

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – April 17, 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, Cioni, Housel, Woykowski
7 – Present
Van Deursen - Absent

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

Mayor Van Deursen led everyone in the flag salute.

Mayor Van Deursen read the following Statement into the Record:

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

At this time a moment of silence was held to honor the victims of Virginia Tech.

COUNCIL APPEARANCE: Municipal Court – The Honorable J. Edward Palmer, Judge, and Virginia Cortese, Court Administrator

Judge Palmer presented Council with some statistics in regards to the Municipal Court. In 2006 the Borough had 18 DUI cases, 2,093 moving summonses, and a total of 2,662 traffic summonses, and 108 indictable offenses. The Court received \$280,795.00 and of that the Borough received \$148,164.00.

Judge Palmer explained the Community Dispute Resolution Program. It is a program allowed under court rules. It allows neighborhood disputes to be resolved without having to go to a trial. It meets twice a month on Tuesday’s; with trained mediators.

Judge Palmer thanked the Mayor and Council with their understanding and assistance with the Court Security Mandates. The lessons learned from tragic events show that there are safeguards that need to be taken in a public setting.

Judge Palmer thanked Court Administrator, Ginny Cortese, and Deputy Court Administrator, Lisa Rudd who do an excellent job for the Borough.

PRESENTATION: Hannah Massaquoi, Area Manager, Jersey Central Power and Light

Ms. Massaquoi stated that she is here tonight to update the Mayor and Council on recent

Developments with JCP&L. She stated that she is the Area Manager for Hunterdon and Warren Counties. She explained that this is an opportunity to stand before Council and give an update on the status of service in the Washington Borough area. It is no surprise that the electrical demand in the area has increased significantly. JCP&L is seeking to add to the existing facility that we have in the Borough. JCP&L has been proactive in identifying a location in the Borough, which is our existing substation, to add capacity so that we can enhance the existing wires in the area in order to accommodate the future load. JCP&L is currently investing over a million dollars in this facility. Ms. Massaquoi stated she has brought the pictures of equipment that is being installed at the site.

At this time the engineer and technical support presented the pictures and the design plans for the Washington JCP&L substation.

Mayor Van Deursen asked if there is an estimated time frame for the project. It was stated that the completion date is scheduled for sometime in the fall and there may be some minor outages experienced from the change over to the new system. Residents will be notified. Mayor Van Deursen requested that they also inform the Borough Manager.

Councilman Higgins asked if there will be a rate increase associated with the new system being installed at the Washington substation. Ms. Massaquoi stated that a new regulation went into effect in 1999; JCP&L is mandated by law to invest in our infrastructure and upgrade it as necessary. BPU may allow a rate increase if they feel it is necessary. She stated that JCP&L's rates are still far below prior to 1999.

Mayor Van Deursen thanked Ms. Massaquoi for a very informative presentation and wished them luck with their project.

PROCLAMATION: Washington Borough Library

Mayor Van Deursen presented Library Director, Barbara Rose with a Proclamation celebrating Washington Library's 80th Anniversary and proclaiming April Library month.

PROCLAMATION

WHEREAS, the Washington Public Library enables individuals to make informed decisions about their self-governance by promoting unrestricted access to information and by serving as a community center for lifelong learning; and

WHEREAS, in a world undergoing constant change, the Washington Public Library provides enduring connections to the past and future of our community, nation and civilization; and

WHEREAS, the Washington Public Library provides entry to important research about health, economics, housing, the environment and countless other areas to support better living conditions and to help people lead longer, more productive and fulfilling lives; and

WHEREAS, the Washington Public Library supports a competitive workforce with computers and other resources to help our children and adults learn to find, evaluate, and use

information they need for their jobs, health, education and other needs; and

WHEREAS, the Washington Public Library offers pre-school story hour and summer reading programs to encourage our children to begin a habit of reading that will serve to benefit their personal and professional lives; and

WHEREAS, the year two thousand and seven is the eightieth anniversary of its incorporation as our own Borough Library.

NOW THEREFORE, I, Marianne Van Deursen, Mayor of the Borough of Washington, State of New Jersey, do hereby proclaim:

April 2007 as Washington Public Library Month in Washington and urge everyone to visit our library and to thank a librarian and all the others responsible for making this unique and wonderful institution possible.

Presented on this seventeenth day of April, 2007.

MINUTES:

Hearing no corrections it was moved by Housel, seconded by Turner that the minutes of the special meetings held March 13th and 27th 2007 and the Executive Session minutes of March 13, 2007 be approved.

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

Ayes: 7, Nays: 0.
Motion carried.

COMMUNICATIONS:

The following communications were entered into the Record:

1. Comcast Re: Price Change
2. NJLM Re: Teleseminar: Engaging Private Funders; How Local Governments Can Tap Private Grant Dollars
3. NJLM Re: COPS Funding Battle
4. NJLMR Re: Pensions and Benefits
5. NJLM Re: Appeal of COAH Court Ruling
6. NJLM Re: FCC Report
7. NJLM Re: Report on Activities of NJLM
8. NJLM Re: Governor Signs Caps and Credits and Core Reforms

9. NJLM Re: Partnership with New Jersey Child Care Economic Impact Council
10. NJLM Re: Pension Reporting
11. National Arbor Day Foundation: 2006 Tree City USA (in packets)
12. Township of White (in packets)
13. Alan Lowcher Re: Sewer Capacity (in packets)
14. Alan Lowcher Re: Midtown Abatement (in packets)
15. Planning Department County of Warren (in packets)

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

It was moved by Housel, seconded by Turner that the communications be acknowledged, received and filed. It was noted that several communications will be discussed in Executive Session.

1. Comcast Re: Price Change
2. NJLM Re: Teleseminar: Engaging Private Funders; How Local Governments Can Tap Private Grant Dollars
3. NJLM Re: COPS Funding Battle
4. NJLMR Re: Pensions and Benefits
5. NJLM Re: Appeal of COAH Court Ruling
6. NJLM Re: FCC Report
7. NJLM Re: Report on Activities of NJLM
8. NJLM Re: Governor Signs Caps and Credits and Core Reforms
9. NJLM Re: Partnership with New Jersey Child Care Economic Impact Council
10. NJLM Re: Pension Reporting
11. National Arbor Day Foundation: 2006 Tree City USA (in packets)
12. Township of White (in packets)
13. Alan Lowcher Re: Sewer Capacity (in packets)
14. Alan Lowcher Re: Midtown Abatement (in packets)
15. Planning Department County of Warren (in packets)

Ayes: 7, Nays: 0.
Motion carried.

AUDIENCE:

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

Dale Zairo – 65 South Lincoln

Mr. Zairo stated he would like to discuss an issue with the Code Enforcement Officer. Attorney Cushing explained that is a personnel issue and should be discussed with the Borough Manager. Mr. Zairo will set up a meeting with the Borough Manager for Wednesday.

Keith Gonzales, Emergency Management Coordinator

Mr. Gonzales read an open letter to the Mayor and Council. The letter is as follows: On Sunday evening, April 15, 2007 at roughly 9:00 p.m. I received a call from Councilman Housel regarding a disturbing incident. Unprocessed municipal waste was backing up into the basement laundry sink of the property inhabited by Sherry Gilby at 24 Gardner's Court. He mentioned that this was not the first time of such an occurrence and that prior complaints were noted by Council.

At 9:24 p.m. I contacted Municipal Waste Management via Warren County Dispatch.

At 9:32 p.m. I received a return call from Kevin. I introduced myself as the Emergency Management Coordinator and I was seeking immediate action. I asked him if there were emergency measures or actions we could exercise to stop it and his reply was, "not until the Borough enlarges the sewer or ceases further building." My response to his comment was controlled but frustrated. I asked him again if there was anything we could collectively do and his response again was, "no."

At 9:42 p.m. I phoned the Mayor and requested permission to enable emergency measures and she approved.

At 9:55 p.m. I phoned Russell Reid to dispatch a tanker to Gardner's Court so we could pump as much waste as necessary in an attempt to relieve the backflow of waste.

At 10:20 p.m. I phoned Borough Manager Corica and apprised him of the circumstances and my decision to spend Borough funds to remove the waste and provide housing for Ms. Gilby if necessary.

At 10:30 p.m. Inspector Bescherer and I arrived at a location near Ms. Gilby's home and selected a manhole that was at the top of the road. Councilman Higgins and Borough Police Officer Jones joined us. Inspector Bescherer remained at the manhole to await Russell Reid's tanker as I proceeded to Ms. Gilby's home and asked to see the basement. I witnessed the diluted waste in her sink and verified that she was not pumping basement storm water into a waste line. After speaking with her, I proceeded Mr. Sherman's home at 15 Gardner's Court to see that they were experiencing the same problem. When the Tanker arrived, we found the waste to be cresting the manhole. The tech pumped 5,000 gallons from the line and asked if he could deposit the waste at the treatment facility. If not he would have to travel to Somerset to empty his truck and the turn around time would be in excess of two hours. I phoned Kevin and asked if we could deposit the waste at the treatment facility and he said, "No the facility was at capacity." I then suggested to the tanker tech that he drop his truck off at their Glen Gardner facility and bring another empty tanker so we could continue without haste. In the meantime, the waste level began to rise and I noticed that we had only briefly alleviated the problem.

At 11:10 p.m. I phoned Councilman Housel and asked him to join me at the location so we could discuss what he knows about the problem and its history. We met at another manhole at the end of South Prospect Street and both noticed that waste was bubbling out of it as well as out of the concrete vault adjacent to the Shabbecong Creek.

At 11:40 p.m. having realized that our efforts were not resolving the problem, I sent Russell Ried away and had one last conversation with Ms. Gilby and Mr. Sherman.

As I have never been aware of the problem, the potential contamination of the creek or the alleged two and one half year history behind this I am asking for the following:

1. Council must select a committee to bring forth the Office of Emergency management a complete history of conversations, requests, replies, construction proposals and any other related documents for my review.
2. Council will schedule a future meeting in reasonable time after I review the history and respect my suggestions for immediate remediation.
3. Council this evening will verbally agree with the Office of Emergency Management that this incident is in violation of the quality of life that should be afforded to every resident of Washington Borough and that a contamination of the Shabbecong Creek is considered unconscionable.
4. Council will contact the Waste Treatment Facility and determine if the facility truly was at capacity, how could that happen and if Kevin has a general disrespect for my authority during a Borough Emergency or is he unhappy with his job.

Councilman Housel stated that Keith summed it up very well. One of the things he would like to add to the letter is sending a letter to Verizon. A lot of the homes in that area received flooding just from storm water. What is happening is the Verizon complex on Route 57 has two catch basins. Those catch basins need to be cleaned out. We should send Verizon a letter and have the catch basins cleaned out, and if not done within 15 days we should clean them out ourselves and send them a bill.

Mr. Gonzales stated that he is putting together a list of the issues surrounding the area. The entire state is in the process of developing a flood litigation plan. So he has been very conscious of documenting these cases. He also plans to take these issues to the Planning Board in an effort to have them be a little more severe with there examination of flood plans when a new development is in place.

Mayor Van Deursen asked Manager Corica if we will be able to collect any funds to reimburse the Borough for the cost of pumping out these residents.

Manager Corica stated that it will probably be a while before we know if there will be any state or federal funding available, the first step in order to activate FEMA money is to declare a state of emergency. The next step will be for the state to request funding from FEMA and if that is granted we would put together an application with all of the costs.

Mr. Gonzales stated that this is a man made phenomena we experienced. This is due to our own error and negligence. This is not storm water getting into the sewer line. These are sewer lines that are improperly installed. He stated he understands that there is a history on this topic and that a lot of people know what's going on. We won't be able to see any funding at all from anybody for this because we created the problem. He said he can see perhaps future funding from litigation to correct the problem. That's why I need all the background as far back as it goes. I have heard from Council members and residents it goes back as far as 2 ½ years. This is the first I heard of it. I am the Emergency Management Coordinator this was a civil emergency. Waste coming up into peoples home is unheard of. Waste going into the

Shabbecong is completely unacceptable, and having prior knowledge of this is unconscionable.

Mr. Gonzales also stated that we have had rains worse than this, since I've been the emergency management coordinator. But this is the first time that I've witnessed this. I know that there have been meetings; I know that residents have come and complained, those are the minutes I need to see. I need to make a comparison to the last time we had a rain like this was there a complaint. Was there an action? If not, than it makes it even more difficult to determine what the solution is. If it's every time it rains hard, that gives us a direction. If it is, how have we not to this point come up with a solution?

Mayor Van Deursen stated the Mr. Gonzales is correct and asked which Council members would like to be on the committee. Councilman Higgins, Councilman Housel, and Councilwoman Woykowski volunteered. Kevin from the sewer plant should also be on this committee along with Keith and the Borough Manager. She asked Borough Clerk, Kristine Blanchard, to go back and research the minutes and find those minutes for Keith Gonzales.

Councilman Turner requested a statement from Veolia water as to what actually happened that evening. Mayor Van Deursen stated that a statement has been received by John Corica and will be forwarded to Council. Mayor Van Deursen also said we need to get to the bottom of this it can't happen anymore. She also complemented the Council members for working as a team to try and resolve the issue.

Robin Klinko - 35 Marble Street, stated she has toilet paper, raw sewage backing into her home. This has been happening since I moved here.

Ms. Klinko also informed Council that they are constantly opening the manhole and cleaning it out. At one point they (the sewer department) thought they had to replace the entire line from the house down to the T in the road. They finally hired someone with a camera to come and it was at the T. Two apartments had no flushing toilets for 2 or 3 days because of this problem. They had sewage coming up in their house. She brought some pictures on another issue which also shows what you saw when you were down there the other day. How many times have they ripped up that road? It is a constant problem; they make a band-aid on it. It does not need to be a heavy rain. She explained the Shabbecong comes up and goes over my yard and goes into the woods and it is actually two streams running down, and it converges at the corner where the new sump station is and it rages on from there. Something needs to be done and if it is any of the clean water drains that are feeding into that it can't handle it at all. The problem that Councilman Housel had addressed about Verizon, in front of my road is a private road, around the corner is a private road, the rest was adopted by the Borough there are no storm drains there. All that water that comes down from Verizon has no place to go it just lays there. It also runs down through the manhole covers which goes down into your sewer lines before it ever hits a drain. It actually has to go up hill to hit a drain and it can't do that. We have no drains.

Mr. Gonzales explained that he can't promise exactly when we'd see any movement on this but he did mention earlier to Council the new flood litigation plan is going to open the

doors for us to get funding for things like that. More sensitivity will lean toward natural events like the creek issue.

Mayor Van Deursen thanked everyone for their input and stated that the committee will look into the issue and report back to Council. Council concurred that the first Sewer Committee meeting will be Tuesday, April 23, 2007 at 7:30 p.m.

Sherry Gilby 24 Gardner Court asked if the committee be contacting us so that we can give them our information? She explained that she has a letter from her engineer that states her problem. The sewer department is aware of this and has not done anything. She stated that she is not connected into the lateral properly. The engineer states in the letter exactly what is going to happen to my sewer line every time it rains and that is exactly what happens.

Mayor Van Deursen asked Ms. Gilby when she communicated with Mr. Sheola. Ms. Gilby explained that she has a letter from November, 2006 and have heard nothing since then. It is very disturbing to hear that this is the first time everyone is hearing about this when I have been in communication with him thinking he was taking care of things.

Mayor Van Deursen read the letter from Mr. Sheola that was addressed to Shoor DePalma. It states, "Dear Mr. Goldberg, enclosed you will find a copy of a letter forwarded by a resident of Gardner's Court Washington Borough relative to the issue she is facing with her sewer lateral. We have a serious problem with flow re-entering the home. I would appreciate your immediate review of the letter and response with a proposal to cure the matter within 10 business days. We were assured the repairs made by the contractor would not have a negative affect on the property it is unacceptable that this resident be faced with recurring sewer back ups in her home."

Councilman Housel requested that the interim manager could look into this. Councilman Higgins told Council that he has his notes from the January 2, 2007 Council Meeting. Mr. Sherman came to the meeting; he stated that he has had the problem for 3 ½ years. From my notes on that meeting the manhole on North Prospect is set 6 inches higher than it is supposed to be. This is one of those times that a phone call needs to be made. Because Mr. Sherman came on January 2 and nothing has been done.

Councilman Housel informed Council that the engineering firm H2M was just hired to look into this. He inquired as to what the status is of that. Manager Corica will follow up with H2M.

Mayor Van Deursen requested a transcript of tonight's testimony be given to the Sewer Committee. She also stated that she is very sorry for your trouble. It is a bad situation. I thank the people who stepped up to be on the committee for doing so.

Ms. Klinko also brought to Council's attention the matter of the sump pump construction; which left the road, her yard and the sidewalks a disaster. She stated that she brought this matter to Council's and the Borough Manager's attention last April and the matter has not been taken care of. Finally, the road department showed up in November and put cold patch

on the road. The potholes are still there and have damaged her car. She showed Council the photographs of the disaster that still remains after the previous Borough Manager said it was fixed. Mayor Van Deursen requested that Interim Borough Manager, John Corica look into this situation and find out if there is any bond money left from the contractor. The work completed at the location was Phase II Sanitary Sewer. Councilwoman Woykowski will pass along information to the Borough Manager. Ms. Klinko stated that she will be submitting to Council the repairs to her car.

Ms. Gilby requested Council look into the matter of the road department not plowing Gardner's Court as well. She informed Council that she believes the previous Borough Manager stated that the Borough does not own the street therefore they will not plow it.

Councilwoman Woykowski stated that it something that will need to be discussed with the Road Supervisor. He will need to be directed to plow the road during the winter.

Zortan Racz – 109 W. Stewart Street

Mr. Racz informed Council of an issue he is having with his sidewalk. The sidewalk pitch is too high and the water is running off and flooding my basement. Mayor Van Deursen requested that Borough Engineer, Gerry Philkill and Manager Corica walk over to Mr. Racz's property tomorrow during their meeting and take a look at what is happening on his property.

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

Ayes: 7, Nays: 0.
Motion carried.

At this time Mayor Van Deursen deviated from the agenda to entertain a motion on Resolution 121-2007 - Sustainable Agricultural Grant.

Resolution 121-2007 – Sustainable Agricultural Grant

Resolution 121-2007 was moved on a motion made by Councilman Housel, seconded by Councilman Higgins for discussion.

Discussion:

Sylvia Kovac explained to the Mayor and Council the purpose of this grant application. It is looking for a two year grant of which the first year is a feasibility study with regards to setting up a local state and local food network. This would entail identifying all the farmers who have interest within the highlands region. This would coincide with redevelopment by possibly bringing specialty food markets. This will also help with distribution of the farmer's products. We really see this area as a HUB for the entire western part of the state.

Mayor Van Deursen asked Ms. Kovac how she would manage the grant along with the Borough Manager. Ms. Kovac explained that Jim Sheldon would manage the grant during the transition period between Borough Managers. The application has gone into the Highlands

Council. They will review it and make a determination sometime in May. After approval the scope of the work would be determined by Mr. Sheldon, the Borough Manager, members of Council and Ms. Kovac.

Councilman Housel asked if there will be a cost to the Borough. Ms. Kovac explained that there will be no cost; it is a solid pass through.

Attorney Cushing asked if the application had already been sent in to the Highlands Council. Ms. Kovac explained that the application had already gone in on behalf of the Borough. Councilwoman Woykowski explained that the work will be invoiced; the Borough submits the invoice to the Highlands Council and they reimburse the Borough.

Attorney Cushing pointed out that this does need to be coordinated by the Borough Manager because the Borough is ultimately responsible for the grant and the grant monies. The Highlands Council will also want to be held harmless for any claims that come out of this. The information will have to be forwarded to the insurance company for their review. A contract will have to be done for the person who actually executes the grant; probably Sylvia Kovac. Ms. Kovac would agree to fulfill the terms of the grant.

Attorney Cushing explained to Council that the Resolution before them is basically ratifying an action that has already been done. Attorney Cushing explained Ms. Kovac that this Council usually wants to have these type of applications in advance. Ms. Kovac stated that she can certainly appreciate that.

Councilwoman Woykowski stated that she does see a need to have a discussion with the Highlands Council. Attorney Cushing explained that this is probably an evolutionary process. There will ultimately be a grant document that has the scope of work and the proposal and that would come back to Council in its final form; if Washington Borough is awarded the grant.

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

Ayes: 6
Nays: 1
Motion Carried

ORDINANCES:

None

REPORTS:

It was moved by Higgins, seconded by Housel that the Council acknowledge, receive and file the Complaint Tracking, Borough Engineer's Report, Municipal Court, Highway Department, Police Activity, and Fire Prevention Reports.

Discussion:

Councilman Higgins gave a verbal report on the Business Improvement District meeting. He informed Council that the antique store presented a preliminary plan to the Planning Board this past Monday evening. He stated that the antique store owners wanted to take some space

away from the parking lot which caused our engineer and planner to do some redrafting of plans. They were discussing having the exit not go out on School Street but going out onto Belvidere Ave.

Mayor Van Deursen explained that Carl Hintz is looking into these items for the redevelopment. He is working with the monies in the redevelopment grant. The Council accepted and designated the area in need of redevelopment and forwarded that information over to the Planning Board, and Council directed the Planning Board to direct Carl Hintz to begin working on the redevelopment plan.

Councilman Higgins stated that the parking lot was done by originally done by Bob Miller. Mr. Hintz is taking liberties in changing that design. Councilman Higgins stated that the BID would like to see the plans stay as they are with no changes.

Councilman Higgins stated that the BID would like the No Parking signs on Washington Ave be taken down when there is no construction work in an area. Mayor Van Deursen suggested that Manager Corica discuss that with the Police Department. A schedule should be provided to the Police Department so they know where work is scheduled to take place.

Councilman Higgins also stated the BID is interested in a zoning ordinance that would state first floor in a building would be retail and second floor would be services. He stated that there are service providers on first floors and they feel that retail should only be on first floor. Council discussed that being a Planning Board issue. It would also present accessibility issues.

Councilman Higgins stated the BID requested an estimated completion date for the Downtown Streetscape project. Mayor Van Deursen requested that the engineer send an estimated completion date to Jim Sheldon.

Councilman Housel stated that the redevelopment committee needs to know that they are not to spend any money unless this Council approves it. Mayor Van Deursen explained that the Planning Board and Governing Body agreed to accept the area of delineation. The next step is for the Planning Board to direct the planner to begin the redevelopment project. Mr. Hintz gave an informal presentation on the first area he had been working on. Mr. Hintz did have ideas about going out onto Belvidere Ave. He was redoing the plan again and is doing another presentation to the redevelopment committee. He was not directed to do anything for the antique store.

Mr. Sheldon stated that there were discussions with the antiques store owners about giving some footage back but Mr. Hintz has not done any work on that item. Mayor Van Deursen stated that no one directed Mr. Hintz to do anything.

Councilman Higgins motioned for a five minute recess, seconded by Councilman Housel.

Ayes: 7, Nays: 0
Motion Carried

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

Mayor Van Deursen explained that she just brought the interim manager up to speed, explaining that there is a big difference between the redevelopment grant money and the smart growth grant money that the engineer's, planner's etc are being paid from and the streetscape money. She requested that Manager Corica research this so that we know that nothing is being charged inappropriately.

Councilman Housel made a motion to have the manager write a letter to the subcommittees and the redevelopment committee to instruct them that no money is to be spent without Council's approval, seconded by Councilman Turner. Councilman Higgins suggested it be with the Managers prior approval. Council concurred.

Ayes: 7, Nays:
Motion Carried.

Councilwoman Woykowski stated that the direction from any project should come from the manager follows the goals of the Council. All direction should come from the Manager.

Councilman Higgins explained that the BID was only requesting that the plans for the parking area remain the way they are.

Councilwoman Woykowski stated she is not happy with the process of the redevelopment committee and Council needs to be aware of what the committee is doing. She requested that the Planning Board, Council, and Redevelopment Committee have a joint meeting so that we are not having our professionals present three different times to three different committees and boards; this will eliminate the additional expense.

Manager Corica asked if the planner's contract is open ended or is it a lump sum payment. Councilwoman Oakley requested that Manager Corica pull the agreement and review the contract with the planner.

Council agreed to having a meeting with the Planning Board, the Redevelopment Committee, and Council on May 14th at 8:00 p.m. with the Borough Planner to review the plans he has done so for.

Councilman Turner asked Gerald Philkill, Borough Engineer about the status of the Borough Garage plans. He stated that if we are going back to the original plan why is it taking so long to have a plan for us to look at. This has already been designed. He requested that Mr. Philkill follow up with Mr. Miller as to the status of this.

Councilman Turner requested an update on the sod at Vara Field. Why is there no update? Mr. Philkill explained that we are waiting for the weather. Final grading on the topsoil needs to be done; right now it is just too wet. Manager Corica stated he met with members of the Recreation Commission and they have expressed some concern over this. Are we going to be able to deliver water to the site in order to water the sod? Councilman Turner stated that the Recreation Commission was going to purchase a water buffalo.

Recreation Commissioner Rick Feldman expressed concern over the fact that Council is not aware that a meter needs to be on the hydrant before the water buffalo can be used to water the sod. He stated that the Recreation Commission has requested repeatedly to have the hydrant fixed so that when the sod is ready it can be watered. Councilman Housel stated that the previous manager stated that this was taken care of. Mr. Feldman stated that this has not been done yet.

Councilman Housel requested that Manager Corica and Mr. Philkill contact someone to make sure that the meter for the hydrant is taken care of within the next week.

Councilman Cioni asked for an update of on the McKinley Avenue drainage and curb repair. Mr. Philkill stated that the DPW did the work; and the intent was to have one of the contractors currently working in the Borough finish the job. Right now the intent is to have

someone do the work during the Belvidere Avenue job. Councilman Cioni asked to have the update put in the report so that it may be revisited if necessary.

Councilman Turner requested a memo be sent to the Road Supervisor to inquire what other items they were told not to do; in addition to not plowing Gardner's Court.

VOUCHERS & CLAIMS:

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

Hearing no comments or questions the vouchers and claims were approved for payment in the amount of \$1,163,792.74.

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

Ayes: 7, Nays: 0.

Motion carried.

OLD BUSINESS:

Acceptance of Fees by Mayors Performing Marriages/Civil Unions

Mayor Van Deursen explained to Council that sometimes there are expenses involved in doing a marriage ceremony if the marriage is out of town; for example gas. She would like to have the Borough Manager research the Borough's fee Ordinance and see if we can add a fee for marriage ceremonies for the Mayor's and Deputy Mayor's expenses. Council agreed.

NEW BUSINESS

Sewer Hookup 90 Washburn Avenue

Council agreed that no sewer connection requests from outside the Borough will be entertained right now.

Approval of Raffle License Application St. Joseph Church and Special Liquor License For St. Joseph's Church -

Mayor Van Deursen entertained a motion for approval; all of the necessary paperwork is in order.

A motion was made by Housel, seconded by Turner for the approval of St. Joseph Raffle License and Special Liquor License.

Roll Call: Housel, Turner, Woykowski, Cioni, Higgins – Yes

Van Deursen, Oakley – Abstain

Ayes: 5, Nays: 0

Abstain: 2

Motion Carried.

Resolution 113-2007 to Replace Lost Payroll Check

Resolution 113-2007 was moved on a motion made by Housel, seconded by Turner and adopted.

RESOLUTION # 113-2007

A RESOLUTION TO VOID AND REPLACE A LOST PAYROLL CHECK

WHEREAS, check #31710 was written 05/19/06 on Washington Borough's Payroll Account # 81-0300-9039 in the amount of \$142.23 and made payable to Heather Oakley, to replace check # 30461, dated 07/29/05 and payable to Heather Oakley for the same amount, which has been lost or misplaced, and

WHEREAS, the Treasurer has been made aware that both the initial payroll check, which was previously voided, and its replacement check have been lost or misplaced, and not cashed as of this date and is now “stale-dated”.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington that the Treasurer be authorized to void and replace check #31710.

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

Ayes: 7, Nays: 0

Motion Carried

Resolution 114-2007 Redemption of Lien Block 2.07 Lot 9

Resolution 114-2007 was moved on a motion made by Housel, seconded by Turner and adopted.

RESOLUTION # 114-2007

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

As per N.J.S.A.54:5

KNOW ALL MEN BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on December 27, 2006 to Arthur Frustaci, 1178 Fifth Avenue, Alpha, NJ 08865, in the amount of \$110.58 for taxes or other municipal liens assessed for the year 2005 in the name of Carr, Eric A, as supposed owners, and in said assessment and sale were described as 20 Alvin Sloan Avenue, Block 002.07 Lot 009, which sale was evidenced by Certificate #406-06; and

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 04-02-07 and before the right to redeem was cut off, as provided by law, Attorney Stuart C Ours, claiming to have an interest in said lands, did redeem said lands claimed by Arthur Frustaci by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$168.67, which is the amount necessary to redeem Tax Sale Certificate #406-06.

NOW THEREFORE BE IT RESOLVED, on this 17th day of April 2007 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Arthur Frustaci, 1178 Fifth Avenue, Alpha, NJ 08865 in the amount of \$168.67.

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 002.07 Lot 009 from the tax office records.

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

Resolution 115-2007 Amend the Temporary Budget

Resolution 115-2007 was moved on a motion made by Housel, seconded by Turner and adopted.

RESOLUTION #115-2007

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	
Salary & Wages	16,000
Other Expenses	5,000

Mayor & Council	
Salary & Wages	2,000
Other Expenses	0
Elections (Municipal Clerk)	
Salary & Wages	2,000
Other Expenses	4,023
Financial Administration	
Salary & Wages	0
Other Expenses	3,350
Audit Services	
Other Expenses	6,000
Revenue Administration	
Salary & Wages	10,000
Other Expenses	1,000
Assessment of Taxes	
Salary & Wages	0
Other Expenses	2,600
Legal Services	
Salary & Wages	0
Other Expenses	13,100
Engineering Services	
Other Expenses	0
Downtown Redevelopment	
Other Expenses	2,000
Land Use Administration:	
Planning Board	
Salary & Wages	1,000
Other Expenses	600
Board of Adjustment	
Salary & Wages	400
Other Expenses	100

Code Enforcement

Local Code Enforcement	
Salary & Wages	0
Other Expenses	0

Insurance:

Insurances	
Liability (Commercial Package)	0
Workmen's Compensation	5,000
Group Medical	37,000
Surety Bonds	500

Public Safety:

Police Department	
Salary & Wages	100,000
Other Expenses	15,000

Civil Emergency Preparedness	
Salary & Wages	0
Other Expenses	650

Fire Department	
Other Expenses	2,300

First Aid Organization	
Other Expenses	9,000

Uniform Fire Safety Act	
Salary & Wages	1,000
Other Expenses	0

Municipal Prosecutor	
Salary & Wages	1,000

Public Works:

Road Department	
Salary & Wages	30,000
Other Expenses	10,000

Solid Waste (Garbage Collection)

Other Expenses	11,000
Public Buildings & Grounds	
Salary & Wages	0
Other Expenses	7,000
Shade Tree Commission	
Salary & Wages	0
Other Expenses	8,800
<u>Health & Human Services:</u>	
Animal Regulation	
Salary & Wages	500
Other Expenses	650
<u>Parks and Recreation:</u>	
Recreation Commission	
Other Expenses	24,000
<u>Education:</u>	
Library	
Salary & Wages	20,000
Other Expenses	7,000
<u>Utilities:</u>	
Electricity	
Other Expenses	7,000
<u>Utilities: (Continued)</u>	
Street and Traffic Lights	
Other Expenses	10,000
Telephone	
Other Expenses	7,500
Water	
Other Expenses	1,000
Natural Gas	
Other Expenses	7,000
Heating Oil	

Other Expenses	0
Sewage Disposal	
Other Expenses	1,000
Gasoline & Diesel Fuel	
Other Expenses	0
Fire Hydrants	
Other Expenses	17,000
<u>Solid Waste Disposal:</u>	
Solid Waste Disposal	
Other Expenses	47,500
<u>Statutory Expenditures:</u>	
Public Employees' Retirement	0
Pension Adjustment Fund	0
Social Security	0
Consolidated Police & Firemen's Pension	0
Police & Firemen's Retirement	0
Unemployment Compensation	4,500
<u>Municipal Court:</u>	
Municipal Court	
Salary & Wages	6,000
Other Expenses	1,000
Public Defender	
Other Expenses	0
TOTAL APPROPRIATIONS WITH 25% LIMITATION:	\$469,073.
<u>Debt Service:</u>	
Bond Interest	0
Bond Principal	0
Green Trust Loan Principal/Interest	10,220
Note Principal	30,000
Note Interest	140,228
TOTAL DEBT SERVICE:	180,448

TOTAL ALL TEMPORARY APPROPRIATIONS: \$649,521

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

Ayes: 7, Nays: 0
Motion Carried

Resolution 116-2007 Refund of Tax Overpayment to First American

Resolution 116-2007 was moved on a motion made by Higgins, seconded by Housel and adopted.

RESOLUTION # 116-2007

**A RESOLUTION TO REFUND OVERPAYMENT
ON 2007 CURRENT YEAR REAL ESTATE TAXES**

WHEREAS, according to the Tax Collector's records, there are overpayments for the following Block and Lots:

<u>BLOCK/LOT PROPERTY LOCATON</u>	<u>QUARTER/YEAR</u>	<u>AMOUNT</u>
002.11/029 41 Lambert Street Chase Home Finance paid for former owner, Mr. Gupta and Title Company paid for new owner, Elkashef.	1 ST Quarter Regular 2007	2,198.52
009.01/002 206 W Washington Avenue CitiMortgage paid for the Weaver's, the current owners and the Weaver's also paid.	1 ST Quarter Regular 2007	839.79
098/029 93 S Lincoln Avenue US Bancorp paid for Ms. Burkhardt, the current owner and Ms. Burkhardt also paid.	1 ST Quarter Added 2007	204.60

WHEREAS, First American Real Estate Tax Service made the payments above according to the description under each Block/Lot creating the overpayments; and

WHEREAS, the Tax Collector has received a written request from First American Real Estate Tax Service requesting that the tax overpayments be refunded.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey, to hereby authorize the Tax Collector and Treasurer to refund the amount of \$3,242.91 payable to:

First American Real Estate Tax Service

1 First American Way
Mail Code: DFW 1-3
Westlake, TX 76262
Attn: Refunds

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

Ayes: 7, Nays: 0
Motion Carried.

Resolution 118-2007 Sewer Refund

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

**A RESOLUTION AUTHORIZING THE REFUNDING OF
AN OVERPAYMENT OF THE BOROUGH'S SEWER SERVICE
CHARGE**

WHEREAS, according to the Treasurer's records, there is an overpayment showing on the following property; and

<u>BLOCK/LOT</u>	<u>PROPERTY OWNER/ PROPERTY LOCATION</u>	<u>AMOUNT TO BE REFUNDED</u>
24/24	Jorg Wein 44 East Washington Ave.	\$ 22.50

The former owner made an overpayment during the closing procedures on the above property location. A refund of \$22.50 should be mailed to:

Jorg Wein
8 Farm Cottage Road
Gladstone, NJ 07934

WHEREAS, the Borough Treasurer's office has received a written request that the above amount be refunded.

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

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

Ayes: 7, Nays: 0
Motion Carried.

Resolution 119 – 2007 to Appoint Lawrence Durfee to the Board of Adjustment

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

RESOLUTION 119-2007

BOARD OF ADJUSTMENT

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

WHEREAS, under this plan the Borough Council is directed and authorized to appoint members of the Board of Adjustment.

WHEREAS, the Borough Council has designated the following person her appointee;

WHEREAS, The Council does approve of this appointment.

NOW, THEREFORE, BE IT RESOLVED, that the following named person is appointed to the Board of Adjustment for a term ending **1/01/2009**.

Lawrence Durfee

Board of Adjustment Alternate Number 1

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

Ayes: 7, Nays: 0

Motion Carried.

Resolution 120-2007 Appointing Christopher Vitalos to the Board of Adjustment

Resolution was moved on a motion made by Housel, seconded by Higgins and adopted.

RESOLUTION 120-2007

BOARD OF ADJUSTMENT

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

WHEREAS, under this plan the Borough Council is directed and authorized to appoint members of the Board of Adjustment.

WHEREAS, the Borough Council has designated the following person her appointee;

WHEREAS, The Council does approve of this appointment.

NOW, THEREFORE, BE IT RESOLVED, that the following named person is appointed to the Board of Adjustment for a term ending **1/01/2009**.

Christopher Vitalos
Board of Adjustment Alternate Number 1

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

Ayes: 7, Nays: 0
Motion Carried

Resolution 122-2007 Washington Ventures Agreement

Resolution 122-2007 was moved on a motion made by Oakley, seconded by Woykowski and adopted.

Discussion:

Councilwoman Woykowski stated that lot 2 does not exist; at some it was merged with lot 1 and that should be corrected. She also stated that in the last meeting someone asked of this Ordinance will pertain to all of the M3 lots; the answer was no – only the ones that are over 100 acres. She stated that none of the lots on the list are over 100 acres. Attorney Cushing said that pertains to the property; not the individual block and lots. Councilwoman Woykowski requested a copy of the map that will be attached to the settlement. She also stated on page 3, section 4 it should read, *approved by Municipal Attorney and Mayor and Council*.

Councilwoman Woykowski also pointed out that in number 6: there is an added phrase that was not in the original draft. Attorney Cushing stated that is correct the plaintiff had a concern over access through Mill Pond Road.

Councilman Woykowski stated that her main concern was receiving a copy of the map. Councilman Turner stated that on page 1, 5th paragraph should be changed to 2003. Attorney Cushing will double check the date.

Attorney Cushing clarified for Council that the plaintiff will only be able to cluster if they meet the requirements of the cluster ordinance. If a lot falls below 100 acres they would have to revert back to the original M3 ordinance and would not be allowed to cluster.

Councilman Housel asked about the homeowners association providing an access easement that would permit access to development roads by school bus. He does not feel that is

consistent with what the Council wanted. The Council wanted the developer to provide that access. Attorney Cushing explained that he took the language out of the minutes. Councilman Housel stated that the developer would provide the access. Attorney Cushing explained that the homeowners association would provide the ability of a bus to come onto the private road.

RESOLUTION 122 - 2007

**RESOLUTION APPROVING THE SETTLEMENT AGREEMENT AND RELEASE
AND AUTHORIZING THE MAYOR AND CLERK TO SIGN**

WHEREAS, the Borough of Washington, Washington Ventures, L.P and Washington Station Venture L.P have reached a formal agreement of litigation between them more specifically described in the Settlement Agreement attached hereto, and made a part hereof; and

WHEREAS, it is in the best interest of Borough to settle the litigation for the reasons set forth on the record in connection with the public hearing held on March 20, 2007 in connection with the adoption of Ordinance 1-2007.

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 settlement agreement and release in the form attached hereto.

Agreement to be inserted when executed.

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

Ayes: 5, Nays: 2
Motion Carried.

DISCUSSION ON CORRESPONDENCE FROM ALAN LOWCHER

Attorney Cushing stated that Mr. Lowcher and Mr. Van Cleef have some concerns over the calculation of the tax agreement method. The concern that Mr. Van Cleef has is that Council should agree that the assessed value will be 8 million dollars. Attorney Cushing explained that the Borough's position is that we were assuming the assessed value would be 8 million dollars. The statute clearly provides that the calculation is based on what the taxes would be at the time the assessment is made.

Councilwoman Oakley stated that he has been told many times that the assessment could be more or could be less. It depends on what the assessor does the assessment as.

Attorney Cushing stated that Mr. Van Cleef should pay the money for the parking since construction is already going on. Mayor Van Deursen agreed saying that we need to

reemphasize to Mr. Van Cleef that the governing body believes in the project. We have done everything we can in good faith.

Attorney Cushing stated that Mr. Lowcher's second letter is in regards to sewer capacity. The manager should send a letter to Mr. Lowcher stating that there is adequate sewer capacity.

WORKSHOP AGENDA

The following agenda topics were outlined for the Workshop to be held on April 24, 2007.

Council Goals
Status of 2007 Budget

COUNCIL REMARKS

Councilwoman Oakley – None

Councilman Higgins – Mr. Higgins wrote an open letter to the Council. It reads as follows: After our last meeting I started thinking about our role in this form of government. We are to be legislators and directors. We are to evaluate our codes and direct our manager with the will and consensus of the entire Council in the direction we think the borough should go. Just from my short time on Council I know that there were some serious trust and honesty issues in the past couple of years. Now that they have been addressed I feel that we need to allow our current and future manager to manage. Issues that arise with our employees, contractors, and professionals, that are brought to the attention of the manager should be dealt with by the manager with Council being informed of actions taken. This is not to say that any Council person can not identify an issue and bring it to the manager. If the Council is not satisfied with the outcome; there dissatisfaction should be addressed with the manager immediately and ultimately with honesty until remedial steps can be taken. We cannot allow what happened recently to continue in the future. The operation of this municipality rests squarely on our shoulders as the elected officials. I firmly believe that we need to evaluate ourselves at least on a quarterly basis so as not to let things spiral out of control again. We need to allow new ideas to be brought to the table but we also need to remain focused on what has already been started and not finish it. We are too scattered and easily sidetracked. Hopefully it is because of the recent situation. We need to take a look at what we have accomplished in the first quarter of this. It is only one thing and it's the curfew ordinance. I have said it before and I will say it again, we need to work together as a team and put aside personalities, likes, and dislikes. We are not where we are at for us, but for the residents of the Borough. As a Council we will be measured by our accomplishments that benefit the Borough. The question is are we willing to be honest with ourselves and each other even if it makes us feel uncomfortable with what is and what isn't being done for the Borough's benefit. All you have to do to the Borough press releases listed on the website.

Councilman Turner – Stated that he would like to reiterate on of Mr. Higgins comments stating that Council needs to remain focused; starting with our set goals and accomplishing them.

Councilwoman Woykowski – Stated that she also believes in self-evaluation. It is important to leave the personalities aside. We need to consider each other partners. Communication should improve. The meetings are running long. We need to cut down on the goals; focus on them and plan them properly.

Councilman Cioni – Expressed his wishes to do a better job over running the Council meetings. He doesn't understand having a four hour meeting; it is painful. It should be much more streamlined and efficient.

Councilman Housel – Stated that he agrees with Mr. Cioni that the minutia needs to stop. There is no reason to have a four hour meeting. He also stated that he would like to see a letter sent to Verizon in regards to the run off on their property.

Mayor Van Deursen asked for a status update on the Manager's position. Manager Corica stated it is advertised on the League website until April 30th and also has been advertised in the Star Ledger. He will call Dan Mason and ask for a timeline.

EXECUTIVE SESSION

RESOLUTION 123 -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:

Real Estate

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

Ayes: 7, Nays: 0.
Motion Carried.

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

Ayes: 7, Nays: 0.
Motion carried.

Marianne Van Deursen, Mayor

Kristine Blanchard, RMC Borough Clerk