

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY  
WASHINGTON BOROUGH COUNCIL MINUTES – March 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: Higgins, Turner, Oakley, Van Deursen, Cioni, Housel, Woykowski  
7 - Present

Also Present: John Corica, Interim Borough Manager  
Richard P. Cushing, Esq., Municipal Attorney  
Gerald Philkill, Borough Engineer  
Kristine Blanchard, RMC Borough Clerk

Mayor Van Deursen led everyone in the flag salute.

Mayor Van Deursen read the following Statement into the Record:

“The requirements of the ‘Open Public Meetings Law, 1975, Chapter 231 have been satisfied in that adequate notice of this meeting has been published in the Star Gazette and posted on the Bulletin Board of Borough Hall stating the time, place and purpose of the meeting as required by law.

**COUNCIL APPEARANCE:** Rudy Bescherer, Zoning Officer

Mr. Bescherer summarized for the Mayor and Council his duties and responsibilities as the Zoning Officer. As of December 2006 complaints received from residents are 641. He stated he has investigated 429 of these complaints. Of these complaints 623 warnings were issued and 148 summonses.

On zoning issues Mr. Bescherer received 76 complaints and he investigated 78 zoning issues. 181 zoning applications were received by Mr. Bescherer and 168 were approved. 42 applications were submitted and approved for on-street overnight parking.

Mr. Bescherer supervised 1,489 hours of community service. 23 people have been assigned to the borough from the county and 9 people from our own police department. Approximately 70% of these people are under age 18 and 30% are under age 12. The community service workers cut grass, rake leaves, tilled gardens, and worked around Borough Hall. They have also painted curbs, and worked on borough vehicles.

In 2007, 135 complaints were received with 26 investigations and 58 warnings issued. Mr. Bescherer has supervised 247 community service hours in 2007.

Councilman Cioni asked Mr. Bescherer for an update on issue number 6 in the issues and complaints log. Mr. Bescherer explained that this individual is scheduled for court the next day.

Mayor Van Deursen thanked Mr. Bescherer for his thorough report to Council.

**MINUTES:**

Available 4/3/2007

**COMMUNICATIONS:**

The following communications were entered into the Record:

1. Washington Kid Care Re: Removal of Snow and Ice
2. Planning Department County of Warren Re: Annual Recycling
3. NJLM Re: Annual Dog License Fee
4. NJLM Re: Low Income Home Energy Assistance
5. NJLM Re: Time of Decision & Curtailing Municipal Zoning Authority
6. NJLM Re: Annual Police and Fire
7. NJLM Re: Retail Business Licensing Act
8. NJLM Re: Sales Tax Exemptions
9. New Jersey American Water Re: February 21<sup>st</sup> Letter to David Legg
10. Nancy Fallen Re: Library
11. State of New Jersey COAH Re: Guidelines for Municipalities Regarding Appellate Division Decision on Coah Third Round Guidelines
12. NJLM Re: NJ Supreme Court Rules Firefighter Rule invalid
13. State of New Jersey DCA Re: Relocation Assistance Program

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.

**Josh DeVoe 7 Fairview Avenue**

Mr. DeVoe briefly updated the Mayor and Council on the Firemen's 125<sup>th</sup> Anniversary Celebration. The festivities will begin with a parade and end with a celebration in the Borough Park. The fire department is currently working out several issues; parking issues have been resolved and all churches in the area have been notified. The fundraising effort by the fire department has been successful so far. The recent raffle raised between \$5,000 and \$6,000.

## **Maria Liloia – 117 Sunrise Terrace**

Ms. Liloia presented a prepared statement to the Mayor and Council.

She stated that in her neighborhood the houses are nearly forty years old and are all in need of some updating. The Smith's need a new roof, the Jones's need new siding, and my family needs a new air conditioning unit. She proposes that the Borough give these residents a five year tax abatement; and in addition all of the residents of the Borough should give each family \$10.00; because with these improvements this will increase the property value and will be a benefit for the town. She explained that this is a pretty ridiculous scenario; but it is one that the Council is asking the residents of this town to do for Mr. Van Cleef.

She stated that the Council is asking us to give Mr. Van Cleef a \$600,000 tax abatement that the residents of this town will have to carry. She was told that even though this will cost me money it will be a benefit for me. She was also asked, "Wouldn't I just go to McDonalds this week and spend \$10.00?" She explained her answer was no, but it should have been how I choose to spend my \$10.00 is up to me and not up to Council. No one on the Council asked my opinion on this matter nor has anyone in her neighborhood been asked. Council made decisions on this in private without input from the residents.

She stated she voted most of the Council into position here because she really felt that each of them would seek her opinion or ask the opinions of other residents to obtain a general consensus before decisions like this were made. She stated she was told by someone on Council that she was the first person to present this opinion. However that tells her one of two things; either Council is not listening, or not asking because there are quite a few people who feel the same way she does. She was also told by a member of Council that they believed in this idea with their whole heart. She stated it is important to feel strongly about an issue; but she would prefer that Council obtain opinion and input from the variety of people who live in town.

The Council wants to attract new businesses to Washington; every time someone comes to town are the residents going to have to pay more taxes? *The Express Times* quoted the Mayor as saying, "we hope other developers will say look what we did for him lets go to Washington." Is that now going to set a precedent?

Recently her son purchased a snow blower with the hopes of paying it off this winter. If he doesn't earn all that money back he will have to take money from his savings account to pay for the loan. That's how it works. She stated, "If I was a business man, I would have to take calculated risks. My son will not go around town asking people to give him money so that he can make money." That is what she feels the Borough is doing with Mr. Van Cleef. She explained, "You are taking money from me and using it to pay Mr. Van Cleef's taxes so that he may make money. I need a new air conditioning unit and heating unit in my home. In my world I have to wait until I earn the money to purchase it or ask for loan. The bank will evaluate my earnings and collateral and determine whether or not it is a good risk for them to give me the money; or I have to charge the units on my credit card and pay 17% interest. These options are also available to Mr. Van Cleef. I don't go to other people to pay my bills for me or my taxes; I don't want to pay for Mr. Van Cleef's bills. It is his project and should be paid for with his money."

Councilman Higgins addressed Mrs. Liloia's concerns. He asked if anyone has really explained the process of tax abatement to her. Councilman Higgins explained that right now there is a program in place called "PILOT" payment in lieu of taxes. Mr. Van Cleef is paying the

taxes on the assessed value of the property, approximately \$24,000. Out of that money, the Borough received \$5,800. The redeveloped property will be assessed at more than \$600,000. The way the PILOT program works, everything that Mr. Van Cleef pays will stay in the Borough. The first year he will pay nothing, the following year he will pay \$39,000 compared to 24,000. That money stays in the Borough. The third year he pays 40% of the assessed value which is \$78,000. That money stays in the Borough vs. the \$5,800 that was originally being paid.

Mrs. Liloia thanked Councilman Higgins for the explanation however the bottom line is that her taxes are still going up. She feels that she should be getting tax relief instead of a tax increase.

Mayor Van Deursen explained that is the point of redevelopment. It is to bring in more ratable for the town. Taxes would probably increase a lot more if the Borough did not redevelop.

Councilman Higgins suggested to Mrs. Liloia that if she needs further information to please contact any member of Council.

### **Gina Appleby 28 Willow Street**

When the Council first passed the abatement program owner occupied units were excluded. When those forty eight individual units are sold and the tax abatement program is passed along to the individual owners. These units will probably sell for between \$200,000 and \$300,000. The taxes paid on these units should be around \$10,000. What kind of money should be coming in to the Borough than and what happens to the Borough's school taxes?

Attorney Cushing explained that there is an adjustment procedure for the school taxes. Ms. Appleby also stated that the property owners in Washington have trouble selling their properties due to the taxes being so high. She stated she is sorry if he can not sell his properties for as much as he would like to but that is the reality that the rest of the taxpayers in the Borough live with.

Attorney Cushing stated that the question to consider is, is the Borough better off without redevelopment or having redevelopment?

Hearing no further comments, it was moved by Higgins, seconded by Housel 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 94 “ZONING AND LAND USE” (Final Reading)

An ordinance to amend, revise and supplement the code of the Borough of Washington Chapter 94, “Zoning and Land Use” was introduced by Councilman Housel.

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

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

Ayes: 7, Nays: 0.

Motion carried.

The Clerk read Ordinance #1-2007 by title only and stated that this ordinance had been published in the Star Gazette as required by law, a copy was posted on the bulletin board and copies available upon request from the Clerk's office.

Mayor Van Deursen opened up the public hearing portion of the ordinance to the audience for their questions or comments.

Attorney Cushing suggested that Borough Planner, Carl Hintz give a brief visual presentation of the area being discussed. Mr. Hintz explained that the purpose of the ordinance is to amend and permit the option of clustering to further enhance the goals of the mountain district which is to preserve the environmentally sensitive areas of the site; specifically the wetland buffers and the steep slopes. The density of the ordinance is not to exceed the permitted density under the mountain district which is one house on three acres which is about forty homes. The proposed ordinance will allow no more than forty homes on the property.

He further explained that the developers have presented a concept plan for the property showing how it could be developed under the cluster option. It proposes an extension of Mill Pond Road into the site; it does not use the road into the apartments.

Attorney Cushing reviewed the terms of the proposed stipulation and settlement agreement. A lawsuit was instituted by Washington Ventures Inc. and Baker Residential after Baker made application to the Planning Board for the development of this property. Subsequently the Borough amended its Zoning Ordinance for this property to three acre zoning based on environmental factors. Washington Ventures challenged the Ordinance stating it was too radical a change for the Borough. The judge ruled that the Planning Board ruled correctly when it turned Washington Ventures down. Washington Ventures is still pursuing an appeal with respect to the Planning Board decision. Additionally Washington Ventures was still challenging the Ordinance and it was decided that it might make sense to have cluster zoning as an option; due to the fact that if a cluster was developed 60% of the area would remain in open space. It also allows for the wetlands, steep slopes, and forested cover to be preserved. In order to resolve that portion of the case, Washington Ventures is willing to dismiss its claim on the Borough for its challenge to the three acre zoning if the Borough is willing to permit a clustering option.

Mr. Hintz explained the environmental benefits of the clustering option. Mr. Hintz stated that the ordinance requires at least 60% of the site be set aside for permanent open space. The total wetlands and wooded areas are less than 60%. This will preserve all of those lands plus additional lands on the property.

Attorney Cushing explained the additional terms and conditions of the settlement. The Borough adopts the Ordinance presented tonight to permit the clustering. The developer would agree that the portion of the tract that remains open will have an access easement for the benefit of the public. The developer has stated that the number of single family detached units will not exceed forty units. The developer would have to go before the Planning Board just as it did before.

Attorney Cushing also stated that this Ordinance does not take away their right to appeal the decision of the Planning Board.

**Mike Franks 43 Nunn Ave**

How does the proposed clustering further enhance the protection of the property if in the end it encourages development of the property? Mr. Hintz explained that the current zoning requires the developer to develop 3 acre lots as a minimum. This would require roads to be placed throughout. The proposed cluster option condenses all of that to 2/5<sup>th</sup> of an acre lot sizes and pushes them away from the wetland and steep slope areas. Mr. Franks stated that no one is proposing to do that right now and it seems that we are encouraging development of the sensitive area by allowing clustering. Mr. Hintz stated that the current zoning does not protect the environmentally sensitive areas. The proposed ordinance will relegate any developer to the areas that are not environmentally sensitive.

**Dave Dasanto 66 Cemetery Hill Road Washington Township**

Mr. Dasanto asked if someone could elaborate on the 60% of the land that remains as open space; who would retain ownership of that land? Mr. Hintz explained that New Jersey Law states that if you have a cluster option the developer has the option of offering the land to the municipality or offering it to a homeowners association to maintain the land as open space. It is considered permanent open space and could never be developed.

**Gina Appleby 28 Willow Street**

Mrs. Appleby stated for clarification purposes that this was not done just for environmental protection; Clarke, Caton, and Hintz came up with the environmental protection and stated that they would even support five acre zoning because it was good transition into the Township. She stated that the current mountain zone is not a bulk zoning its minimum lot sizes included roads and other things that come into play. She questioned why so much of these discussion happened in Executive Session and why didn't Washington Ventures come before Council in open session and explain that they had a new conceptual plan. She asked if this had been discussed at any other meeting before today.

Attorney Cushing explained that this came up before the Planning Board last week and was voted upon by the Planning Board. He explained that yes there was an Executive Session as there is in all litigation. The way municipalities resolve these cases is by holding a public hearing as they are now.

Mrs. Appleby asked if this will cease all legal action by Washington Ventures against the Borough. Attorney Cushing stated that this will resolve that portion of the challenge to the Ordinance. Washington Ventures can still challenge the Planning Board. Mrs. Appleby asked why Washington Ventures would challenge the Planning Board if the cluster zoning is approved. Attorney Cushing explained that they would have a much more lucrative deal if they prevail in there challenge to the Planning Board. Mrs. Appleby stated that this really gives the Borough no guarantee. Attorney Cushing explained that if Washington Ventures exercised this option than 60% of the land would be preserved with the access to it for the public. Under open space laws the developer does not have to offer it the open space to the municipality. In this case the

developer is committing as part of the settlement to offer public access to this site so that the Borough residents can have access to hiking, etc.

Mrs. Appleby asked about the access from Mill Pond Road. She questioned whether or not anyone has thought about bussing, emergency services, etc. Councilwoman Oakley stated that those items would need to be presented before the Planning Board.

Attorney Cushing also explained that Washington Township would have to give approval for them to have access off of Mill Pond Road. The access will be extremely difficult regardless of whether it's off of Mill Pond Road or through the apartment complex. Mrs. Appleby stated that the Borough needs to require that they have direct access into the Borough in writing. Attorney Cushing stated that he feels that is a Planning Board issue.

Mrs. Appleby stated that she feels this plan is not as solid as Council has been lead to believe. It is not a good thing for the people in the Borough or for the people who would be moving into the development. She also stated that Council should remember what happened last time when all of the citizens came out asking you to defend it in court. That is what the will of the people is.

### **James Prendergrast 97 Flower Avenue**

Mr. Prendergrast asked why Council has introduced this Ordinance and why the Council feels compelled to overrule the Planning Board and the previous Council.

Attorney Cushing explained that this matter did go to the Planning Board at their last meeting and the Planning Board supported it.

Councilman Housel explained to Mr. Prendergrast that this is a public hearing. As soon as the public is heard the Council will have a discussion on the matter.

Councilman Turner stated that Council is not approving this plan tonight. The developer is not going to be built because we say they can use cluster zoning. It could be built eventually if it gets through the Planning Board. The main problem with the plan is access. They have to prove access before they can get into the site. They also have to deal with other entities before they can get access to this property.

Hearing no further comments, it was moved by Housel, seconded by Oakley that the public hearing portion of the ordinance be closed.

Ayes: 7, Nays: 0.

Motion carried.

### **Council Discussion:**

Councilman Higgins stated that tonight was the first time he has seen the conceptual design map. His concern is that the developer spent the money to draw the map; so the developer does have a plan. The single access is a concern as well. The developer took the time and spent the money to draw the map. He feels that the Borough is playing into the owners hands. It is not the responsibility of the Borough to make sure the land owner makes a profit. They also have unlimited legal resources because they are a group of attorneys. This could be drug out in court. He does not believe it is a good idea due to the access of emergency services and being outside the walking distance of the schools.

Councilman Housel stated at first thought it was a good idea due to the environmental concerns. He questioned the 60% open space. Mr. Hintz explained that under the Land Use Law a developer has the right to decide whether or not to offer the open space to the municipality or to offer it to the homeowners association. Councilman Housel stated that there are other M3 zones in the Borough. Does the open space requirement apply to them as well or just this property? Councilman Turner stated that it would apply to all M3 properties over one hundred acres. Councilman Housel asked if Council has a finalized settlement agreement. Attorney Cushing stated no; right now the Council has a draft but we are not ready to sign that. Councilman Housel said he understood that the agreement would be ready for Council at the same time the Ordinance was going to be adopted. Attorney Cushing explained he just received final comments from the Washington Ventures attorney today. Due to the fact the Council does not like to receive items at the last minute; he thought that the way to handle this is to make the Ordinance effective in accordance with normal provisions and upon the execution of an acceptable settlement agreement from Washington Ventures. Attorney Cushing stated that is going to be his recommendation to Council.

Councilman Housel asked if Council does not like the settlement the Ordinance does not become effective? Attorney Cushing stated yes; that is correct.

Councilman Housel stated he also has concerns about the development only having one entrance. If there is a terrible storm and there are trees down on Mill Pond Road the Borough has no access. The original plan included an emergency access.

Mr. Hintz stated that the access issues, emergency and otherwise will be addressed when it goes before the Planning Board.

Councilwoman Woykowski stated that the reason for considering this is that the lawsuit that exists against the Borough will be dropped. In the stipulation agreement it states that Washington Ventures is maintaining the right to appeal the decision with the Planning Board. The reason the lawsuit exists against the Planning Board is because the Planning Board denied the developer because of access. Attorney Cushing stated that there were many issues that the Planning Board denied them on. Councilwoman Woykowski stated that none of them had to do with density. This Ordinance will make that threat go away and the higher density will never be a threat again? Attorney Cushing stated yes however; if they succeed on their Planning Board appeal they will be entitled to the rights received under that. Councilwoman Woykowski asked if the Planning Board does win the appeal will the old application come back again? Attorney Cushing stated yes.

Councilwoman Woykowski asked if the settlement agreement is near its final form. Attorney Cushing stated that the changes being considered are; in paragraph five; "will comply with the development regulations of the Borough" will be changed to; will comply with the Land Use Chapter of the Code of the Borough of Washington." Also "the subdivision plan will provide that all roads, street lighting, storm drainage facilities, snow, leaf and other debris removal will be the responsibility of the homeowners association." They raised a question as to whether lighting and leaf removal had to be municipal responsibility. The language change being considered is, "as required by law."

Councilwoman Woykowski stated that she would like to request a change as well. She would like to request that they have access through the Borough. Councilman Turner seconded that request. Attorney Cushing asked for clarification on the type of access. Councilwoman Woykowski indicated emergency access.



Council discussed various issues regarding emergency access, bussing of school children, and pedestrian access. Council concurred that the settlement agreement would call for emergency access from the Borough and a pedestrian access into the Borough so that children may walk to school without having to go all the way out to Mill Pond Road. Attorney Cushing stated that Council is getting into Planning Board issues and requested direction from Council as to how they want the settlement worded. Mr. Hintz stated that there are a couple reasonable areas where a pedestrian crossing can be located.

Attorney Cushing requested approval on the following language change: “provide that there would be suitable emergency and pedestrian access to the Borough.” After further discussion further language added, “Pedestrian access to the Borough in accordance with the regulations provided by all outside agencies; including state, county, and federal.”

Attorney Cushing requested Council to amend the Ordinance before them to state in the Ordinance, “this Ordinance will take effect upon the execution of the proposed settlement agreement between Washington Ventures and the Borough of Washington with the approval of the Mayor and Council.”

It was therefore moved by Cioni, seconded by Oakley that Ordinance #1-2007 be adopted on final passage and that final publication be made as required by law.

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

Ayes: 5, Nays: 2.  
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)

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

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 (square feet)	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 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 upon the execution of the proposed settlement agreement between Washington Ventures and the Borough of Washington with the approval of the Mayor and Council.”

At this time Mayor Van Deursen entertained a motion to enter Executive Session. I was moved by Higgins, seconded by Oakley that Council enter Executive Session after a five minute recess.

Ayes: 7, Nays: 0  
Motion Carried

**RESOLUTION 101 -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

A motion was made by Turner, seconded by Cioni to re-enter open session.

Ayes:7, Nays: 0  
Motion Carried

### **ORDINANCES CONT'D**

**Ordinance #5-2007** – An Ordinance Providing for Tax Relief in Areas in Need of Redevelopment.

An ordinance “Providing for Tax Relief in Areas in Need of Redevelopment was introduced by Councilwoman Oakley.

It was further moved by Oakley, seconded by Turner that the Clerk read Ordinance #5-2007 by title only.

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

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

The Clerk read, “**An Ordinance Providing for the Tax Relief in Areas in Need of Redevelopment.**”

Council Discussion:

Councilwoman Woykowski asked why Council is adopting this Ordinance. She felt that according to the plan the Ordinance in place is covering the Borough. Her concern is also the timing due to the fact that this Ordinance hinges on other documents. This will delay the signing of the agreements by at least a month. She also stated that in Susan Flynn’s recommendation one of the options was leaving the old Ordinance as is and go into more detail at some point in the future.

Councilman Turner asked if the abatement is transferable to property owner to property owner. Attorney Cushing stated yes. Councilman Turner stated he is not one hundred percent in favor of that.

Councilwoman Woykowski asked if the Midtown Project is a mixed use project. That term is being left out in the new Ordinance. The mixed use term is in the old Ordinance.

Mayor Van Deursen asked Attorney Cushing if there is any harm in working by the old Ordinance. Attorney Cushing explained that during the analysis of all of the steps required under

the redevelopment plan. There was a concern as to whether the process of the adoption of the redevelopment Ordinance was followed as closely as it should have been. The best way to make sure everything is being done correctly is to adopt this Ordinance. He also stated that it could be addressed later in the process and the Borough can enter into the agreement with Mr. Van Cleef.

Mayor Van Deursen suggested that Council go ahead with the agreement with Mr. Van Cleef and re-address this Ordinance during Council's workshop meeting. Attorney Cushing stated that was fine and he will add a section in the Ordinance ratifying any actions taken.

It was moved by Housel, seconded by Woykowski that Ordinance 5-2007 be tabled.

Ayes: 7, Nays: 0  
Motion Carried

At this time Mayor Van Deursen suggested Council consider Resolution 100- 2007.

### **Resolution 100-2007**

#### Council Discussion:

Mr. Lowcher, attorney for Mr. Van Cleef, asked Council what this Resolution is intended to accomplish. Attorney Cushing explained it will authorize the agreement to enter into a tax agreement.

The Council will commit tonight to execute a tax agreement once Attorney Lowcher's client fulfills all the statutory requirements.

Attorney Lowcher stated he did receive the agreement to enter into a tax agreement and the tax agreement from Attorney Cushing. Attorney Lowcher sent a letter to Attorney Cushing stating that there are still things that need to be discussed with the tax agreement and the agreement to enter into a tax agreement. Attorney Lowcher does not want to foreclose the opportunity to discuss these items because I have not received feedback from my comments.

Attorney Cushing stated that the Borough's position is that Mr. Van Cleef does not yet qualify for the tax agreement. Attorney Lowcher stated that he disagrees.

Attorney Cushing stated that this resolution will authorize the agreement to enter into a tax agreement when Mr. Van Cleef meets the statutory requirements.

Councilwoman Woykowski commented that Council passed a resolution on February 20<sup>th</sup> 2006 to enter into the assignment agreement and the developer's agreement. On February 28<sup>th</sup> 2006 an amended assignment agreement and developers agreement was presented to Council as a draft. Councilwoman Woykowski requested that at the next meeting the final version of the developer's agreement and the assignment agreement. Attorney Cushing stated that right now the language in both of those agreements is being discussed.

Attorney Lowcher stated that the only thing that needs fine tuning in the developer's agreement is the paragraph pertaining to the garbage and recycling center in the parking lot. The design presented by Mr. Hintz was a bit over the top. Mr. Van Cleef is looking for a plan that was a bit more scaled down. Attorney Lowcher stated that he and his client would like to add a line to the fifth line in paragraph four stating that. "The developer

may submit a building plan subject to review by the Borough and/or the Borough's professional planner as it pertains to the garage and recycling center." Council is agreeable to adding that line.

Councilman Housel voiced his concern over the fact that all of these agreements and resolutions should have been prepared for Council when they were final. Passing these resolutions and agreements piecemeal is causing confusion and causes problems from a logistical problem.

Mayor Van Deursen re-capped stating that the only item in the developer's agreement that is changing is the wording regarding the submission of the building plan relating to the garbage receptacle.

The final developer's agreement documents should be placed in the packets for next meeting and permanently attached to the resolution adopted at the February 20<sup>th</sup> meeting.

It was moved by Turner, seconded by Oakley that Council adopt Resolution 100-2007.

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

Councilwoman Woykowski made a motion to amend the Resolution's title to say, "Agreement to Enter into a Tax Agreement between the Borough of Washington and John H. Van Cleef." This motion was seconded by Councilman Housel.

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

**RESOLUTION # 100-2007**  
**RESOLUTION AUTHORIZING MAYOR AND COUNCIL**  
**TO EXECUTE "AGREEMENT TO ENTER INTO A TAX AGREEMENT"**  
**BETWEEN**  
**THE BOROUGH OF WASHINGTON**  
**AND JOHN H. VAN CLEEF**

**WHEREAS**, an agreement has been negotiated between the Borough of Washington and John H. Van Cleef, d/b/a Van Cleef Enterprises, for the Borough to provide real property tax relief in the form of a tax agreement providing for a five (5) year phase-in of the real property taxes otherwise due for the property located at Block 24, Lot 19, and known as the Midtown Project; and

**WHEREAS**, the final tax agreement (a draft form of which is attached hereto) cannot be executed until completion of the Midtown Project; and

**WHEREAS**, the parties desire to memorialize their commitment to execution of the tax agreement by executing an interim Agreement to Enter into a Tax Agreement in the form attached hereto;

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Washington, Warren County, New Jersey, that the Mayor and Clerk are hereby authorized and directed to execute the Agreement to Enter into a Tax Agreement between the Borough and John H. Van Cleef, d/b/a Van Cleef Enterprises, a copy of which is attached hereto as Exhibit A.

**AGREEMENT TO ENTER  
INTO  
TAX AGREEMENT**

This Agreement is made on \_\_\_\_\_, 2007

**BETWEEN**

THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, a municipal corporation of the State of New Jersey, having a mailing address at 100 Belvidere Avenue, Washington, New Jersey 07882-1426, hereinafter referred to as the Borough,

**AND**

JOHN H. VAN CLEEF, d/b/a VAN CLEEF ENTERPRISES, having a mailing address at 1548 Millstone Road, Hillsborough, New Jersey 08844, hereinafter referred to as Van Cleef.

**WITNESSETH**

**WHEREAS**, Van Cleef has made application to and received from the Planning Board of the Borough final minor subdivision and final major site plan approval on November 13, 2006 in connection with a development project known as "Midtown/Limited, Inc." (the "Midtown Project"); and

**WHEREAS**, the parties have agreed that short-term real property tax relief in connection with the real property taxes to be assessed by the Borough Tax Assessor and paid by Van Cleef to the Borough upon completion of the Midtown Project, will benefit both parties; and

**WHEREAS**, pursuant to N.J.S.A. 40A:21-1 et seq. and the Borough's Ordinance No. 6-2004 implementing N.J.S.A. 40A:21-1 et seq., in order to qualify for a tax agreement providing for such tax relief, Van Cleef is required to submit an application for a tax agreement to the Borough within thirty (30) days of the completion of the Midtown Project; and

**WHEREAS**, the Midtown Project is not yet complete; and



**WHEREAS**, the parties have conditionally agreed to enter into a tax agreement upon Van Cleef's successful completion of the application process;

**NOW THEREFORE**, the parties mutually agree as follows:

1. **The Tax Agreement.** The parties agree that upon Van Cleef's successful completion of the application required by N.J.S.A. 40A:21-9 and Washington Borough Ordinance No. 6-2004, they will enter into a tax agreement in the form attached hereto as Exhibit A. Prior to its execution, the tax agreement shall be approved by the Mayor and Council of the Borough.

2. **The Application.** Van Cleef agrees to complete the application requirements as described in N.J.S.A. 40A:21-9 within thirty (30) days of completion of the Midtown Project, and to submit all required documents and information to the Borough within that thirty (30) day period. If possible, Van Cleef agrees to submit the required documents and information to the Borough prior to the completion of the Midtown Project.

3. **Form E/A-1.** Van Cleef agrees to complete and submit to the Borough New Jersey Form E/A-1, Application for Exemption and/or Abatement for the Improvement, Conversion or Construction of Property Pursuant to P.L. 1991, C. 441 (N.J.S.A. 40A:21-1 et seq.) AND AUTHORIZED BY MUNICIPAL ORDINANCE, within thirty (30) days of the completion of the Midtown Project. If possible, Van Cleef agrees to submit Form E/A-1 to the Borough prior to the completion of the Midtown Project.

4. **Responsibilities.** The Borough agrees to promptly provide Form E/A-1 to Van Cleef. The Borough further agrees to approve Van Cleef's application for a tax agreement, provided that all the requirements of N.J.S.A. 40A:21-9 and Washington Borough Ordinance No.6-2004 have been met.

5. **Conditions.** The parties agree that execution of this Agreement shall be contingent upon the execution by the parties of both the Developer's Agreement and the Assignment Agreement, which agreements are presently being finalized by the parties.

6. **Complete Agreement.** This Agreement is the entire and only agreement between the Borough and Van Cleef with respect to its subject matter, and supersedes any prior agreements made between the parties, in writing or otherwise. This Agreement may only be modified by a writing executed by both parties. This Agreement shall be interpreted and governed exclusively by the laws of the State of New Jersey

## **TAX AGREEMENT**

This Tax Agreement is made on \_\_\_\_\_, 2007

**BETWEEN**

THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, a municipal corporation of the State of New Jersey, having a mailing address at 100 Belvidere Avenue, Washington, New Jersey 07882-1426, hereinafter referred to as the Borough,

**AND**

JOHN H. VAN CLEEF, d/b/a/ VAN CLEEF ENTERPRISES, having a mailing address at 1548 Millstone Road, Hillsborough, New Jersey 08844, hereinafter referred to as Van Cleef.

**WITNESSETH**

**WHEREAS**, Van Cleef has made application to and received from the Planning Board of the Borough final minor subdivision and final major site plan approval on November 13, 2006 in connection with a development project known as “Midtown/Limited, Inc.” (the “Midtown Project”), located at Block 24, Lot 19 on the Borough Tax Map (the “Property”); and

**WHEREAS**, the Midtown Project provides for the construction of both residential units and commercial properties; and

**WHEREAS**, upon completion of the Midtown Project, the parties agree that the municipal tax assessor shall assess the value of the Property for purposes of calculating the annual property taxes on the Property; and

**WHEREAS**, the Borough recognizes that particularly with respect to the residential units, the real property taxes associated therewith will constitute an important factor in the marketability of the residential units; and

**WHEREAS**, Washington Borough Ordinance No. 6-2004 implements the Five Year Tax Exemption and Abatement Law, codified at N.J.S.A. 40A:21-1 et seq., providing for temporary tax relief for property owners (the “Ordinance”); and

**WHEREAS**, Van Cleef has satisfied the requirements of the Ordinance by timely completing and submitting an application for entrance into a tax agreement with the Borough, which application has been reviewed and approved by the Borough; and

**WHEREAS**, Van Cleef acknowledges that this Agreement shall apply only with respect to the five (5) first full tax years commencing after completion of the Midtown Project, and that any interim assessments made prior to such time will remain in full force and effect unless appeal is made to the County Board of Taxation; and

**WHEREAS**, the parties acknowledge that there are no outstanding taxes, delinquencies or penalties for non-payment of taxes with respect to the Property; and

**WHEREAS**, the Borough wishes to extend tax relief in the form of this Tax Agreement to Van Cleef;

**NOW THEREFORE**, the parties agree as follows:

1. **Payment in Lieu of Taxes.** The parties agree that the annual real property taxes due with respect to the Property will comprise the basis for the calculation of the payment in lieu of full property tax (“PILOT”) due from Van Cleef to the Borough, and that the parties will use the tax phase-in basis for calculation of the PILOT; specifically:

- A. In the first full tax year after completion, no PILOT will be paid;
- B. In the second tax year, a PILOT of twenty percent (20%) of the tax otherwise due will be paid;
- C. In the third tax year, a PILOT of forty percent (40%) of the tax otherwise due will be paid;
- D. In the fourth tax year, a PILOT of sixty percent (60%) of the tax otherwise due will be paid; and
- E. In the fifth tax year, a PILOT of eighty percent (80%) of the tax otherwise due will be paid.

The PILOT shall be due and payable annually, on the \_\_\_\_\_.

2. **The Tax Otherwise Due.** In annually calculating the amount of the tax otherwise due, the parties agree that the assessment for the Property shall be determined by the municipal tax assessor. The applicable tax rate and ratio shall then be applied to the assessment on an annual basis to calculate the tax otherwise due for purposes of this Agreement. The parties acknowledge that the current tax rate for the Borough is \$3.72 and that the current ratio for the Borough is 66.26%, but that these figures are subject to change.

3. **Duration.** This Agreement shall commence in the first full tax year after completion of the Midtown Project, and shall remain in effect for five (5) years, assuming all other contingencies have been fulfilled.

4. **Use.** The parties agree that if Van Cleef sells or otherwise disposes of the Property, then the tax which would have been otherwise payable for each tax year shall become due and payable from the succeeding property owner as if this Agreement had not been executed, unless the Borough determines that the succeeding owner shall continue to use the Property in a manner consistent with that being made by Van Cleef.

5. **Termination.**

- A. If any PILOT is not received by the Borough when due, this Agreement shall terminate, and the tax which would have been otherwise payable for that tax year

shall become due and payable. Thereafter, the tax otherwise due shall be due and payable as if this Agreement had not been executed.

- B. All federal, State and local laws and regulations on pollution control, worker safety, discrimination in employment and housing, as well as zoning, planning and building code requirements are applicable to the Midtown Project and violation of any of these laws or regulations may result in the termination of this Agreement, at the discretion of the Borough.
- C. Issuance of a casino license to any owner, tenant or occupier of the Property, for use on the Property, shall terminate this Agreement.
- D. Violation or noncompliance with any provision of the Developer's Agreement executed by the parties on \_\_\_\_\_, shall constitute a violation of this Agreement which may result in the termination of this Agreement, at the discretion of the Borough.
- E. Violation or noncompliance with any provision of the Assignment Agreement Midtown Project executed by the parties on \_\_\_\_\_, shall constitute a violation of this Agreement which may result in the termination of this Agreement, at the discretion of the Borough.

6. **Complete Agreement.** This Agreement is the entire and only agreement between the Borough and Van Cleef with respect to its subject matter, and supercedes any prior agreements made between the parties, in writing or otherwise. This Agreement may only be modified by a writing executed by both parties. This Agreement shall be interpreted and governed exclusively by the laws of the State of New Jersey.

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

Ayes: 6, Nays: 1  
Motion Carried

**REPORTS:**

It was moved by Higgins, seconded by Oakley that the Council acknowledge, receive and file the Borough Engineer Report, Fire Prevention Report, Police Activity Report, Municipal Court Report, Complaint System Report, and the Recreation Commission Treasurer's Report.

Ayes: 7, Nays: 0  
Motion Carried

Council Discussion:

Mayor Van Deursen asked for an update on the Engineer's Report. Gerald Philkill, Borough Engineer stated the significant update issues are the DPW Borough Garage. Bob Miller met with the subcommittee and they have agreed in principle to some changes to the layout of the garage and elimination of areas intended for the file room. These will be resubmitted to the subcommittee prior to going out to bid. Mayor Van Deursen asked how long the process will take. Councilman Turner stated that it should not be long. Councilman Higgins stated that they should also look at the new 911 building as well.

Mr. Philkill stated that the downtown streetscape project is moving along very well so far. Berto has three blocks are finished; the fourth should be done some time next week. Marvec is also scheduled to start next week.

The Belvidere Avenue project will have a pre-construction meeting with the contractor and that project will get under way sometime in April.

Councilwoman Oakley asked for an update on the South Lincoln and North Prospect traffic issues. Mr. Philkill stated that it is in Council's hands right now. Councilman Turner indicated that the Borough is waiting for the speed machine from the township to place it on North Prospect. This will happen when the winter is over.

**VOUCHERS & CLAIMS:**

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

Council Discussion:

There were several questions on the bill list. Councilman Higgins asked Borough Manager, John Corica to review the charge for \$394.95 on page 4. This looks like a duplicate. He also requested the Manager to review the charges for oil at the Borough Garage. Councilman Turner requested the Manager review the charge for the concrete saw used on the McKinley job. Is the for a rental saw or to repair our saw? Councilman Turner also questioned the charge of \$3,095 for repairing the rear axle of the DPW truck. No one ever informed Council that this needed to be done.

Councilwoman Woykowski suggested forming a committee to in order to understand the exact process of the payment of bills. Councilwoman Woykowski and Councilman Turner will sit on this committee. Mayor Van Deursen also suggested that Council members can meet with the Borough Manager one hour prior to the regular Council Meeting to review questions on the bills list.

Mayor Van Deursen stated that a special meeting will be needed to transfer additional money. A special meeting will be held on Tuesday, March 27, 2007 at 8:00 p.m.

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

Ayes: 7, Nays: 0.  
Motion carried.

**OLD BUSINESS:**

**Repair of Street Sweeper**

Council discussed the repair of the street sweeper. Two proposals were received. The total cost of fixing the sweeper will be about \$14,000.00. Councilman Higgins asked if the repair could be done in stages by fixing the rear bearings and the box separately. Mayor Van Deursen asked that the Road Supervisor prepare a report on the cost and whether or not this could be done in stages.

**Removal of Trees**

Councilman Housel informed Council that residents are having trees removed and than requesting the Road Department to come out and chip the remaining branches. This can not be done according to the Borough's Ordinance. Councilman Turner agreed and stated that the Ordinance specifically states that the chipping of a professionally removed tree should be done by the contractor who took the tree down.

**NEW BUSINESS**

**Approval for the Police Department to Submit the Click It or Ticket Grant Application**

Motion was made by Higgins, seconded by Housel to approve the submission of the grant application.

Councilwoman Oakley stated she will not vote in favor of the grant application due to the fact that she feels this program is a violation of civil rights. She also prefers that the department head requesting the approval make a Council appearance to explain the program.

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

Ayes: 4, Nays: 3  
Motion Carried

**Marriage and Civil Union Fees**

Tabled until the April 17, 2007 Council meeting.

**Approval of to Waive the No Alcohol Ordinance at the Borough Park for the Fire Department's 125<sup>th</sup> Celebration**

This request was moved by Housel, seconded by Cioni and approved.

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

Ayes: 6, Nays:0

Motion Carried

**Resolution 97-2007 – Marvec Change Order # 2**

This Resolution was presented in error.

**Resolution 98-2007 – Change in EDUChange Order # 2 Marvec**

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

**RESOLUTION #98-2007**  
**A RESOLUTION TO ADJUST SEWER BILLINGS IN**  
**ACCORDANCE WITH CHAPTER 70, SECTION 28B OF**  
**THE CODE OF THE BOROUGH OF WASHINGTON.**

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

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

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

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

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

<b>BLOCK/LOT</b>	<b>NAME/ADDRESS</b>	<b>REASON/ADJUSTMENT</b>
94/11	William & Jerilyn Maxwell	Change in Use

103 East Washington Ave.  
Washington, NJ 07882

(3) to (2) E.D.U.s  
Effective: March 2007

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

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

Ayes: 7, Nays: 0  
Motion Carried

**Resolution 99-2007 Appointment of Risk Manager**

Councilman Higgins made a motion to name Brown and Brown as the Borough's Risk Manager for the period of April 1, 2007 through December 31, 2007. This motion was seconded by Councilwoman Woykowski.

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

Ayes: 7, Nays: 0  
Motion Carried

**RESOLUTION 99 - 2007**

**RESOLUTION APPOINTING RISK MANAGEMENT CONSULTANT FOR THE  
BOROUGH OF WASHINGTON COUNTY OF WARREN STATE OF NEW JERSEY  
FOR THE YEAR 2007**

**WHEREAS**, the Borough of Washington (hereafter "LOCAL UNIT") has joined the Statewide Insurance Fund (hereinafter "FUND"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 et seq; and

**WHEREAS**, the Borough of Washington has appointed Brown and Brown as its Risk Manager for the period of April 1, 2007 through December 31, 2007; and

**WHEREAS**, it is in the best interest of the parties to formalize the appointment through a written agreement outlining the terms and conditions of the appointments; and



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

1. The Mayor and Clerk are hereby authorized to execute the Risk Management Consultant's Agreement for the fund year 2007.

**Proposal from Hatch Mott MacDonald – Pleasant Valley Mill Dam**

Councilman Turner informed Council that they had requested a proposal from Hatch Mott MacDonald for this mandatory environmental report on the Mill Dam. Borough Manager stated that he could have a resolution and certification of funds prepared for the next meeting. Council concurred.

**Resolution 101-2007 Executive Session**

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

**RESOLUTION 101 -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:

Potential Litigation  
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.

**COUNCIL REMARKS:**

Councilwoman Oakley - None

Councilman Higgins stated that he wants Council to seriously re-evaluate their goals. He feels that Council is scattered right now and is spreading them-selves to thin. He also feels that they need to be more with the public and explain things in more detail. Councilman Higgins suggested reading Resolutions by title prior to being considered by Council.

Councilwoman Woykowski suggested a Workshop meeting the fourth Tuesday in April to discuss Council goals.

Councilman Turner agreed with Councilman Higgins and stated that we need much more control over our projects.

Mayor Van Deursen, Councilman Housel and Councilman Cioni were all agreement with Councilman Turner and Higgins.

**RECAP**

None

Hearing no further business to come before Council, it was moved by Oakley, seconded by Turner that the meeting be adjourned at 12:15 a.m.

Ayes: 7, Nays: 0.  
Motion carried.

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Marianne Van Deursen, Mayor

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Kristine Blanchard, RMC Borough Clerk