

BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – July 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, Woykowski, Housel
4 – Present
Cioni, Van Deursen, and Oakley - Absent

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

Deputy Mayor Turner led everyone in the flag salute.

Deputy Mayor Turner 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.

MINUTES:

Councilwoman Woykowski motioned to accept the minutes of the Regular Meeting of June 19, 2007, Executive Session June 19, 2007, Regular Meeting of July 3, 2007, and Executive Session July 3, 2007. This motion was seconded by Councilman Higgins.

Roll Call: Woykowski, Higgins, Turner, and Housel.

Ayes: 4, Nays: 0
Motion Carried.

COMMUNICATIONS:

The following communications were entered into the Record:

1. NJLM Re: Sales Tax Repeal and Other Information from the DLGS
2. NJLM Re: Ground Water Quality Standards

Deputy Mayor Turner entertained a motion to acknowledge, receive and file the communications.

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

Ayes: 4, Nays: 0.

Motion carried.

AUDIENCE:

Deputy Mayor Turner entertained remarks from the audience on items that were not on the agenda.

Grace McGinnis – 57 Grand Avenue

Ms. McGinnis asked Council if the Carlton Avenue reconstruction was completed. She stated that the center dividing line has not been painted. Council informed Ms. McGinnis that Carlton have is complete and there has never been a center dividing line on Carlton Ave.

Mr. Racz – 109 W. Stewart Street

Mr. Racz stated the work that was scheduled to be done on his sidewalk has not been completed. Manager Corica explained to Council that the work was scheduled to be done on Friday however Mr. Racz stated that he did not want the dirt delivered on Friday due to a forecast of rain. The Zoning Officer's community service workers were only able to do the work on Friday. Deputy Mayor Turner requested that Manager Corica schedule the DPW Department do the work for Mr. Racz as soon as possible.

Bob Cammarota - 47 Alvin Sloan Ave

Mr. Cammarota asked for an update on the property in Washington Meadows that has not been maintained. He stated that someone cut the grass partially but the job was never completed. Council discussed whether or not the Borough has taken over that property from Washington Township. Manager Corica stated that it is Township property as it is not on the Borough's tax rolls. Council stated that there was never an Ordinance adopted by the Borough to take over that piece of property. Manager Corica stated that our own DPW has been mowing the lawn as a courtesy. Councilman Higgins suggested that the DPW finish the job of mowing the lawn.

Councilman Housel stated that he feels it is still a Township property and that they are responsible for maintaining it. He suggested calling the Mayor of the Township and discussing it with him. Deputy Mayor Turner or Manager Corica will call the Township Mayor to discuss.

Gina Appleby – 28 Willow Street

Ms. Appleby informed Council that even though the Borough has a pedophile free zone in place; pedophiles are still moving in to the Borough. Ms. Appleby asked Council why this is happening. She asked if Council had gotten confirmation if other authorities were aware of the Borough's Ordinance. Deputy Mayor Turner stated that the previous manager had verbally confirmed.

Councilwoman Woykowski explained to Ms. Appleby the major issue the Borough is facing is state law supercedes any local law. The probation officers do not have to notify the local authorities when someone moves into the town however; after someone has moved they do have to register within ten days.

Ms. Appleby stated that she understood it that the probation officers were to be notified within 30 days of someone planning to move. Deputy Mayor Turner stated that unfortunately the probation officer's are not obligated to inform local authorities.

Ms. Appleby stated that her issue is that the pedophile ordinance in the Borough is not being enforced. Ms. Appleby asked Attorney Cushing if it is his opinion that Borough Ordinances be enforced. Attorney Cushing stated that they should be enforced if they are enforceable.

Attorney Cushing explained that there are a number of cases in New Jersey that have set aside ordinances just like the Borough's. There have been legal issues raised. There are significant questions about the ordinances. Attorneys around the state have significant questions about the enforceability of these ordinances.

Attorney Cushing stated that he will provide Ms. Appleby with a copy of Judge Armstrong's opinion on this. Judge Armstrong's opinion states that in New Jersey, pedophile ordinances are preempted by the state regulations.

Deputy Mayor Turner suggested that it would be productive to draft a resolution backing Assemblywoman Marcia Karrow's position on this topic. Attorney Cushing stated absolutely. The Borough needs assistance from the legislature to help the Borough and every municipality in the state.

Councilman Higgins motioned to have a resolution drafted and have it circulated to every municipality in the state including the legislature and the Governors Office. Councilman Housel seconded this motion.

Roll Call: Higgins, Housel, Woykowski, and Turner.

Ayes: 4, Nays: 0
Motion Carried.

Lilian Ortiz – 74 Lenape Trail

Ms. Ortiz echoed many of the same sentiments as Ms. Appleby. She stated that she is a member of NJ Watchdog.com. She has found out that two pedophiles have moved into the Borough recently. She stated that she does not understand how the Borough can adopt an Ordinance and not enforce it. She wondered how the Borough can enforce a curfew ordinance when it cannot enforce a pedophile one.

Attorney Cushing explained that this case and Judge Armstrong's opinion has come down since the passage of this ordinance. In this case it may be best to go in another direction such as to petition the legislatures in Trenton. Citizens need to reach out to their legislatures to give municipalities the tools to enforce its laws.

Councilwoman Woykowski stated that Council has a committee established to work on this. She stated she is surprised that there is not some kind of a petition going around the State collecting signatures to put some pressure on our legislatures.

ORDINANCES:

Ordinance 7-2007 A Bond Ordinance Appropriating \$2,145,950.00 in Bonds or Notes of the Borough for Various Improvements or Purposes Authorized to be Undertaken by the Borough of Washington in the County of Warren State of New Jersey. (Final Adoption)

This Ordinance was introduced by Councilman Housel, seconded by Councilwoman Woykowski.

It was further moved by Housel, seconded by Woykowski that the Clerk read Ordinance 7-2007 by title.

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

Deputy Mayor Turner explained that due to the three absent Council members the final vote on the Bond Ordinance would have to be postponed until the August 7, 2007 meeting.

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

Hearing none, it was moved by Woykowski to continue the public hearing to the next Council meeting, seconded by Housel

Ayes: 4, Nays: 0.
Motion carried.

Ordinance 8-2007 An Ordinance Amending Chapter 94 of the Washington Borough Ordinance Entitled "Borough of Washington Development Regulations Ordinance", and more particularly amending the Borough's Development Regulations Ordinance Section 94-79.1 Entitled AR-7 Age Restricted Residential Zone District." (First Reading)

Deputy Mayor Turner entertained a motion to introduce Ordinance #8-2007.

Ordinance 8-2007 was introduced by Councilwoman Woykowski.

It was further moved by Woykowski, seconded by Turner that the Clerk read Ordinance #8-2007 by title only.

Roll Call: Woykowski, Turner, Higgins, and Housel.

Ayes: 4, Nays: 0.
Motion carried.

The Clerk read Ordinance #8-2007 entitled, "An Ordinance Amending Chapter 94 of the Washington Borough Ordinance Entitled "Borough of Washington Development Regulations Ordinance", and more particularly amending the Borough's Development Regulations Ordinance Section 94-79.1 Entitled AR-7 Age Restricted Residential Zone District."

Council Discussion: Deputy Mayor stated that the Planning Board had discussed this recently. The setbacks for decks were discussed at a Planning Board meeting and the applicant was fine with the setbacks. Deputy Mayor Turner stated he would like to table this until review of the Planning Board Meeting minutes from that time-frame.

The attorney for Regency at Washington stated that procedurally the Ordinance should be introduced and a discussion of the Planning Board minutes be part of the public hearing. He also noted that he does not recall that discussion as mentioned by Deputy Mayor Turner. He also stated that Regency at Washington has already gone through the Planning Board process and the site plan was approved. It was always intended that each unit was going to have a deck or a patio.

Councilman Turner stated that the Planning Board professionals stated that the applicant was told that the setbacks do not allow for decks.

The attorney for Regency passed out copies of the approved site plan as approved by the Planning Board. He stated that this was approved by the Planning Board. He stated he suggested that the ordinance be amended to permit what was already approved by the Planning Board. He can not believe that any professional or members of the Planning Board would not question what the blocks are on the site plan.

Councilman Turner stated he was only involved with the final approval of this project. He stated the Planning Board relies heavily on their professionals to double check these types of issues. He suggested that the Council introduce the Ordinance for a vote and send the Ordinance to the Planning Board for review. He stated that Regency contact Mr. Hintz to clarify the situation.

Councilman Higgins stated that he would also like to see input from the Fire Department on this issue since we are talking about elevated decks. The attorney for Regency stated that the decks would be three to four feet off of the ground.

Keith Gonzales on behalf of the Washington Fire Department stated that the department was not asked to look at the plans at all. He also stated that it is his opinion that all developers who develop in this town request an opinion from the Fire Department whether it is required or not.

Peter Ollis from Toll Brothers stated that Toll Bros. did receive a very detailed letter from the Fire Department. He also stated that there are a lot of properties on this development that comply with the setbacks; so there will be decks built. He stated that he is trying to eliminate having 88 taxpayers show up at a Board of Adjustment meeting to apply for a deck variance. He stated that he was at every Planning Board meeting; there was no specific mention of a deck in any review letter. How the entire situation has gotten to this point is illogical.

Deputy Mayor Turner stated he is just trying to figure out why there are two different stories. He stated he was elected to represent the entire Borough and have all of the information to make the proper decision.

It was moved by Councilman Housel, seconded by Councilman Turner that Ordinance 8-2007 be introduced on first reading.

Roll Call: Woykowski, Housel, Turner – Yes
 Higgins – No

Motion Carried

It was further moved by Housel, seconded by Woykowski that Ordinance #8-2007 be published in the Star Gazette on July 26, 2007 as required by law and that the public hearing be scheduled for August 21, 2007.

ORDINANCE #8-2007

AN ORDINANCE AMENDING CHAPTER 94 OF THE WASHINGTON BOROUGH ORDINANCE ENTITLED “BOROUGH OF WASHINGTON DEVELOPMENT REGULATIONS ORDINANCE”, AND MORE PARTICULARLY AMENDING THE BOROUGH’S DEVELOPMENT REGULATIONS ORDINANCE, SECTION 94-79.1, ENTITLED “AR-7 AGE RESTRICTED RESIDENTIAL ZONE DISTRICT”

BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY, that Chapter 94 of the Borough Ordinance entitled “Borough of Washington Development Regulations Ordinance,” Section 94-79.1, known as the “AR-7 Age Restricted Residential Zone District,” and more particularly Subsection 11(e) “Bulk Standards for Lotted Developments” “Rear Yard,” is hereby amended as follows:

SECTION I

(E) Rear Yard. The minimum rear yard for any building shall be twelve (12) feet. The minimum rear yard for any deck attached to any building or any patio emanating from any building shall be four (4) feet.

SECTION II

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

SECTION III

If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

SECTION IV

This ordinance shall take effect immediately upon final publication as provided by law.

Ordinance 9-2007 AN ORDINANCE FIXING THE SALARY AND WAGES OF CERTAIN MUNICIPAL OFFICIALS AND REPEALING PORTIONS OF PRIOR INCONSISTENT SALARY AND WAGE ORDINANCES (First Reading)

Deputy Mayor Turner entertained a motion to introduce Ordinance #9-2007.

Ordinance 9-2007 was introduced by Councilman Higgins.

It was further moved by Higgins, seconded by Housel that the Clerk read Ordinance #9-2007 by title only.

Roll Call: Woykowski, Turner, Higgins, and Housel.

Ayes: 4, Nays: 0.
Motion carried.

The Clerk read Ordinance #9-2007 entitled, “An Ordinance Fixing the Salary and Wages of Certain Municipal Officials and Repealing Portions of Prior Inconsistent Salary and Wage Ordinances.”

Council Discussion – Councilman Housel asked about the salary ranges, and what the actual salary increases are. Manager Corica stated the broader the salary range; the more flexibility the Borough has. The increase on these salaries was only an increase at the top of the salary range.

Councilman Higgins asked if the pay raises were included in the adopted budget. Manager Corica clarified for Council that if someone were to leave their job and a replacement was hired; the salary could be offered at the low end of the salary range; as long as the person is being paid consistent with the salary range and the union contract if it is a union employee. This Ordinance has no impact on any union contract. This is being done as a matter of simplicity to consolidate them into one place instead of five ordinances. The salaries affected here are the non-union positions.

Councilman Turner asked if the Borough is obligated to give non-union employees the same rate of increase as the union employees. Manager Corica stated it would be detrimental to the moral of non union-personnel to give them less of a raise then the union personnel.

Deputy Mayor Turner entertained a motion to introduce Ordinance 9-2007 on first reading.

Ordinance 9-2007 was introduced by Councilman Housel and seconded by Councilwoman Woykowski.

Roll Call: Housel, Turner, Woykowski – Yes
Higgins – No

It was further moved by Housel, seconded by Woykowski that Ordinance #9-2007 be published in the Star Gazette on July 26, 2007 as required by law and that the public hearing be scheduled for August 7, 2007.

ORDINANCE # 9-2007

AN ORDINANCE FIXING THE SALARY AND WAGES OF CERTAIN MUNICIPAL OFFICIALS AND REPEALING PORTIONS OF PRIOR INCONSISTENT SALARY AND WAGE ORDINANCES

SECTION 1. The annual salaries, wages and salary and wage ranges for the municipal officials and employees of the Borough of Washington hereinafter named shall be as follows:

SCHEDULE A - FULL-TIME CLASSIFIED

<u>POSITION TITLE</u>	<u>SALARY OR WAGE RANGE</u>
Account Clerk	\$22,827 - \$42,001 AN
Administrative Clerk	\$32,434 - \$58,598 AN
Assistant Municipal Tax Collector	\$27,749 - \$50,298 AN
Assistant Supervisor, Streets	\$39,229 - \$57,260 AN
Building Maintenance Worker Clerk	\$28,752 - \$43,855 AN
Code Enforcement Officer/Zoning Officer	\$12,740 - \$23,605 AN
Deputy Municipal Court Administrator	\$32,178 - \$51,859 AN
Equipment Operator	\$22,827 - \$42,001 AN
Library Assistant	\$34,930 - \$52,615 AN
Library Director	\$19,892 - \$36,630 AN
Municipal Court Administrator	\$50,000 - \$69,460 AN
Police Chief	\$32,434 - \$58,598 AN
Police Lieutenant	\$72,500 - \$94,090 AN
Police Officer	\$71,907 - \$85,558 AN
Police Sergeant	\$36,696 - \$75,379 AN
Principal Clerk-Typist	\$68,247 - \$81,296 AN
Supervisor Streets	\$34,390 - \$52,615 AN
Supervising Library Assistant	\$42,723 - \$60,121 AN
Truck Driver	\$24,506 - \$43,678 AN
Laborer	\$31,104 - \$48,631 AN
	\$25,859 - \$40,727 AN

SCHEDULE B - PART-TIME CLASSIFIED

Account Clerk	\$8.50 - \$14.50 Hr.
Animal Control Officer	\$2,750 - \$5,500 AN
Building Service Worker Clerk	\$8.50 - \$13.50 Hr.
Clerk-Typist	\$7.00 - \$12.97 Hr.
Deputy Municipal Court Administrator	\$8.50 - \$14.50 Hr.
Deputy Municipal Emergency Management Coordinator	\$9.80 - \$15.50 Hr.
Fire Official	\$2,000 - \$3,000 AN
Fire Prevention Specialist	\$20.00 - \$30.00 Hr
	\$15.00 - \$25.00 Hr

SCHEDULE B - PART-TIME CLASSIFIED

Library Assistant	\$ 8.50 - \$13.50 Hr.
Senior Library Assistant	\$10.00 - \$25.00 Hr.

SCHEDULE C - UNCLASSIFIED SERVICE

Attorney (Board of Adjustment or Planning Board)	\$3,000 - \$5,250 AN
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Council Members	\$2,000 AN
Judge of the Municipal Court	\$20,000 - \$31,000 AN
Mayor	\$2,500 AN
Municipal Attorney (Retainer-Salary)	\$35,500 - \$55,359 AN
Municipal Clerk	\$35,534 - \$60,359 AN
Municipal Emergency Management Coordinator	\$ 4,000 - \$ 5,265 AN
Municipal Manager	\$80,000 - \$110,000 AN
Municipal Prosecutor	\$13,500 - \$25,000 AN
Tax Assessor	\$25,500 - \$40,000 AN
Tax Collector	\$44,951 - \$71,109 AN
Treasurer (Combined with Tax Collector)	\$10,000 - \$12,512 AN
Treasurer (When not combined with Tax Collector)	\$15,500 - \$60,000 AN

SCHEDULE D - UNCLASSIFIED SERVICE
(TEMPORARY OR SEASONAL)

Assistant Recreation Supervisor(s) (Swim Team)	\$970 - \$2,132/Season
Attendant Baths & Pools	\$6.12 - \$11.22 Hr.
Food Service Manager	\$7.14 - \$12.34 Hr.
Food Service Worker	\$6.12 - \$11.22 Hr.
Life Guard	\$7.14 - \$12.34 Hr.
Recreation & Park Maintenance Worker	\$6.12 - \$11.22 Hr.
Recreation Supervisor (Director)	\$17.00 - \$21.00 Hr.
Recreation Supervisor Arts & Crafts	\$7.14 - \$12.34 Hr.
Recreation Supervisor Playground	\$7.14 - \$12.34 Hr.
Recreation Supervisor Swimming (Swim Team)	\$2,500 - \$3,500/Season
Recreation Supervisor Swimming (Swim Lessons)	\$9.18 - \$14.59 Hr.
Sports Official Basketball	\$ 900 - \$2,035/Season
Secretary, Board/Commission (Recreation Commission)	\$9.18 - \$14.59 Hr.
Supervisor Baths & Pools	\$9.18 - \$14.59 Hr.
Equipment Operator	\$16.00 - \$25.00 Hr.
Laborer	\$12.00 - \$16.00 Hr.
School Traffic Guards	\$12.00 - \$15.00 Hr.
Truck Driver	\$14.00 - \$18.50 Hr.
Secretary, Board/Commission (Board of Adjustment, Shade Tree, Planning Board, Recreation Commission)	\$ 500 - \$4,000 AN (or \$9.63 - \$14.00 HR.)

SECTION 2. Salaries herein shall be payable at the rate fixed in equal bi-weekly installments. Wages shall be payable bi-weekly. Any annual salary may be re-calculated to an hourly wage for any position unless restricted by collective bargaining agreement. Any and all fees received by officials and employees of the Borough of Washington shall be paid unto the municipality.

SECTION 3. Any salary and wage ordinance adopted prior to the adoption of this ordinance with provisions inconsistent with the provisions of Section 1 of this ordinance shall, to the extent of any inconsistency and only to the extent of the inconsistency, be repealed.

SECTION 4. In the event the position becomes vacant or no figure is listed, then the figures noted in the column with the heading "salary or wage range" shall be utilized by the appointing authority and any salary or wage paid within this range shall be deemed appropriate and valid.

SECTION 5. An employee who has medical coverage under a spouse's health benefit plan and waives participation in the Borough of Washington health benefits program shall be compensated at the rate of \$1,000.00 annually prorated to compensate the employee for only those pay periods when the Borough is no longer obligated to make health benefit payments.

SECTION 6. The Supervisor of Streets in possession of a valid Certificate as Certified Public Works Manager shall have added to their base pay \$6,000.00 per year to be paid bi-weekly.

SECTION 7. A public works employee who works eight hours in one day out of title in a job classification with a higher salary or wage range shall be entitled to additional compensation for that day at the rate of his or her current rate of pay plus ten (10%) percent.

SECTION 8. Part-time Municipal Court employees, not covered by collective bargaining agreements, shall be paid \$30.00 per call-out for court work performed when outside the normal business hours of the Borough of Washington Municipal Court Office.

SECTION 9. An officer assigned to the Detective Bureau shall receive a stipend equal to \$40.00 per pay period, not to exceed \$1,040.00 per year.

SECTION 10. An officer who has obtained an Associates Degree in Police Science, Public Administration or Organizational Management shall be entitled to \$500.00 incentive pay and an officer who has received a Bachelor of Science Degree in Police Science, Public Administration or Organizational Management shall be entitled to \$1,000.00 incentive pay. Incentive pay shall be added onto the employee's base salary.

SECTION 11. A K-9 officer who is not provided with time off during his or her normal assigned shift for K-9 maintenance shall be compensated at the rate of \$16.00 per hour for 2006 and to the end of the contract term for K-9 maintenance duties up to a maximum of 5.25 hours per week.

SECTION 12. The rates contained herein shall become effective January 1, 2007.

SECTION 13. In accordance with Chapter 3, Article II, Section 15, Subsection E of the Code of the Borough of Washington, this Ordinance shall become effective 20 days after final passage unless the Council, by an affirmative vote of five (5) Council Members, shall adopt a resolution declaring the Ordinance to be an emergency upon which said Ordinance will take effect upon final passage.

REPORTS:

It was moved by Higgins, seconded by Housel that the Council acknowledge, receive and file the Managers Report, Fire Prevention, Collector/Treasurer Report, Recreation Treasurer's Report, General Ledger February and March 2007, Police Activity Report, Borough Engineer Report, Municipal Court, and Code Enforcement Report.

Councilman Turner stated that in regards to the Engineer's report; the staging area that the contractor used is a mess and needs to be cleaned up. Manager Corica will inform the engineer.

Councilman Turner also asked about the bike path study. He asked if a bike path is practical in the Borough. He stated that our money would be more wisely spent looking into other grants. Manager Corica stated that Council is not required to do this.

Roll Call: Housel, Higgins, Turner, and Woykowski.

Ayes: 4, Nays: 0

Motion Carried.

COMMITTEE REPORTS:

Redevelopment Committee: Nothing to Report

DPW Garage: Sewer Committee: Nothing to Report

Sewer Committee: Nothing to Report

Streets Committee: Nothing to Report

Finance Committee: A policy is being developed.

Shared Services Committee: A meeting is schedule on July 31, 2007.

Senior Services: The committee is still trying to work out a schedule.

Website Committee: Not Present.

Curfew Committee: Nothing to Report

Pedophile Committee: Nothing to Report

Bid – Nothing to Report

VOUCHERS AND CLAIMS

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

Hearing no comments or questions the vouchers and claims were approved for payment in the revised amount of \$ 1,461,570.29.

Roll Call: Higgins, Woykowski, Turner, and Housel.

Ayes: 4, Nays: 0.

Motion carried.

OLD BUSINESS:

Policy Defining the Process of Professional Services Provided by all Appointed Professionals.

Councilwoman Woykowski stated that there are perfect examples of resolutions provided by H2M that are on the agenda for this evening. These resolutions include the scope of services. This policy will empower the manager to get accurate information for resolutions. All resolutions will include a *not to exceed amount*. Deadlines will also be included in resolutions.

Attorney Cushing stated that this is very good however; this is the type of thing that a good manager will produce.

Councilwoman Woykowski stated this is a policy. As long as we have a good manager this policy will be easy to follow. Chances are we will never have to use number four and number five. Councilman Higgins stated that these items should be part of the manager's job description. Councilwoman Woykowski noted that there is a binder full of Council policies and this will be another tool for the manager to use.

Councilman Higgins asked Attorney Cushing if it was the manager's job to enforce policy with the professionals. Attorney Cushing agreed stating ultimately it is the manager's job to keep the professionals on track.

Councilman Housel stated that this is also a tracking method. Manager Corica stated it is the responsibility of the finance department and the manager to track project expenses against a resolution.

Councilwoman Woykowski stated that in the past mistakes have been made in applying monies to a particular resolution. She also stated the resolution will be included in the bill list.

Councilman Housel motioned to have a resolution prepared for the next meeting. This was seconded by Councilwoman Woykowski.

Ayes: 3, Nays: 1 (Higgins)
Motion Carried

Green Street Update

Manager Corica informed Council that he has received a tape of the main for that area. He also stated that he confirmed with the auditor the balances in the sewer capital ordinances. If Council desires to move forward with sewer work specific to Green Street it seems that there is money available to accomplish that.

Councilman Turner asked if we had copies of all of the other sewer lines in the Borough. Manager Corica stated that was the only copy he received. Council concurred that the Manager be directed to obtain a copy of all of the videotaped sewer lines.

NEW BUSINESS

Resolution 165-2007 ABC License for Washington Discount Liquor

Resolution 165-2007 was moved on a motion made by Housel, seconded by Higgins and adopted.

Roll Call: Housel, Higgins, Woykowski, and Turner.

Ayes: 4, Nays: 0

Motion Carried

RESOLUTION #165-2007

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:

Washington Discount Liquors L.L.C.
9 Sherman Boulevard
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 183-2007 Resolution Requesting Change in Title, Text or Amount of an Appropriation Pursuant to NJSA 40A:4-85

Resolution 183-2007 was moved on a motion made by Housel, seconded by Higgins and adopted.

Roll Call: Housel, Higgins, Turner, and Woykowski.

Ayes: 4, Nays: 0
Motion Carried

RESOLUTION # 183-2007
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
WASHINGTON, WARREN COUNTY, REQUESTING
CHANGE IN TITLE, TEXT OR AMOUNT OF
APPROPRIATION PURSUANT TO NJSA 40A:4-85

WHEREAS, NJSA 40A:4-85, provides that the Director of the Division of Local Government Services may, at the request of, or with the consent of, a governing body of any municipality, make such correction of the title, text or amount of any appropriation appearing in the budget as may be necessary to make said item appropriation available for the purpose or purposes required for the needs of any municipality.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey in accordance with the provisions of NJSA 40A:4-85 hereby requests that the Director of the Division of Local Government Services to make the following correction the 2007 budget:

FROM:

Administrative and Executive Salary and Wages \$17,000

TO:

Administrative and Executive Other Expenses \$17,000

BE IT FURTHER RESOLVED that the foregoing correction is, in the opinion of the governing body, warranted and authorized by the statute referenced above, and is necessary for the orderly operation of the municipality for the reasons set forth:

To provide continued funding for contractual services to provide the funding for an interim borough manager while the governing body seeks and reviews applications for the full time manager position. Such search has taken longer than originally anticipated when the budget was adopted.

Resolution 184-2007 through 187-2007

Resolutions 184-2007 through 187-2007 was moved on a motion made by Housel, seconded by Higgins and adopted.

Roll Call: Housel, Turner, Higgins, Woykowski

Ayes: 4, Nays: 0

Motion Carried

RESOLUTION # 184-2007

A RESOLUTION AUTHORIZING THE RELEASE OF FUNDS FROM STREET OPENING ESCROW ACCOUNT HELD IN TRUST BY THE BOROUGH OF WASHINGTON

WHEREAS, Shawki Zakhra has posted review and/or inspection fees in the amount of \$1000.00 with the Borough of Washington prior to a street opening; and

WHEREAS, these funds were posted in the Street Opening Account to cover the cost of review and/or inspection services; and

WHEREAS, Municipal Engineer Robert Miller, C.M.E., P.E. has determined that all outstanding bills have been paid for review and inspection services.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey, that the Municipal Treasurer is hereby authorized to issue a check to Shawki Zakhra, PO Box 483, Stanhope, NJ 07874, in the amount of \$1000.00 from the Street Opening Account

RESOLUTION # 185-2007

A RESOLUTION AUTHORIZING THE RELEASE OF FUNDS FROM DEVELOPER'S ESCROW ACCOUNT HELD IN TRUST BY THE BOROUGH OF WASHINGTON

WHEREAS, New Jersey American Water Company has posted review and/or inspection fees with the Borough of Washington prior to work beginning on this project; and

WHEREAS, these funds were posted in the Developer's Escrow account to cover the cost of review and/or inspection services; and

WHEREAS, Municipal Engineer Robert Miller, C.M.E., P.E. has determined that all outstanding bills have been paid for inspection and review services.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey, that the Municipal Treasurer is hereby authorized to issue a check to New Jersey American Water Company, 500 Grove Street, Haddon Heights, NJ 08035 for the actual account balance in the review/inspection account.

RESOLUTION #186-2007

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>
22.04/6	Arthur Alexander 101 Belvidere Avenue	\$ 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:

Arthur Alexander
1114 Lebanon-Stanton Rd.
Lebanon, NJ 08833

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.

RESOLUTION # 187-2007

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

WHEREAS, the Tax Collector's records shows an overpayment of \$1,381.29 on the 1st quarter 2007 taxes on Block 023 Lot 001, 48 West Washington Avenue, owned by PNC Bank. Their payment of \$4,929.92, received on January 24th, 2007, failed to consider a credit in the above amount that was moved to this account after combining into one the two properties owned by the Bank, which had previously been taxed separately.

WHEREAS, the Tax Collector's office has received a written request that the above amount should be refunded to PNC Bank, and mailed to:

Attn: Judy Moran AVP

PNC Bank
2 PNC Plaza 19th Floor
620 Liberty Avenue
Pittsburgh, PA 15222

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.

Resolution 188-2007 Appointing Sewer Engineer Consultant to Conduct a Sewer Capacity Study

Resolution 188-2007 was moved on a motion made by Housel, seconded by Higgins and adopted.

Roll Call Housel, Higgins, Turner, Woykowski.

Ayes: 4 Nays: 0
Motion Carried

RESOLUTION #188-2007

**A RESOLUTION APPOINTING A SEWER ENGINEERING CONSULTANT
TO CONDUCT A SEWER CAPACITY STUDY AS A PROFESSIONAL
SERVICE WITHOUT SEEKING COMPETITIVE BIDS.**

WHEREAS, there exists a need for professional engineering services in the area of wastewater collection and treatment to determine the available sewer treatment plant capacity; and

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

WHEREAS, the firm of H2M Group of Totowa, New Jersey has agreed to perform professional engineering services, as outlined in the "Proposal for Wastewater Treatment Capacity Usage Study" dated 2 July 2007 in an amount not to exceed \$17,900; and

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

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

1. The Mayor and Clerk are hereby authorized and directed to enter into a contract with H2M Group, 555 Preakness Avenue, Totowa, NJ 07512 to complete a sewer capacity usage study per the proposal submitted on 2 July 2007 and annexed hereto in an amount not to exceed \$17,900;
2. That said contract is awarded without competitive bidding as professional services in accordance with N.J.S.A. 40A: 11-5; and
3. A certification of funds by the Chief Financial Officer is attached hereto;
4. Notification of the contract award shall be printed in the Star Gazette.
5. That an executed copy of the contract between the parties be on file with the Office of the Clerk and be available for public inspection in accordance with the law.

Resolution 189-2007 Resolution to Appoint Sewer Engineer Consultant to Conduct an Evaluation of the South Prospect Street Siphon and related Sewer Lateral Construction.

Resolution 189-2007 was moved on a motion made by Housel, seconded by Higgins and adopted.

Roll Call: Housel, Higgins, Turner, Woykowski.

Ayes: 4, Nays: 0
Motion Carried

RESOLUTION #189-2007

A RESOLUTION APPOINTING A SEWER ENGINEERING CONSULTANT TO CONDUCT AN EVALUATION OF THE SOUTH PROSPECT STREET SIPHON AND RELATED SEWER LATERAL CONSTRUCTION WITHOUT SEEKING COMPETITIVE BIDS.

WHEREAS, there exists a need for professional engineering services to review the engineering and construction of the siphon in South Prospect Street and related sewer lateral lines; and

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

WHEREAS, the firm of H2M Group of Totowa, New Jersey has agreed to perform professional engineering services, as outlined in the "Proposal for Evaluation of South Prospect Street Siphon" dated 3 July 2007 in an amount not to exceed \$12,900; and

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

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

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

1. The Mayor and Clerk are hereby authorized and directed to enter into a contract with H2M Group, 555 Preakness Avenue, Totowa, NJ 07512 to complete an evaluation of the engineering and construction of the siphon in South Prospect Street and related sewer lateral lines per the proposal submitted on 3 July 2007 and annexed hereto in an amount not to exceed \$12,900;
2. That said contract is awarded without competitive bidding as professional services in accordance with N.J.S.A. 40A: 11-5; and
3. A certification of funds by the Chief Financial Officer is attached hereto;
4. Notification of the contract award shall be printed in the Star Gazette.
5. That an executed copy of the contract between the parties be on file with the Office of the Clerk and be available for public inspection in accordance with the law.

Resolution 190-2007 To Appoint an Engineer to Conduct/Prepare Bicycle Route Survey

A motion to table Resolution 190-2007 was moved by Housel, seconded by Higgins. For information is required and should be discussed at a workshop meeting.

Roll Call: Housel, Higgins, Turner, Woykowski

Ayes: 4, Nays: 0
Motion Carried

Resolution 191-2007 To Appoint Pat Titus Acting Borough Clerk for the July 24, 2007 Special Council Meeting.

Resolution 191-2007 was moved on a motion made by Housel, seconded by Turner and adopted.

Roll Call: Housel, Turner, Higgins, Woykowski.

Ayes: 4, Nays: 0
Motion Carried.

Resolution 192-2007 to Enter Executive Session

A motion to enter executive session was made by Higgins, seconded by Housel after a five minute recess.

Ayes: 4, Nays: 0
Motion Carried

RESOLUTION 192 -2007

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231,

P.L. 1975 permits the exclusion of the public from a meeting under certain circumstances; and

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

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

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

**Personnel
Litigation**

Council returned to open session at 11:00 p.m.

Hearing no further business to come before Council, it was moved by Housel, seconded by Higgins that the meeting be adjourned at 11:00 p.m.

Ayes: 4, Nays: 0.
Motion carried.

Andrew Turner, Deputy Mayor

Kristine Blanchard, RMC Borough Clerk