

BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – November 5, 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, Woykowski, Cioni, Van Deursen, Turner – Present
Housel, Oakley - Absent

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

Mayor Van Deursen led everyone in the flag salute.

Mayor Van Deursen read the following Statement into the Record:

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

COUNCIL APPEARANCE

H2M

Steve Hearl reviewed the findings of his report with the Mayor and Council. He explained that the South Prospect Street siphon had been replaced a couple of years ago and since the replacement the siphon has been experiencing backups upstream of where the siphon was installed. His firm did an evaluation of the siphon itself and compared it to New Jersey Design Standards. The material used is one of the materials allowed by NJ requirements. The provision for rotting also met state requirements. The design standards required a minimum of three feet per second velocity and the design indicates that the pipe should have been 1.5 feet. The plans used during construction indicate that the pipes are 1.2 feet. That may reduce the capacity to a certain extent. He explained that generally sewers are designed with a 2 feet per second velocity. The specific siphon does not meet three feet standard required in the design; but meets the two feet standard used for general sewer designs.

Mr. Hearl explained that there were no formal instructions left with the Borough on regular maintenance. Siphons do require regular maintenance. The Borough is now cleaning out the siphon on a monthly basis which will help the flow.

Mr. Hearl stated the design for the siphon pertaining to flow was 200,000 gallons per day. A flow meter was installed for one month. The flow data showed that the average flow was 125,000 gallons per day. Mr. Hearl stated he has made a recommendation to install a float switch to help prevent a back up condition from occurring. The average condition of flow is less than the design so consequently the flow is slower and velocity will be less.

Councilwoman Woykowski noted for the record she will be abstaining from the discussion on this portion of the H2M report.

Councilman Turner asked if the absent plate was a contributing factor in the reduction of flow and velocity. Mr. Hearl stated that by not having the plate installed it will reduce the velocity.

Mayor Van Deursen requested that the Borough Manager ask the Sewer Plant Manager about the absent plate. She also requested the Borough Manager to review the D.E.P and final inspection reports.

Mr. Hearl also addressed the issue of sewer capacity with the Mayor and Council. H2M conducted a flow study to determine the flow available to the Borough. Mr. Hearl reviewed six years of flow data. The data shows that the Borough is currently at 800,000 gallons per day with a DEP permit for 1.2 million. Mr. Hearl explained, taking into account the normal seasonal variations of I and I the flow is 925,000 gallons per day.

Mr. Hearl explained the data and criteria used to evaluate the Borough's remaining capacity. He took into account the different commercial calculations, vacant parcels of land, the certain projects that are ongoing and/or planned, the estimate of needed gallons for the downtown redevelopment, and the current industrial users. Based on this information, the remaining capacity is 97,000 gallons.

Councilman Higgins commented that 97,000 gallons good number to start with. Councilman Turner asked if the I and I problem is significant enough to concentrate on. Mr. Hearl explained that the flow in the Borough is pretty good on a normal day. Councilwoman Woykowski noted that the Planning Board needs to keep an inventory of any new edu's and provide a report to Council. A chart should also be made charting available sewer capacity and provided to the Planning Board to be used as part of the application process.

MINUTES:

Mayor Van Deursen entertained additions or corrections to the minutes of the regular meeting held on October 16, 2007, the workshop meeting of October 30, 2007, the Executive Session minutes of October 2 and October 16, 2007, and the Executive Session minutes from the workshop meeting of October 30, 2007.

Hearing no comments it was moved by Higgins, seconded by Turner that the minutes be approved.

Roll Call: Woykowski, Higgins, Van Deursen, Cioni, and Turner. (Turner abstained from the October 30, 2007 Meeting)

Ayes: 5, Nays: 0
Motion Carried.

COMMUNICATIONS:

The following communications were entered into the Record:

1. NJLM Re: Solid Waste Facility Siting Loop Hole Closed in House – Passed Bill
2. NJLM Re: New Information from the DLGS
3. NJLM Re: Important Conference Sessions: Quality of Life Issues
4. NJLM Re: Governor Signs New Towing Regulation Law
5. NJLM Re: Wellness Campaign
6. NJLM Re: The “Sign Code Shakedown” Coming Soon to a New Jersey Town Near You.
7. NJLM Re: S-2249 Paid Family Leave
8. NJLM Re: Proposed Rules on Pedestrian Safety
9. NJLM Re: Important Conference Sessions: Governors, Lawmakers, and School Funding.
10. Notice of Hearing Master Plan Reexamination Washington Township

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

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

Ayes: 5, Nays: 0.
Motion carried.

AUDIENCE:

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

Chris Vitalos – 28 Lambert Street

Mr. Vitalos stated for the record that he is representing the group, “Concerned Taxpayers of Washington Borough.” He reported that the group had met with the Tax Assessor. Mr. Vitalos thanked Council for giving attention to the property tax situation in the Borough. Mr. Vitalos asked the Mayor and Council for a status on the planned meeting with the Warren County Tax Board. He asked who from Council will be attending the meeting.

Mayor Van Deursen noted for the record that she will be abstaining from the discussion.

Borough Manager, John Corica explained to the group that Council had met with the Borough Assessor but did not address specifics. There may be some block and lots that warrant re-examination. Mr. Corica stated after that exercise is complete and the appeal process has taken place, the Council will take a fresher look at the situation.

Anganika Walker – 52 Lambert Street

Ms. Walker stated that if everyone files an appeal the Borough Assessor will have between fifty and one hundred homes appealing assessments from the Meadows area. Manager Corica stated the appeal process is the process that must be followed. All appeals must be filed by April 1st.

Councilman Higgins explained to the group how the appeal process works. The County Tax Board will not hear an appeal from a group. You must appeal the property assessments individually. If you are all successful the county may order a re-evaluation. He explained that in order to have a Borough re-assessment now it will cost the taxpayers \$150,000.00. Councilman Higgins informed the group that he will not be meeting with the County Tax Board because there is a specific process to address this issue.

Mayor Van Deursen stated that there is a benefit to the group if there are mass appeals filed with the County. It will send up a red flag and the County may order a re-evaluation. In terms of cost; a re-evaluation is bondable for five years. A reassessment will cost everyone right now and is not bondable. She added that there are two projects going on right now that will add ratables. When Regency and Midtown is built out – it will bring the tax rate down and equalization will occur.

Mike Bachbaur 8 Alvin Sloan

Mr. Bachbaur asked the Mayor and Council why they are not going to meet with the tax board.

Councilwoman Woykowski stated that Council will wait until after the appeal process as the Borough Manager explained previously. Manager Corica stated that the fastest way to solve the issue is to file an appeal.

Dawn Higgins 113 Harding Drive

Ms. Higgins questioned the brush and leaf pick up in the Borough. Manager Corica explained the brush is being picked up in the Borough over the course of the next several weeks. The leaves must be placed in leaf bags prior to pick up.

Motion made by Turner, seconded by Higgins to close the public portion of the meeting.

Ayes: 5, Nays: 0
Motion Carried

ORDINANCES:

None

REPORTS:

It was moved by Higgins, seconded by Turner that the that the Council acknowledge, receive and file the Issues and Details Report, Collector/Treasurer Report, Police Activity, Borough Clerk's, Zoning/Code Enforcement, and the Highway Department Report.

Roll Call: Higgins, Cioni, Van Deursen, Tuner, and Woykowski.

Ayes: 5, Nays: 0
Motion Carried.

COMMITTEE REPORTS:

Redevelopment Committee: No Report

DPW Garage: No Report

Sewer Committee: No Report

Streets Committee: No Report

Finance Committee: No Report

Shared Services Committee: No Report

Senior Services: No Report

Website Committee: Councilman Cioni reported the update to the website is almost complete. The website committee will be looking into a History of Washington section as well.

Curfew Committee: No Report

Pedophile Ordinance Committee: No Report

Bid – No Report

VOUCHERS AND CLAIMS

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

Councilman Higgins asked the Borough Manager if the engineering bills were reviewed. Manager Corica stated yes and everything appears to be in order.

Councilman Cioni questioned the charges for Vital. Manager Corica explained that these are monthly costs associated with the tax and assessment software.

Hearing no further comments or questions the vouchers and claims were approved for payment in the amount of \$1,064,481.53.

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

Ayes: 5, Nays: 0.
Motion carried.

OLD BUSINESS:

None

NEW BUSINESS

Manager Corica informed the Mayor and Council about a request from Mr. Van Cleef. Mr. Van Cleef has offered to pay for the installation of the catch basin if the Borough will authorize the Borough Engineer to do the grades at the back portion of the alley. Mr. Van Cleef will also install the curbs.

A motion was made by Councilman Higgins, seconded by Councilman Turner to have Mr. Van Cleef install the catch basin and have the Borough Engineer do the grades for a cost not to exceed \$2,000.00.

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

Ayes: 5, Nays: 0
Motion Carried

Approval of Limousine License – Livy’s Limo’s

The Borough Clerk reported that all of the paperwork is in order with the proper zoning and police approvals in place.

Motion made by Higgins, seconded by Turner to approve the Limousine License for Livy’s Limo’s.

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

Ayes: 5 Nays: 0
Motion Carried

Resolution 247-2007 Resolution Awarding a Contract to JCP&L to Remove and Provide Street Lights on Washington Avenue.

Resolution 247-2007 was moved on a motion made by Turner, seconded by Higgins and adopted.

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

Ayes: 5, Nays: 0
Motion Carried

Resolution 248-2007 Authorizing a Sewer Service Overpayment

Resolution 248-2007 was moved on a motion made by Higgins, seconded by Turner and adopted.

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

Ayes: 5, Nays: 0
Motion Carried

RESOLUTION #248-2007

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>
2.02/5	Susan & Timothy Dow 1 North Prospect Street	\$ 45.00

The former owner made an overpayment during the closing procedures on the above property location. A refund of \$45.00 should be mailed to:

Susan & Timothy Dow
56 Areland Drive
Bangor, PA 18013

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 249-2007 Resolution to Cancel Budget Appropriation

RESOLUTION # 249 -2007
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
WASHINGTON, WARREN COUNTY, TO CANCEL
BUDGET APPROPRIATION.

WHEREAS, Trans Options awarded a grant to the Borough in the amount of \$2,500.00 to do a bicycle route survey; and

WHEREAS, the Mayor and Council have determined that it is not in the best interest of the Borough to conduct the project at this time;

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 item of revenue in the 2007 municipal budget “Trans-Option Grant \$2,500.00” is hereby cancelled.
2. The offsetting General Appropriation Excluded from Caps entitled “Trans-Option Grant \$2,500.00” is hereby cancelled.
3. A copy of the resolution is to be sent to the Director of the Department of Community affairs for approval.
4. A copy of the resolution is to be forwarded to the Chief Financial Officer and the Borough Auditor.

Resolution 250-2007 Resolution a Refund Sewer Payment

Resolution 250-2007 was moved on a motion made by Higgins, seconded by Turner and adopted.

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

Ayes: 5, Nays: 0
Motion Carried

RESOLUTION # 250-2007
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
WASHINGTON, WARREN COUNTY, TO REFUND SEWER
PAYMENTS

WHEREAS, Resolution # 244-2006 was passed on 21 November 2006 which changed the number of EDUs charged to 16 West Warren Street, shown as Block 19.01, Lot 7 on the Borough tax map because it was considered to be a two family home; and

WHEREAS, Resolution # 244-2006 directed that the property owner be advised of the change; and

WHEREAS, the owners of the property have challenged that action and stated that they were never give notification of the action; and

WHEREAS, the Borough Manger has directed the DCA to inspect the building to determine if it is a two family home; and

WHEREAS, the DCA has inspected the home and has issued a report on 11 October 2007 indicating that “the structure is a single-family dwelling”; and

WHEREAS, there is no documentary evidence to show that the property owner was notified of the Council action taken in November 2006; and

WHEREAS, based on the above facts and statements the Borough Manger recommends that the Council rescind resolution # 244-2006 and that any additional payments made by the property owner for the second EDU charged be applied to the current sewer account.

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. Based on the report issued by the DCA and the recommendation of the Borough Manger Resolution # 244-2006 is hereby by rescinded retroactively to its date of original passage.
2. All charges made for the second EDU are hereby reversed.
3. The Tax Collector is hereby directed to apply any payments made for the second EDU to any outstanding balance on the account.

Resolution 251-2007 Resolution Authorizing a Leave of Absence to Beulah M. Barron

Resolution 251-2007 was moved on a motion made by Higgins, seconded by Turner and adopted.

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

Ayes: 5, Nays: 0
Motion Carried

RESOLUTION #251-2007
RESOLUTION GRANTING A LEAVE OF ABSENCE
TO BEULAH M. BARRON

WHEREAS, the governing body of a municipality may grant temporary leave of absence, without pay, to any employee provided such leave shall not exceed six (6) months at any one time; and

WHEREAS, the governing body desires to maintain complete and accurate records of employee benefits in accordance with New Jersey State Law; and

WHEREAS, Beulah M. Barron requested a leave of absence without pay due to personal illness for the period beginning 09/06/2007 and ending no later than 12/31/2007 for pension accounting; and

WHEREAS, the employee was hospitalized on September 5, 2007, for approximately two weeks and released for a short period of time and thought she'd be able to return to work shortly; and

WHEREAS, the employee was subsequently hospitalized a second time at a hospital out of the area due to the seriousness of her illness and made a verbal request through a family member for a leave absence without pay to be approved by the Mayor and Council of the Borough of Washington to protect her life insurance benefits, retroactive to the first day she was unable to work due to illness which was September 6, 2007;

WHEREAS, the employee is not able to perform her duties due to personal illness and has no sick leave benefits and has requested a temporary Leave of Absence Without Pay beginning September 6, 2007.

WHEREAS, the second Council meeting in October had already been held prior to the date the Borough of Washington received said request for the leave of absence, this request will be approved at the next regularly scheduled Council meeting which is to be held on November 5, 2007;

WHEREAS, the Mayor and Council received notification of the death of Beulah M. Barron which occurred on October 21, 2007, prior to the adoption of this resolution;

NOW, THEREFORE BE IT RESOLVED, the Borough of Washington Common Council does hereby posthumously grant to Beulah M. Barron a temporary leave of absence without pay from her part-time position as School Traffic Guard with the Police Department, for the period beginning September 6, 2007, and ending on October 21, 2007, the date of her passing.

Resolution 252 – 2007 through 254-2007 Redemption of Tax Sale Certificates

Resolutions 252-2007 through 254-2007 was moved on a motion made by Higgins, seconded by Turner and adopted.

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

Ayes: 5, Nays: 0
Motion Carried

RESOLUTION # 252-2007

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

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

KNOW ALL MEN BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on December 27, 2006 to Tatar Rice, in the amount of \$781.09 for taxes or other municipal liens assessed for the year 2005 in the name of Hartrum, Susan and Silmara, as supposed owners, and in said assessment and sale were described as 8 Vannatta Street Block 94 Lot 19 which sale was evidenced by Certificate 424-06; and

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 10-29-07 and before the right to redeem was cut off, as provided by law, Robert Kresge Sr. and Susan Hartrum claiming to have an interest in said lands, did redeem said lands claimed by Tartar Rice by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$7,437.73, which is the amount necessary to redeem Tax Sale Certificate #424-06.

NOW THEREFORE BE IT RESOLVED, IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 094, Lot 019 from the tax records.

RESOLUTION # 253-2007

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE
As per N.J.S.A.54:5

KNOW ALL MEN BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on December 27, 2006 to Arthur Frustaci, in the amount of \$17.17 for taxes or other municipal liens assessed for the year 2005 in the name of Aroneo, Kristen as supposed owners, and in said assessment and sale were described as 10 Vannatta Street Block 94 Lot 19.01 which sale was evidenced by Certificate 425-06; and

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 10-29-07 and before the right to redeem was cut off, as provided by law, EMC Mortgage Co. claiming to have an interest in said lands, did redeem said lands claimed by Arthur Frustaci by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1095.49, which is the amount necessary to redeem Tax Sale Certificate #425-06.

NOW THEREFORE BE IT RESOLVED, IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 094, Lot 019.01 from the tax records.

RESOLUTION # 254-2007

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE
As per N.J.S.A.54:5

KNOW ALL MEN BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 25, 2007 to Park Finance, in the amount of \$63.05 for taxes or other municipal liens assessed for the year 2006 in the name of Ingram, Nicholas as supposed owners, and in said assessment and sale were described as 46 Lenape Trail Block 101.01 Lot 014 which sale was evidenced by Certificate 437-07; and

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 10-29-07 and before the right to redeem was cut off, as provided by law, Park Finance claiming to have an interest in said lands, did redeem said lands claimed by Arthur Frustaci by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1095.49, which is the amount necessary to redeem Tax Sale Certificate #425-06.

NOW THEREFORE BE IT RESOLVED, IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 094, Lot 019.01 from the tax records.

Resolution 255-2007 Refund of 2006 Tax Overpayment

Resolution 255-2007 was moved on a motion made by Higgins, seconded by Cioni and adopted.

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

Ayes: 5, Nays: 0
Motion Carried

RESOLUTION # 255-2007

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

WHEREAS, the Tax Collector's records shows an overpayment on the 3rd quarter 2006 taxes on Block 066.01 Lot 014, 81 Flower Avenue. On August 3rd, 2006, we received an estimated 3rd quarter payment of \$1,440.46 from the attorneys for the new homeowner, Monica Parker. Subsequent to that payment, on August 16th, 2006, First American Real Estate Tax Service paid the correct 3rd quarter amount of \$1,557.26 on behalf of the seller, Gary Dickson. There is a refund due to First American for Mr. Dickson in the amount of \$1,440.46.

WHEREAS, the Tax Collector's office has received a written request that the amount of \$1,440.46 should be refunded to First American Real Estate Tax Service and mailed to:

First American Real Estate Tax Services
Attn: Refunds Department
PO Box 961250
Fort Worth, TX 76161-0250

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 256-2007 Refund of Builders Escrow

Resolution 256-2007 was moved on a motion made by Higgins, seconded by Turner and adopted.

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

Ayes: 5, Nays: 0
Motion Carried

RESOLUTION # 256-2007

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

WHEREAS, John Helgesen III 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 in the amount of \$607.89 to John Helgesen III, 114 Michael Street, South Plainfield, NJ 07080 for the actual balance in the review/inspection account.

Resolution 257-2007 Refund of Builders Escrow

Resolution 257-2007 was moved on a motion made by Higgins, seconded by Turner and adopted.

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

Ayes: 5, Nays: 0
Motion Carried

RESOLUTION # 257-2007

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

WHEREAS, Henry Riewerts, (Quaker Energy Services, LLC) 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 Sewer Engineers, Maser Consulting, P.A. 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 in the amount of \$1,000.00 to Henry Riewerts, Quaker Energy Services, LLC, 508 Mt. View Road, Asbury, NJ 08802 for the actual balance in the review/inspection account.

Resolution 258-2007 Resolution to Void and Replace Check

Resolution 258-2007 was moved on a motion made by Higgins, seconded by Turner and adopted.

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

Ayes: 5, Nays: 0
Motion Carried

RESOLUTION #258-2007

A RESOLUTION TO VOID AND REPLACE A CHECK

WHEREAS, check #051686 was written 9/19/07 on Washington Borough's Operating Fund # 8102360230 in the amount of \$72.00 and made payable to the State of NJ, State Police Bureau of Identification at West Trenton, NJ 08628; and

WHEREAS, the Treasurer's office was made aware that this check should be replaced for the amount of \$66.50 due to a price decrease.

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 void and replace check #051686.

Resolution 259-2007 Authorizing the Issuance of Bond Anticipation Notes

Resolution 259-2007 was moved on a motion made by Turner, seconded by Cioni and adopted.

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

Ayes: 5, Nays: 0
Motion Carried

RESOLUTION 259-2007

RESOLUTION AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES NOT EXCEEDING \$8,358,681 OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY.

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

Pursuant to a bond ordinance of the Borough of Washington, in the County of Warren (herein called "local unit") entitled: "Bond ordinance making a further supplemental appropriation of \$13,300,000 for improvement of the wastewater treatment plant in and by the Borough heretofore authorized to be undertaken by the Borough of Washington, in the County of Warren, New Jersey, and authorizing the issuance of \$13,300,000 bonds or notes of the Borough for financing such supplemental appropriation", finally adopted on June 17, 1997 (#6-97), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$691,328 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Pursuant to a bond ordinance of the local unit entitled: "Bond ordinance appropriating \$218,000, and authorizing the issuance of \$207,100 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, New Jersey", finally adopted on July 17, 2001 (#6-2001), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$172,649 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section

3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Pursuant to a bond ordinance of the local unit entitled: “Bond ordinance appropriating \$295,000, and authorizing the issuance of \$280,800 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, New Jersey”, finally adopted on June 4, 2002 (#10-2002), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$254,132 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Pursuant to a bond ordinance of the local unit entitled: “Bond ordinance making a further supplemental appropriation of \$150,000 for the construction of sidewalks along North Prospect Street in and by the Borough heretofore authorized to be undertaken by the Borough of Washington, in the County of Warren, New Jersey and authorizing the issuance of \$100,000 bonds or notes of the Borough for financing such supplemental appropriation”, finally adopted on June 4, 2002 (#11-2002), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$69,472 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Pursuant to a bond ordinance of the local unit entitled: “Bond ordinance making a further supplemental appropriation of \$95,000 for improvement of Myrtle Avenue in and by the Borough heretofore authorized to be undertaken by the Borough of Washington, in the County of Warren, New Jersey, and authorizing the issuance of \$90,400 bonds or notes of the Borough for

financing such supplemental appropriation”, finally adopted on June 4, 2002 (#12-2002), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$60,884 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Pursuant to a bond ordinance of the local unit entitled: “Bond ordinance making a further supplemental appropriation of \$60,000 for improvement of Myrtle Avenue in and by the Borough heretofore authorized to be undertaken by the Borough of Washington, in the County of Warren, New Jersey, and authorizing the issuance of \$57,000 bonds or notes of the Borough, for financing such supplemental appropriation”, finally adopted on September 3, 2002 (#23-2002), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$46,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Pursuant to a bond ordinance of the local unit entitled: “Bond ordinance appropriating \$331,600, and authorizing the issuance of \$284,495 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, New Jersey”, finally adopted on November 3, 2003 (#14-2003), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$271,261 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Pursuant to a bond ordinance of the local unit entitled: “Bond ordinance appropriating \$151,245, and authorizing the issuance of \$134,000 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, New Jersey”, finally adopted on July 6, 2004 (#11-04), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$133,562 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Pursuant to a bond ordinance of the local unit entitled: “Bond ordinance providing for improvement of the sanitary sewerage system in and by the Borough of Washington, in the County of Warren, New Jersey appropriating \$40,000 therefor, and authorizing the issuance of \$40,000 bonds or notes of the Borough for financing such appropriation”, finally adopted on July 6, 2004 (#10-04), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$37,500 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Pursuant to a bond ordinance of the local unit entitled: “Bond ordinance providing for the improvement of Washington Avenue in and by the Borough of Washington, in the County of Warren, New Jersey appropriating \$1,350,000 therefor, and authorizing the issuance of \$1,333,100 bonds or notes of the Borough for financing such appropriation”, finally adopted on February 15, 2005 (#1-2005), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$226,141 shall be issued for the purpose of temporarily financing the

improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Pursuant to a bond ordinance of the local unit entitled: “Bond ordinance appropriating \$2,871,250, and authorizing the issuance of \$2,734,500 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, New Jersey”, finally adopted on June 7, 2005 (#8-2005), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$2,734,500 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Pursuant to a bond ordinance of the local unit entitled: “Bond ordinance appropriating \$1,823,765, and authorizing the issuance of \$1,622,600 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, New Jersey”, finally adopted on April 18, 2006 (#7-2006), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$1,622,600 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Pursuant to a bond ordinance of the local unit entitled: “Bond ordinance appropriating \$2,145,950, and authorizing the issuance of \$2,038,652 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, New Jersey”, finally adopted on July 17, 2007 (#7-2007), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$2,038,652 shall

be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Pursuant to the provisions of Section 40A:2-26 of the Local Bond Law of New Jersey, particularly paragraph (f) thereof and in lieu of the sale of more than one issue of bonds as provided for in said Local Bond Law, the several issues of bonds of this local unit authorized pursuant to bond ordinances of the local unit hereinabove in Sections 1 through 13 described, shall be combined into a single and combined issue of bonds in the principal amount of \$8,358,681.

The following matters in connection with said Bond Anticipation Notes are hereby determined:

All notes issued hereunder shall mature at such times as may be determined by the chief financial officer or the collector-treasurer of the local unit (the “chief financial officer”), provided that no note issued pursuant to Sections 1 through 13 hereof shall mature later than (i) one year from the date of the first note issued pursuant to the respective ordinances referred to in said Sections, and (ii) three years from the date of the first note issued pursuant to each such respective ordinance unless the local unit shall have paid and retired amounts of such notes sufficient to allow it, in accordance with provisions of Section 40A:2-8 of the Local Bond Law, to renew a portion thereof beyond the third anniversary date of the first of such notes;

All notes issued hereunder shall bear interest at such rate or rates as may be determined by the chief financial officer of the local unit; and

The notes shall be in the form prescribed by resolution heretofore adopted by the governing body of this local unit determining the form of Bond Anticipation Notes issued

pursuant to the Local Bond Law, and any such notes may be signed or sealed by officers of the local unit in any manner permitted by Section 40A:2-25 of said Local Bond Law notwithstanding that said form or resolution may otherwise provide.

The chief financial officer of the local unit is hereby authorized and directed to determine all matters in connection with said notes not determined by this or a subsequent resolution, and the signature of the chief financial officer upon said notes shall be conclusive as to such determinations.

The chief financial officer of the local unit is hereby authorized to sell said Bond Anticipation Notes from time to time at public or private sale in such amounts as the chief financial officer may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefor.

Any instrument issued pursuant to this resolution shall be a general obligation of the local unit, and the local unit's faith and credit are hereby pledged to the punctual payment of the principal of and interest on said obligations and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

The chief financial officer of the local unit is authorized and directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of notes pursuant to this resolution is made, such report to include the amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser.

The chief financial officer of the local unit is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of said

notes to the purchasers thereof as promptly as possible, including (i) the preparation, execution and dissemination of a Preliminary Official Statement and Final Official Statement with respect to said notes, (ii) preparation, distribution and publication, if necessary, of a Notice of Sale with respect to said notes, (iii) execution of a Continuing Disclosure Undertaking, with respect to said notes in accordance with Rule 15c2-12 promulgated by the Securities and Exchange Commission and (iv) execution of an arbitrage and use of proceeds certificate certifying that, among other things, the local unit, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on said notes is not included in gross income under Section 103 of the Internal Revenue Code of 1986, as amended. This resolution shall take effect immediately.

Resolution 260-2007 Appointing Ann Kilduff as Deputy Registrar

Resolution 260-2007 was moved on a motion made by Higgins, seconded by Turner and adopted.

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

Ayes: 5, Nays: 0
Motion Carried

RESOLUTION #260-2007

**RESOLUTION OF THE BOROUGH OF WASHINGTON APPOINTING ANN
KILDUFF DEPUTY BOROUGH REGISTRAR**

WHEREAS, the Registrar of Vital Statistics must appoint a Deputy Registrar of Vital Statistics as per R.S. 26:8-17; and

WHEREAS, the Governing Body of Washington Borough has been informed by the Registrar, Kristine Blanchard of her wish to appoint Ann Kilduff, Deputy Registrar; and

NOW THEREFORE BE IT RESOLVED, by the Governing Body of Washington Borough in the County of Warren, and the State of New Jersey that Ann Kilduff is hereby appointed by the Governing Body of Washington Borough as Deputy Registrar of Vital Statistics of the Borough of Washington.

Resolution 261-2007 Refund of Taxes Per Tax Court Judgement

Resolution 261-2007 was moved on a motion made by Higgins, seconded by Cioni and adopted.

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

Ayes: 5, Nays: 0
Motion Carried

WHEREAS, the Tax Collector has received a Tax Court Judgment for the year 2006 for Block 097.03 Lot 010, Washington Heights LLC 19 Nunn Avenue for the 4th Quarter 2006, in the amount of 3,863.00; and

WHEREAS, due to Tax Court Judgment #002692-2006 the assessed value for the improvements has been reduced in 2006 from 1,969,200 to 1,869,200 which changed the amount of taxes due from \$23,264.50 to \$19,401.50 in the 4th qtr. 2006 thus creating the overpayment./

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington in the County of Warren State of New Jersey to hereby authorize the Tax Collector and Treasurer to refund the above tax overpayment.

COUNCIL REMARKS

Councilman Higgins inquired about the Sod at Vara Field. Manager Corica indicated that the final grading is being completed and the landscaper should be installing the sod any day now.

Councilman Turner stated he would like to thank the group of citizens for their continued concern of property taxes.

Councilwoman Woykowski inquired about the punchlist for the Downtown Streetscape Project. Manager Corica stated that Marvec was in over the weekend working on punchlist items.

Councilman Cioni asked about the concrete around the water meter at Vara Field and when will it be replaced? Manager Corica stated when the sod is installed, the concrete will be fixed around the water meter. Councilman Cioni asked for a status on the downtown clock. Manager Corica stated the footings were in. There is no date for installing the clock as of right now.

Mayor Van Deursen inquired about the water problem at Washington Kid Care. Manager Corica stated that the contractor is working with the engineer to resolve the issue.

EXECUTIVE SESSION

Councilman Higgins motioned to enter executive session; this motion was seconded by Councilman Turner.

Ayes: 5, Nays: 0
Motion Carried

Resolution 262-2007 Executive Session

RESOLUTION 262-2007

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

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

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

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

Real Estate Acquisition
Potential Litigation
Personnel

Hearing no further business to come before Council, it was moved by Higgins, seconded by Turner that the meeting be adjourned at 11:25 p.m.

Ayes: 5, Nays: 0.
Motion carried.

Mayor Marianne Van Deursen

Kristine Blanchard, RMC Borough Clerk