

BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – June 19, 2007

The Regular Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 7:30 P.M.

Roll Call: Higgins, Turner, Cioni, Oakley, Van Deursen
Housel – 7:40, Woykowski – 7:35

Also Present: John Corica, Interim Borough Manager
Richard Cushing, Esq. Borough 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.

REPORT FROM H2M

H2M Associates presented issues that they had been contracted to look into pertaining to the Borough’s sewer system. Mr. Steve Hearl stated that the purpose of the study was to review some of the recommendations and prior studies that had been done by Killam Associates. They identified items that were eliminated or reduced between the bid documents and the actual start of construction. They compared record drawings with the bid documents. They have also reviewed resident complaints.

Mr. Hearl showed the Council and audience a color coded map outlining problem locations. He discussed the inverted siphon issue with Council. The purpose of an inverted siphon is to provide pressure to move the wastewater along. The problem with this siphon is the pipe is going down and coming back up and there is not enough pressure to move the wastewater along. Siphons require a good amount of maintenance to keep it in good working order. One of the recommendations is to have this Siphon maintained on a regular basis to flush the line.

They also looked at the plans vs. the construction. The design assumed that there would be a difference in elevation between the upstream end and downstream end. The difference between what is on the plans and what actually was constructed is less than what was outlined in the plans. This also reduces the ability of the flow to be pushed through the pipe.

There are a lot of factors contributing to the problem. The pipes used really should have been a six inch pipe and a ten inch pipe based on the existing elevation difference. Right now there is a six inch pipe and an eight inch pipe.

Manager Corica asked if the system had been constructed according to the designs, would the pipes in place now have been sufficient. Mr. Hearl stated that yes, it probably would have been fine. The pipes should have been adjusted based on field conditions.

The system was based on a design flow of 1.2 million gallons per day. A meter is recommended to see what kind of inflow is actually going through the system. It may be possible to eliminate some of the inflow and that would help alleviate issue.

Mr. Hearl summarized that there are issues with the siphon itself; but you really need to look at conditions upstream and downstream to get the big picture.

Councilwoman Woykowski asked for clarification on the scheduled maintenance. Does the Borough not have scheduled maintenance at that site? Mr. Hearl stated based on the information he had reviewed, he was unable to make that determination. With any inverted siphon it is recommended to maintain it regularly.

Councilman Higgins clarified that the siphons are not the exclusive cause but they are a contributing factor. Mr. Hearl concurred.

Councilman Turner said that it sounds like the “as built” does not meet the design criteria. Councilman Higgins asked who approved the changes. Mr. Hearl stated it would probably have been be the resident engineer. Mr. Hearl recommended that before any changes are made to the system; flow monitoring should be in place.

At this time Mayor Van Deursen stated that the Borough does have some potential litigation to discuss and entertained a motion to go into Executive Session.

EXECUTIVE SESSION

Resolution 169-2007 Resolution to enter Executive Session was moved by Higgins, seconded by Turner and adopted.

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

Ayes: 7, Nays: 0
Motion Carried.

RESOLUTION 169-2007

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the exclusion of the public from a meeting under certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the

Borough of Washington, in the County of Warren and State of New Jersey as follows:

- 1. The public shall be excluded from the remaining portion of this meeting.**
- 2. The general nature of the subject matter to be discussed is as follows:**

Litigation

MINUTES:

Hearing no corrections it was moved by Higgins, seconded by Oakley that the minutes of Executive Session June 4, 2007, Regular Meeting June 4, 2007, Joint Meeting Council/Planning Board/Redevelopment May 14, 2007 be adopted.

Roll Call: Van Deursen, Higgins, Turner, Housel, Cioni and Woykowski -Yes
Housel – Abstain from June 4, 2007 Executive and May 14, 2007 Joint Meeting
Cioni – Abstain from May 14, 2007 Joint Meeting

Ayes: 7, Nays: 0.
Motion carried.

COMMUNICATIONS:

The following communications were entered into the Record:

1. NJLM Re: Bill A-3692
2. NJLM Re: Smoke Free Air Rules-Proposed Amendments
3. NJLM Re: New Information from the Division of Local Government Services
4. NJLM Re: Mayors' Summit on Pension Reform
5. NJLM Re: Paid Family Leave
6. NJLM Re: State Budget Crunch Time
7. NJLM Re: Federal Energy Bill
8. NJ Transit Re: Public Hearing Notice

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

It was moved by Housel, seconded by Higgins 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.

Mary Finnegan – 23 Youmans Ave

Ms. Finnegan stated that last month she was here to inform Council of the conditions of the Shabbecong Creek near the DPW Garage and she would like to update Council. She is pleased to say that the pipe and piles of rubble that had fallen into the creek had been cleaned up the very next day. She thanked Council for responding so quickly and efficiently and informed Council that the annual creek clean-up was also very successful.

Mayor Van Deursen thanked Ms. Finnegan for being such an articulate and concerned environmentalist and applauded her on her efforts.

Paul Bauknight – 95 Lenape Trail

Mr. Bauknight read directly from the People’s Petition concerning North Lincoln Avenue. The petition is as follows:

We, the concerned citizens of North Lincoln Avenue and its church affiliates of Mt. Pisgah African Methodist Episcopal Church, hereby submit this petition in order to secure curbs and sidewalks on the aforementioned, North Lincoln Avenue. The sidewalks and curbing would be placed on both sides of N. Lincoln Avenue, commencing from the intersection of Car5lton Street and North Lincoln Ave on the west side to the beginning of the parking lot of Mt. Pisgah AME Church; and on the east side from parking lot edge of the Public Library to New street and beginning again on the opposite side of New Street and continuing to the high shrubbery and trees which mark the end of North Lincoln Ave for the property owner at residence No 170. This Shrubbery runs along side as well as marks the beginning of the unpaved roadway, which is a filled bypass for the old canal and waterway.

Our reasons for this petition are as follows: The safety, health and welfare of the residents of North Lincoln Ave. Cars and other motor vehicles tend to travel at high rates of speed through this avenue. With children riding their bicycles in the streets or individuals walking in the road vs. being able to walk or ride on a sidewalk they risk being injured.

Second, by placing curbing with the proposed sidewalks parking boundaries would be clearly established. At the present time, visitors and residents who cannot park in their driveways must park on the street. Not wanting to park on the lawn, this situation tends to narrow the street. In addition parked vehicles have been hit and damaged by other passing vehicles. Most difficult is the problem of individuals attending events at the school and filed located somewhat behind North Lincoln Avenue; they park their car on resident’s property and walk through yards and use the Avenue as a thoroughfare rather than respecting those who live there.

Third we believe that sidewalks and curbing would help prevent the ongoing problem of flooding due to the lack of drainage on North Lincoln Ave. As a result water pools at the edges

of various properties where the street meets the lawns. Large amounts of water also sits in the church parking lot.

Fourth and finally sidewalks and curbing would help improve the appearance of the neighborhood. The street is uneven due to rapid water flow during storms. By completing the work requested in this petition of placing new curbing and sidewalks as well as access to a drainage system paving would complete the project.

We respectfully submit this petition as concerned residents and affiliates of North Lincoln Avenue Washington NJ asking that those of the Washington Borough Council please review, present questions and allow us to be heard.

Mayor Van Deursen stated that the petition is timely due to the fact that the Streets Committee will be meeting soon to determine what streets are in line to be worked on next year. She stated that the Street Committee will take this petition into consideration. She asked if the residents were aware who is speeding through that area of town; residents or travelers. Mr. Bauknight stated that is usually people cutting through JCP&L.

Councilman Turner indicated that if we eliminated the cut through the Borough could eliminate half of the problem. We need to talk to JCP&L and see what we can do to block off the cut through. Councilman Higgins asked if the Borough could block the cut through on our side. Mayor Van Deursen stated that we would look into that.

Mayor Van Deursen stated that the Borough did an extensive street survey to determine what streets are in dire need. She thanked the petitioners for speaking. She requested Manager Corica reach out to Mr. Bauknight in order to discuss his concerns and review the area at JCP&L he wants gated.

Paul Terrick – 72 Lenape Trail

Mr. Terrick explained to the Mayor and Council that he recently applied for a fence permit and was denied due to the fact that the Borough has a sewer easement on his property. He respectfully asked Council to approve the fence permit for the safety of his children. He is willing to provide unlimited access to his property for the sewer easement in case there was a problem.

Mayor Van Deursen asked Manager Corica to review the situation with Mr. Terrick and review it with Bob Miller as well. Mayor Van Deursen asked Attorney Cushing if the Borough would need to sign an agreement. Attorney Cushing stated that a drawing of the property and the deed would need to be obtained and then the Borough could make some kind of recommendation.

Mayor Van Deursen requested that Mr. Terrick obtain a copy of his survey and the deed and provide that information to the Borough Manager. Attorney Cushing also advised that there should be a document in the title history agreed to by Mr. Terrick or his predecessor granting the Borough the sewer easement. The Governing Body and the Officials are protecting the public interest.

Mr. Terrick also discussed with Council the issue of the trees promised to him by the former Borough Manager. The trees that were planted are half dead. He has provided pictures to Council in the past. The former Borough Manager had new trees are planted in between the dead trees however the new trees are only five feet high. He requested ten feet trees in order to hide the ten foot pipe in his yard.

Councilman Housel stated that the ten foot trees were costly to transport. Councilman Cioni asked if the vent pipe was on his property when he bought it. Mr. Terrick stated no it was not. The previous owner granted the sewer easement.

Robyn Klimki – 35 West Marble

Ms. Klimko reiterated what Mr. Terrick stated that nine out of the fifteen trees are dead. She also said that they are not being maintained. The silt that runs into the area during a storm is disgusting and smells. It is not doing the trees any justice.

Mayor Van Deursen asked Manager Corica to follow up on this issue as well.

Ms. Klimko also thanked Council for fixing the potholes from the last time she appeared before Council; however the sidewalks and the rest of the road still needs to be fixed.

She also asked about the letter to Verizon. Councilman Housel stated that the letter is being sent out now. Councilman Housel stated that there a dispute with the contractor and unfortunately these things take time. Council is just as frustrated as she is. Attorney Cushing asked Ms. Klimko to document everything. That will help with outlining all of the deficiencies of this project.

Mr. Racz – 109 W. Stewart Street

Mr. Racz asked for a status update on his property. He said that no one has been out to fix it yet. Manager Corica stated he has spoken with Mr. Miller and Mr. Philkill there seems to be a breakdown of communication. Mayor Van Deursen asked Manager Corica to follow up with the engineer as soon as possible.

Councilman Higgins stated that Mr. Racz has been waiting since January to get this done. He requested that if it is not fixed in two weeks he would like to see the engineer at the next meeting.

BUDGET HEARING

Mayor Van Deursen asked Manager Corica to summarize the budget and the budget process. Manager Corica explained that the budget process is quite arduous; as it is in most municipalities. Many considerations and trade offs are made in an attempt to balance the need for public improvements. He stated he believes that this budget goes a long way in meeting those goals. The 2007 Municipal Budget is being introduced at just under 6.2 million. This is an increase of about \$326,000.00 from last year. He also explained that the Borough is looking at a tax increase on the budget of 8 cents. That would be about \$113.00 on an average home based on an assessed value of \$144,000.00; keeping in mind that the Governing Body has no control or effect over the County tax portion or the Board of Educations part of the tax. The municipal portion of the tax structure is generally the smallest. The salaries and wages are what is driving the budget up. These are up about \$160,000.00. General Operating are up about \$290,000.00. Capital improvements are \$87,000.000 and taking an additional \$20,000.00 from the capital fund reserves to provide the down payment for a 2.1 million dollar capital program in 2008. The debt service on the budget has gone down \$100,000.00 from last years budget.

Mayor Van Deursen opened the public hearing on the Municipal Budget.

Ken Chambers – 64 Grand Ave

Mr. Chambers addressed his concerns with the Municipal Budget. He stated that he has worked for several different companies over the last seven or eight years and has not been given a pay raise in that time. He also wants Council to realize that the money being provided to this Borough is by citizens who are in a similar situation as he is. Mr. Chambers stated that he does understand there are some contractual obligations as far as salaries go however, the citizens of the Borough need to live within their personal budget, the Borough should as well. The \$9.00 per month per assessed value is only the municipal portion of the tax bill. Citizens still need to pay the County portion, the School portion, and the Federal Government portion of their taxes.

Mr. Chambers requested Council to please have a fiduciary conscience to the other members of the community who see the price of everything increasing. He stated he doesn't understand how Council feels it has an endless amount of money. He asked how developers are able to build a beautiful complex and receive tax breaks; and the citizens of the Borough pay the burden of their taxes.

He stated that his mortgage has gone up from taxes since he moved into the Borough by \$400.00. He wants to know why the Borough is fixing the pool? He stated that people on his block are selling their homes. There are six houses for sale on his block alone. Council needs to recognize that there are some things we can not put on the shoulders of the citizens of this Borough.

Councilman Cioni stated that he appreciates Mr. Chambers concern. He said that we are all frustrated; everyone on Council works and commutes as well. He stated that he is making a lot of assumptions based on what we have done and what the Borough is trying to do. The assumption is that we are not fiscally responsible people and that we are not trying to cut the budget. Councilman Cioni stated that he has been a part of every budget session and Mr. Chambers assumptions are completely false. These sessions have lasted for hours. We have deferred projects to next year and have cut other budgets to the bare minimum. To arbitrarily make statements that we are not fiscally responsible people and that we don't care about the people in this town; is not true.

Mr. Chambers stated appreciates Councilman Cioni's comments and he realizes that many hours have been spent on this budget and this process is a give and take. The one thing that can not be negotiated is the back of the clientele that must pay for it in the end.

Mayor Van Deursen explained that one of the reasons the Borough is doing redevelopment is so the Borough is able to increase the ratables to help alleviate the burden on the taxpayer. With regards to a tax break to a developer there is a tax agreement with the developer downtown. In the end the Borough will reap huge benefits from this agreement. The Borough is doing everything to attract people to the Borough.

Mayor Van Deursen also stated that the majority of the property tax problem in this state is with the schools. There is not adequate equitable funding from the State of New Jersey. The monies that support school systems are going to the Abbott Districts. We are paying for there schooling as well as our own. She welcomed him to sit down with Council at anytime to discuss any questions he may have on redevelopment or property taxes.

Councilman Housel also stated that he and Councilwoman Woykowski are working on a policy to get a handle on professional expenses. Councilwoman Woykowski agreed that Council

does not like the budget either. This year Council does not have a choice. We have all agreed that this will not happen again.

Mayor Van Deursen thanked Mr. Chambers for his thoughts and concerns over the budget.

At this time Councilman Higgins motioned to close the public portion of the Budget Hearing; seconded by Councilman Housel.

Ayes: 7, Nays: 0
Motion Carried.

Resolution 172- 2007 - Resolution Approving Self Examination of the Municipal Budget.

Resolution 172-2007 was moved on a motion made by Housel, seconded by Oakley and adopted.

RESOLUTION #172-2007

SELF-EXAMINATION OF BUDGET RESOLUTION

[as required by DCA]

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Borough of Washington has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2007 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Borough of Washington that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year

- d. Reserve for uncollected taxes
- e. Other reserves and non-disbursement items
- f. Any inclusions of amounts required for school purposes.

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate and correctly stated,
- b. Items of appropriation are properly set forth
- c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

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

Resolution 166-2007 - Adoption of 2007 Municipal Budget.

Resolution 166-2007 was moved on a motion made by Housel, seconded by Cioni and adopted.

Council Discussion:

Councilman Higgins wanted to take this time to echo some of the same sentiments that we heard from Mr. Chambers this evening. He stated that Council has a responsibility to the public; and an eight cent increase is unconscionable; especially when the eight cents is due to mistakes. Six cents of the eight cent increase is due to mistakes. A mistake was made on the amount of surplus we had and in addition, several bills from last year had to be paid in 2007 due to a lack of funds. Another problem is the bonds being all rolled into one. He also stated that we had to cut out the Grand Avenue project. We as a Council need to take a look at what we are doing to this town. The total debt after this budget is passed will be somewhere in the neighborhood of twelve to fourteen million dollars. Councilman Higgins stated he wanted to

caution Council on this. The items that were taken out of this budget and will be put into next years budget will be a minimum of a four cent increase for next year which is unacceptable. This is a small town. As council people we need to take care of our current residents but also future ones. He stated we are putting everything on the backs of the people in this town and we can not continue to do it. This Council does not dedicate enough time in searching for grants. He stated that our total debt is increasing by a total of 2.1 million dollars. Councilman Higgins said he has made recommendations in the past to save one penny on the tax rate by taking away the pay raises and removing \$15,000 out of tax surplus. He stated that Council is voting tonight on 1.67 million dollars of our resident's money. He is personally against this budget and will be voting no.

Councilwoman Woykowski concurred with much of what Councilman Higgins said. However Council needs to bear in mind that we have an interim manager and we must give him credit. He has done a tremendous job to get us where we are tonight. Councilwoman Woykowski stated that not approving the budget will not improve things. Cutting spending will make a difference. There is a lot of room for improvement. The Council needs to increase workshops to discuss items that need to be discussed without being in a hurry. This Council also needs to strengthen the teamwork.

Councilman Housel stated that this entire Council is fully aware of everything that Councilman Higgins conveyed tonight. Council has discussed this in the past and we know what our future is. This Council is trying to cut costs whenever possible. We may not be happy with this budget but the business of the town needs to go on, in order to do that we need to vote for the budget. We will go on and be more fiscally responsible. We have a good interim Borough Manager and he is helping us with our goals.

Councilwoman Oakley agreed that we may not be happy with this budget but we do have roads and a sewer system that are very old. This Council is now having to fix them. Everything seems to be coming down the pike now such as Gardner's Court and North Lincoln Ave. We do need to spend money now in order to fix these problems. We have also asked all our departments to cut back on their budgets as well. This has been a cooperative effort on all part.

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

RESOLUTION #166-2007

RESOLUTION ADOPTING 2007 MUNICIPAL BUDGET

BE IT RESOLVED, by the Mayor and Common Council of the Borough of Washington, County of Warren, State of New Jersey that the **2007 Municipal Budget** herein set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums thereof set forth as appropriations and authorized of the amount of \$ 6,168,642.67 for Municipal purposes.

Councilman Housel made a motion to take a five minute recess, seconded by Councilwoman Oakley.

Ayes: 7, Nays: 0
Motion Carried

Council reconvened at 10:50 p.m.

REPORTS:

It was moved by Housel, seconded by Cioni that the Council acknowledge, receive and file the Managers Report, Appropriation Control Level Summary, Borough Clerk's Report, Municipal Court, DPW Report, Fire Official Report, Recreation Report, Collectors/Treasurers Report, Complaint Tracking, and the Engineer's Report.

Discussion:

Councilman Cioni asked about the Centers of Place grant. Manager Corica stated we are moving along with that and will be discussed later in the meeting.

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

Ayes: 7, Nays: 0
Motion Carried.

PRESENTATION BY THE HIGHLANDS COUNCIL

Jeff LeJava, Staff Attorney and Coordinator for the Transfer of Development Rights Program

Mr. LeJava presented information to Council on the Transfer of Development Rights. He summarized the TDR Concept for Council. Transfer of Development rights is a land use planning tool. It allows a community to identify areas that it wants to preserve and protect. It allows the removal of development potential from one area and transfers it to areas that are more appropriate to receive increased growth. The Highlands Act gave permission for the Highlands Council to create a region wide TDR program. With this Act you can transfer development from areas of the preservation area to more appropriate receiving zones where the municipality can accommodate growth: sending zones and receiving zones.

Mr. LeJava explained that this grant program is an opportunity for municipalities to explore whether or not the municipality has the infrastructure to support growth.

Property owners in sending zones receive credits; they have the ability to sell those credits to developers who are going to build in a receiving zone, at a density above what already may be permitted in the municipalities zoning ordinance. It works generally because the developer will realize a greater profit.

The Highlands Council will be creating a Master Plan for the entire highlands area. The grant program is voluntary as is being a receiving zone. The Highlands Council has also created incentives for becoming a receiving zone: the ability to charge up to \$15,000.00 per unit impact fee, receive up to \$250,000.00 in an enhanced planning grants, a grant to reimburse the reasonable costs of amending municipal ordinances, receive legal representation by the State in

actions challenging municipal decisions regarding TDR, receive priority status in full for any State capital or infrastructure program.

The municipality must conform to the Regional Master Plan. There is a grant program for communities that do not want to conform to the master plan; however those incentives have yet to be outlined.

The grant program is a two phase analysis: Phase I is a real estate market analysis and utility capacity determination. \$25,000.00 grants. Mayor Van Deursen asked if this meant sewer capacity. Mr. LeJava explained that it does. Phase II is the fiscal impact analysis.

Mr. LeJava briefly explained the major tasks under Phase I of this grant program: Identify, evaluate, and select potential receiving zones, describe current development and zoning areas to be examined, conduct a real estate market analysis, devise at least two conceptual development scenarios, and determine water and wastewater utility capacity.

Mayor Van Deursen asked if \$25,000.00 would be enough to do a sewer capacity study. Mr. LeJava stated that is what the Highlands Council as capped it off. Mr. LeJava suggested having the professionals outline how much it would cost to do the projects under Phase I. The Borough could approach the Highlands Council for more money.

Councilman Housel asked if the \$25,000.00 is paid up front or after the work is complete. Mr. LeJava stated that half of the grant money is paid up front, the other half when the deliverables are received and approved by the Highlands Council.

Councilwoman Woykowski asked if the studies were completed and collected the \$25,000.00, and we found out that we did not have enough sewer capacity, would the Council consider helping us expand a sewer plant that goes into a C1 stream. Mr. LeJava stated that the Council will work with DEP to allocate any excess capacity or to improve existing capacity. Mr. LeJava stated that the Deputy Director of the DEP is pushing for change in the DEP.

Mr. LeJava also stated that the real estate analysis prepared by Melvin Kurnin is available on Woolrich Township's website.

Mayor Van Deursen thanked Mr. LeJava for his time and the information presented.

ORDINANCES:

Ordinance 6-2007 An Ordinance to Exceed the Municipal Budget Appropriations Limits and to Establish a CAP Bank. (Final Reading)

An Ordinance to Exceed the Municipal Budget Appropriations Limits and to Establish a CAP Bank was moved by Housel, and seconded by Oakley.

It was further moved by Housel, seconded by Cioni that the Clerk read Ordinance #6-2007 by title only.

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

The Clerk read, "An Ordinance to Exceed the Municipal Budget Appropriations Limits and to Establish a CAP Bank."

Public Hearing:

Councilman Housel made a motion to close the public hearing, seconded by Councilwoman Oakley.

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

Ayes: 7

Mayor Van Deursen entertained a motion to adopt Ordinance 6-2007 on final passage.

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

Ayes: 6, Nays: 1
Motion Carried

**ORDINANCE 6-2007
CALENDAR YEAR 2007
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATIONS LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Washington in the County of Warren finds it advisable and necessary to increase its CY 2007 budget up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety, and welfare of the citizens; and

WHEREAS, the Borough Council hereby determines that a 1.0% increase in the budget for said year, amounting to \$42,744.18 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary.

WHEREAS, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Washington in the County of Warren, a majority of the fully authorized membership of this governing by affirmatively concurring, that in the 2007 budget year, the final appropriations of the Borough of Washington shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5% amounting to \$149,604.63 and that the 2007 municipal budget for the Borough of Washington be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Ordinance 7- 2007 An Ordinance Appropriating \$2,145,950 and Authorizing the Issuance of \$2,038,652 in Bonds or Notes of the Borough of Washington for Various Improvements or Purposes Authorized to be undertaken by the Borough of Washington.

Mayor Van Deursen entertained a motion to introduce **Ordinance #7-2007**.

Ordinance #7-2007 was introduced by Councilman Housel. It was further moved by Housel, seconded by Oakley that the Clerk read Ordinance #7-2007 by title only.

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

Ayes: 6, Nays: 1.
Motion carried.

The Clerk read Ordinance #7 – 2007 entitled, “**An Ordinance Appropriating \$2,145,950 and Authorizing the Issuance of \$2,038,652 in Bonds or Notes of the Borough of Washington for Various Improvements or Purposes Authorized to be undertaken by the Borough of Washington.**”

Council Discussion: Councilman Turner asked why the information was grouped the way it was on the Ordinance. Manager Corica explained that this is a usual way the Bond Attorney outlines the Bond Ordinances. This is the authorization to appropriate the money to give the Borough its spending authority.

Mayor Van Deursen entertained a motion to approve Ordinance 7-2007 on first reading.

It was moved by Turner, seconded by Oakley that Ordinance 7-2007 be approved on first reading.

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

Ayes: 6, Nays: 1
Motion Carried.

It was moved by Housel, seconded by Oakley that Ordinance 7-2007 be advertised in the Star Gazette on June 28, 2007 and public hearing of Ordinance 7- 2007 be scheduled for July 17, 2007.

Roll Call: Oakley, Turner, Cioni, Housel, Woykowski, and Van Deursen - Yes
Higgins - No
Ayes: 6, Nays: 1
Motion Carried.

COMMITTEE REPORTS:

Committee Reports are tabled until the next meeting.

VOUCHERS & CLAIMS:

Mayor Van Deursen entertained questions or additions to the vouchers and claims for payment that were not previously addressed before the meeting.

Councilman Cioni asked about the \$8,000.00 amount on the bill list for Belvidere Avenue that does not have a vendor name. Manager Corica stated that the CFO will be looking into it. It is a transfer to cover the Police Department work for Belvidere Ave.

Hearing no further comments or questions the vouchers and claims were approved for payment in the amount of \$ 11, 380,052.38.

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

OLD BUSINESS:

Public Works Garage Estimate:

Manager Corica informed Council that he received an estimate from Bob Miller and is not satisfied with what was sent. It does not provide the information in the way that I asked him to provide it. Manager Corica requested that this be held off until the next meeting so that he may follow up.

Update on Redevelopment

Mayor Van Deursen asked if this could be tabled until the next meeting. Councilwoman Woykowski stated she would like to be able to comment on the estimate from Clarke, Caton, and Hintz. These estimates have to become professional estimates and need to take on a professional form. She stated she expects to see scope of services included in estimates. She stated that changes need to happen. The estimate that was received from Mr. Hintz needs to include a scope of services. The Borough Manager needs to be able to have a redevelopment budget for all professionals involved in redevelopment.

Mayor Van Deursen asked if Councilwoman Woykowski wants to send this back to Mr. Hintz. She stated yes.

Centers of Place Grant

These Resolutions will be prepared for the next meeting.

NEW BUSINESS

Good Neighbor Policy

Tabled until the next meeting.

Resolution 159-2007 through 164-2007

Resolution 159-2007 through 164-2007 was moved on a motion made by Councilman Housel, seconded by Oakley and adopted.

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

Ayes: 7, Nays: 0

Motion Carried

RESOLUTION #159-2007

RETAIL CONSUMPTION LICENSE

WHEREAS, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Consumption License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

WHEREAS, the following applicant has paid a fee of **\$720.00**.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Consumption License** be issued by the Borough Clerk and granted to:

JO BO CORPORATION
t/a R Bar
33 W. Washington Ave
Washington, NJ 07882

From July 1, 2007 – June 30, 2008, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

BE IT FURTHER RESOLVED, that the following conditions be imposed on the licensee:

- A. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Borough of Washington Police Department for assistance.
- B. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have had an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times

RESOLUTION #160-2007

RETAIL CONSUMPTION LICENSE

WHEREAS, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Consumption License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

WHEREAS, the following applicant has paid a fee of **\$720.00**.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Consumption License** be issued by the Borough Clerk and granted to:

VMI of Washington, Inc.
t/a Enzo's Restaurant & Pizzeria
328 W. Washington Ave.
Washington, NJ 07882

From July 1, 2007 – June 30, 2008, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

BE IT FURTHER RESOLVED, that the following conditions be imposed on the licensee:

- C. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Borough of Washington Police Department for assistance.
- D. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have had an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times

RESOLUTION #161-2007

RETAIL CONSUMPTION LICENSE

WHEREAS, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Consumption License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

WHEREAS, the following applicant has paid a fee of **\$720.00**.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Consumption License** be issued by the Borough Clerk and granted to:

Washington Inn, Inc.
t/a Felix's Tavern
101 East Washington Ave.
Washington, NJ 07882

From July 1, 2007 – June 30, 2008, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

BE IT FURTHER RESOLVED, that the following conditions be imposed on the licensee:

- E. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Borough of Washington Police Department for assistance.
- F. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee

shall have had an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times

RESOLUTION #162-2007

RETAIL CONSUMPTION LICENSE

WHEREAS, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Consumption License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

WHEREAS, the following applicant has paid a fee of **\$720.00**.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Consumption License** be issued by the Borough Clerk and granted to:

GRAMA, Inc
t/a Mediterranean Bistro
301 W. Washington Ave
Washington, NJ 07882

From July 1, 2007 – June 30, 2008, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

BE IT FURTHER RESOLVED, that the following conditions be imposed on the licensee:

- G. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Borough of Washington Police Department for assistance.
- H. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee

shall have had an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times

RESOLUTION #163-2007

RETAIL CONSUMPTION LICENSE

WHEREAS, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Consumption License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

WHEREAS, the following applicant has paid a fee of **\$720.00**.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Consumption License** be issued by the Borough Clerk and granted to:

LINSCO, INC.;
t/a Scotty's Stadium Club
15 Belvidere Ave.
Washington NJ 07882

From July 1, 2007 – June 30, 2008, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

BE IT FURTHER RESOLVED, that the following conditions be imposed on the licensee:

- I. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Borough of Washington Police Department for assistance.
- J. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have had an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times

RESOLUTION #164-2007

RETAIL DISTRIBUTION LICENSE

WHEREAS, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Distribution License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

WHEREAS, the following applicant has paid a fee of **\$720.00**.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Distribution License** be issued by the Borough Clerk and granted to:

Warren County Discount Liquor & Grocery, Inc.
260 W. Washington Ave
Washington, NJ 07882

From July 1, 2007 – June 30, 2008, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

BE IT FURTHER RESOLVED, that the following conditions be imposed on the licensee:

- K. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Borough of Washington Police Department for assistance.
- L. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have had an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times

Resolution 167-2007

Resolution 167-2007 was moved on a motion made by Housel, seconded by Cioni and adopted.

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

Ayes: 7, Nays: 0
Motion Carried

RESOLUTION #167-2007

**RESOLUTION GRANTING PERMISSION FOR A FIREWORKS DISPLAY
IN THE BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY.**

BE IT RESOLVED, by the Mayor and Common Council of the Borough of Washington, Warren County, New Jersey that permission is hereby granted to Fireworks by Castiglione of Clifton N.J. to have a **Fireworks Display** in the Borough of Washington at 9:00 P.M., **Wednesday July 4, 2007** with a **Rain Date of Saturday, July 7, 2007**.

BE IT RESOLVED, that a true copy of this Resolution be forwarded to the New Jersey Department of Labor and Industry, Trenton, NJ, together with a copy of the required Certificate of Liability Insurance

Resolution 168-2007

Resolution 168-2007 was moved on a motion made by Housel, seconded by Higgins and adopted.

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

Ayes: 7, Nays: 0
Motion Carried

RESOLUTION #168-2007

A RESOLUTION IN SUPPORT OF STATE LEGISLATION TO AMEND ABBOTT-BURKE FUNDING TO STREAMLINE ADMINISTRATION OF A MORE THOROUGH AND EFFICIENT EDUCATION IN NEW JERSEY

WHEREAS, there has been great discussion throughout the State of New Jersey regarding Abbott-Burk funding for deprived school districts within the State; and

WHEREAS, there have been attempts to discuss amendments to the legislation in order to guarantee a quality of education throughout the State; and

WHEREAS, in order to implement fair and equitable distribution of school funding to provide an equal and adequate education and regionally equalized property tax throughout the State, it would be necessary to undertake a comprehensive study of Abbot-Burke funding; and

WHEREAS, while the special needs of Abbott district students are recognized, non Abbott districts residents should not be made to substantially supplement the normal, fair and usual property tax burden of Abbott districts residents. Henceforth, the property tax burden of Abbott districts residents should be adjusted to reflect the normal, fair and usual property tax burden within the surrounding region; and

WHEREAS, the New Jersey State Constitution, as well as State statute, calls for a thorough and fair education for all students, while the Abbott ruling is predicated in part upon the assumption that the children in the poorest districts deserve the same expenditure per student as the more fortunate districts; and

WHEREAS,, together these funding procedures appear to be inherently discriminatory since the Abbott ruling substantially ignores all non-Abbott districts where expenditures per student fall below the richest districts; and

WHEREAS, the Abbott ruling appears to be inherently discriminatory in qualifying only urban districts, subsequently ignoring potentially needy rural and suburban districts; and

WHEREAS, the Abbott program fails to meet the real academic needs of the districts it serves inasmuch as these districts remain on the program indefinitely;

WHEREAS, the Borough of Washington urges all other municipalities and school districts to act upon resolutions calling for an overall revamping of the Abbott-Burke qualification program to provide supplementary funding without discrimination to all districts; and

WHEREAS the Mayor and Council of the Borough of Washington requests that there be more accountability from the school administrators and contractors within the Abbott districts. Those administrators and contractors found guilty or responsible for the misuse of funds shall be prosecuted to the fullest extent of the law; and

WHEREAS, the Mayor and Council of the Borough of Washington supports one hundred percent State funding for State mandated programs for all districts; and

WHEREAS, all programs implemented should be focused to measure progressively improving test scores with a five year mandatory period and provide the termination under the Abbott-Burke funding for failure to demonstrate measured success and improvement during the program; and

NOW, THEREFORE BY IT RESOLVED by the Common Council of the Borough of Washington, Warren County, New Jersey that the State of New Jersey immediately convene a study of the Abbott-Burke Funding Program in order to guarantee a more thorough and efficient non-discriminatory education for all of the students within the State of New Jersey.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Governor Jon S. Corzine, the Department of Education and to the representatives of the 23rd legislative district.

Resolution 170-2007

Resolution 170-2007 was moved on a motion made by Housel, seconded by Oakley and adopted.

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

Ayes: 7, Nays: 0
Motion Carried

RESOLUTION # 170-2007

**A RESOLUTION AUTHORIZING A REFUND
OF CURRENT YEAR TAX OVERPAYMENT**

WHEREAS, the Tax Collector's records show an overpayment of \$113.42 on the 1st quarter 2007 taxes on Block 92 Lot 008 , 130 Broad Street, Owned by Eaton Douglas and Martha

WHEREAS, Mr. Douglas Eaton on January 16 2007 and Affinity Federal Credit Union on January 26, 2007 both paid the 2007 1st Qtr. regular taxes; and

WHEREAS, the Tax Collector's office has received a written request that the above amount should be refunded to Affinity Federal Credit Union, and mailed to:

Affinity Federal Credit Union
PO Box 620
Basking Ridge NJ 07920

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

Hearing no further business to come before Council, it was moved by Housel, 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