALLEY
REGIONAL SUPERFUND**

WHEREAS, the United States Environmental Protection Agency (“EPA”) is conducting an investigation of the Pohatcong Valley Superfund site pursuant to its response and enforcement responsibilities under CERCLA; and

WHEREAS, the EPA has requested the Borough of Washington provide access to part of Borough Hall or the Fire Station for the purpose of performing a vapor sampling study; and

WHEREAS, there is no cost to the Borough of Washington for the US EPA to perform this study; and

NOW THEREFORE, it is hereby resolved that Borough Manager, Richard Sheola, is authorized to execute, on behalf of the Borough of Washington, a consent agreement for the above mentioned property in the form approved by the Borough Attorney.

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

Ayes: 7, Nays: 0
Motion Carried

Mayor Van Deursen entertained a motion to enter Executive Session. Motion made by Housel, seconded by Higgins.

RESOLUTION 87 -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:

Litigation
Personnel

COUNCIL REMARKS:

None

RECAP

None

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.

Resolution 75-2007 Amend the 2007 Temporary Budget

This Resolution was moved by Higgins, seconded by Housel and adopted with changes.

Council Discussion:

It was agreed by Council to increase the General Administration Salary and Wages to 23,829; increasing the total appropriations to 360,000.

RESOLUTION #75-2007

**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

General Government:

General Administration (Administrative and Executive)

Salary and Wages 23,829.

Other Expenses 4,500.

Mayor and Council

Salary and Wages	2,208.
Other Expenses	1,751.
Elections (Municipal Clerk)	
Salary and Wages	4,128.
Other Expenses	750.
Financial Administration	
Salary and Wages	2,000.
Other Expenses	1,500.
Revenue Administration (Collection of Taxes)	
Salary and Wages	7,100.
Other Expenses	700.
Tax Assessment Administration	
Salary and Wages	6,100.
Other Expenses	600.
Legal Services	
Salary and Wages	6,143.
Other Expenses	650.
Engineering Services	
Other Expenses	2,000.
<u>Land Use Administration:</u>	
Planning Board	
Salary and Wages	650.
Other Expenses	500.
Zoning Board of Adjustment	
Salary and Wages	400.
<u>Code Enforcement:</u>	
Local Code Enforcement	
Salary and Wages	4,675.
<u>Insurance:</u>	
Insurances	
Workers Compensation:	
Supplemental Assessment for 2004 and 2005	6,666.
Unemployment Compensation	2,000.
<u>Public Safety:</u>	

Police Department	
Salary and Wages	115,930.
Other Expenses	7,000.
Civil Emergency Preparedness	
Salary and Wages	950.
Fire Department	
Other Expenses	3,000.
Uniform Fire Safety Act	
Salary and Wages	2,000.
Municipal Prosecutor	
Salary and Wages	3,320
<u>Public Works:</u>	
Road Department	
Salary and Wages	30,000.
Other Expenses	13,500.
<u>Public Works: (Continued)</u>	
Public Buildings and Grounds	
Other Expenses	5,000.
<u>Health and Human Services:</u>	
Animal Regulation	
Salary and Wages	1,500.
<u>Parks and Recreation:</u>	
Recreation Commission	
Other Expenses	0.
<u>Education:</u>	
Library	
Salary and Wages	20,000.
Other Expenses	4,000.
<u>Utilities:</u>	
Electricity	
Other Expenses	6,700.
Street and Traffic Lights	
Other Expenses	3,000.

Telephone	
Other Expenses	3,000.
Water	
Other Expenses	1,500.
Natural Gas	
Other Expenses	3,000.
Heating Oil	
Other Expenses	2,000.
Sewage Disposal	
Other Expenses	1,000.
Gasoline and Diesel Fuel	
Other Expenses	7,500.
<u>Solid Waste Disposal:</u>	
Solid Waste Disposal	
Other Expenses	0.
Statutory Expenditures:	
Social Security	30,000.
<u>Municipal Court:</u>	
Municipal Court	
Salary and Wages	15,000.
Other Expenses	2,000.
Public Defender	
Other Expenses	250.
TOTAL AMENDMENTS TO APPROPRIATIONS:	360,000.

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

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.

Ayes: 7, Nays: 0.
Motion carried.

Marianne Van Deursen, Mayor

Kristine Blanchard, RMC Borough Clerk

