

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY  
WASHINGTON BOROUGH COUNCIL MINUTES – November 20, 2007**

The Regular Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 8:00 P.M.

Roll Call: Higgins, Woykowski, Cioni, Van Deursen, and Oakley – Present  
Turner – 8:10 p.m. Housel – 8:15 p.m.

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**

**Kevin Shoudt – Veolia Water**

Mr. Shoudt presented an overview of the Sewer Plant for the year 2007 to Council. He stated that flows are down compared to last year and everything else is running close to the same as last year.

In 2007 a new sewer billing software was implemented and is working smoothly. There is also a new maintenance software in place.

Mr. Shoudt reported that thermal imaging was done in May of this year. A thirty five year old tractor was replaced this year as well. The garage was repainted and new windows were installed.

The plant has had nine straight years of no lost time due to accidents or OSHA reportables. The DEP conducted a surprise compliance inspection and no violations were found. Weekly safety meetings are held at the plant along with a yearly in house audit.

Mr. Shoudt reported the collection system had twenty three call outs for sewer backups this year. This included the main back up due to heavy rain in April of this year. There are also monthly sewer cleanings of known problem areas.

Councilman Cioni asked if the inspections are identifying what the cause of the problems are. Mr. Shoudt stated that most of these problem areas were identified back in 1998 and were supposed to be repaired during the phase II project however; these were removed from the plans.

Councilwoman Woykowski inquired as to the maintenance schedule. She asked if there is something in writing that can be passed along to the Borough Manager. Mr. Shoudt stated he does have a copy in writing and will pass it along to the Borough Manager.

Councilwoman Woykowski inquired about the in house audits and are they done on a regular basis? Mr. Shoudt reported that these are generally done every year. These are routine maintenance audits of the sewer plant. Councilwoman Woykowski asked how the call outs from last year compared to this year. Mr. Shoudt reported that they are about the same.

Councilman Higgins asked if the missing plate had been installed in the siphon. Mr. Shoudt stated it had been installed and is on a regular maintenance schedule. Councilman Higgins asked what could be causing twenty million gallons a month of influent. Mr. Shoudt explained that it could be I and I. He explained without flow meters it is hard to tell. It could be manhole covers and cracked lines.

Mayor Van Deursen thanked Mr. Shoudt for his report to Council.

### **Kurt Klausfelder – Fire Chief**

Fire Chief Klausfelder read a prepared report to the Mayor and Council. The following is a summary of that report.

The Washington Fire Department accepted five new members this year. The fire department has forty six active firefighters and four junior members.

This year the Washington Fire Department has trained in live burn structural fire evolutions, flashover, live burn vehicle firefighting evolutions, forcible entry, ventilation, firefighter assistance search teams, ladders and hoisting, CPR and AED, search and rescue, SCBA, and firefighter rescue and survival. Most of this training took place either in house with acquired structures, or at the Warren County Fire Academy. The Washington Borough Fire Department has five New Jersey State Certified Fire Service Instructors.

The 1975 Mack Aerialscope 83-69 is showing signs of age. Many parts are no longer available. Unfortunately the truck has required many repairs to pass its annual drift test. The ladder truck is a valuable piece of apparatus for this town. It has been instrumental in providing the means for rapid ventilation and search and rescue as well as protecting exposure buildings in our community for the past thirty two years. With the recent construction of the Midtown project, and Regency at Washington underway, in addition to our already existing large and densely populated buildings, the need for a ladder truck in this town is necessary. In 2008 we are hoping to be able to start the research, specs, and the interviewing of perspective vendors, with the bid being awarded at the end of the year.

From January 1, 2007 to November 1, 2007 the Fire Department has responded to 185 calls. It looks like we will hit the 200 mark by the end of the year. It is unfortunate, but this included the fatal fire on South Lincoln Ave and the fire at the St. Cloud Hotel. The overall average response time for the department is 8 minutes and 24 seconds which is 12 seconds faster than last year.

Chief Klausfelder took this opportunity to mention two concerns of the fire departments to Council. Recently, the fire department responded to a working dumpster fire at the apartment building of 7 Railroad Ave. There were a number of preschool aged children watching the fire

suppression efforts; this is an indication of a potentially devastating situation had this fire been inside the apartment building itself.

This building is not protected by a sprinkler system and is grand fathered from having to install one. It will take 350 ft. of hose to reach a fire in the furthest part of that building. This could take valuable time and manpower to complete a hose stretch such as that. Unfortunately, there are usually cars parked in front of the building. The fire department would like the Borough of Washington to designate Railroad Avenue (on the apartment side) as a fire lane with no parking permitted.

We would also like to request the property owner relocate some of the handicapped parking; specifically the row of parking in front of the courtyard area. We have determined this place to be the best place to spot our ladder truck. The fire department would like the Borough of Washington to contact the property owner and ask if this area in front of the courtyard could be designated a fire lane with no parking permitted as well.

Lastly, the fire department requests the property owner move the current fire hydrant, on Railroad Avenue closest to this building, to the north side of the north entrance to the parking lot for this building.

The Washington Fire Department also has some serious concerns over the water supply available for fire protection in the Borough.

In April of 2006 a fire occurred in a wood pallet and mulch facility in Franklin Township. The fire was initially fought by firefighters using water brought to the scene by approximately fifteen water tankers. The tankers were filled from fire hydrants in Franklin Township until an employee of New Jersey American Water Co. arrived at the scene and told the incident commander that no more water could be used for fire fighting as only 20,000 gallons of water remained in the 500,000 gallon tank that is the primary water supply for the system.

This came as a complete surprise to firefighters, as no fires have occurred in the history of the water system that have drained the storage tank or reservoir that was in place of the current tank. Fortunately the fire was under control at that point and firefighters were able to switch to drafting water from the Pohatcong Creek to supply tankers for the total fire extinguishment.

It is important to note that the same water system that supplies Franklin Township also serves Washington Borough and Washington Township. After the Washington Antique Store fire a letter was written by the Washington Township Fire District to New Jersey American Water Company addressing their concerns about water supply problems. A meeting was held last fall with several representatives of the water company and surrounding fire departments. At the meeting the water company disclosed that the water level of the tank is not able to be kept full due to "turn-over" and "chlorination" problems, and at times is kept as low as 50 percent capacity. Washington Township Fire Officials stated that this was unacceptable and demanded New Jersey American Water rectify the problem. The water company claimed that due to the Highland Act it will take five years or more before more pumps could be added.

There are numerous buildings in town that will require more water to extinguish than the Antique Store or the St. Cloud. Some of these include Taylor Street School, Warren Hills Middle School, Warren Hills Middle School, and the Presbyterian and Methodist Churches.

The fire department is requesting that the Borough of Washington request a meeting with New Jersey American Water officials to determine the status of increasing the water storage capacity of the current water system. The department further requests that this meeting be in the evening hours so that key members of our department may be able to attend.

Mayor Van Deursen stated that Chief Klausfelder's report to Council was excellent and extremely thorough. Councilman Cioni appreciated the fire departments proactive nature.

Councilman Housel made a motion to have an ordinance prepared to eliminate parking in the requested areas of Railroad Ave. Councilman Housel also motioned to have a letter written to New Jersey American Water to move the fire hydrant as requested. Lastly, Councilman Housel motioned for a meeting between New Jersey American Water, the fire department, police department, the emergency management coordinator, and the Borough Manager be arranged to discuss the water issue. Attorney Cushing advised Council to check with the property owner on moving the handicapped parking.

Councilman Higgins seconded the motions made by Councilman Housel.

Ayes: 7

Nays: 0

Motion Carried

Mayor Van Deursen suggested reaching out to our Assembly Representatives to advocate for the Borough. Councilwoman Oakley suggested inviting the Board of Public Utilities to the meeting with NJ American Water.

Councilwoman Woykowski stated she was pleased with the response time of the fire department. Mayor Van Deursen thanked Chief Klausfelder for his report and stated the Borough is lucky to have every one of the members of the fire department.

### **MINUTES:**

Mayor Van Deursen entertained additions or corrections to the minutes of the regular meeting held on November 5, 2007, and the Executive Session minutes from the workshop meeting of November 5, 2007.

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

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

Ayes: 5, Nays: 0

Abstain: 2

Motion Carried.

## **COMMUNICATIONS:**

The following communications were entered into the Record:

1. T&M Associates Re: Pool Improvements Project Status Report (in packets)
2. Kay Stasyshan Re: Bond Anticipation Note Sale (in packets)
3. Jim Sheldon Re: Business Improvement District Annual Report (in packets)

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: 7, Nays: 0.  
Motion carried.

Mayor Van Deursen noted that she continues to be impressed with T&M Associates and their reports.

Jim Sheldon, Director of the Business Improvement District commented on his annual report to the Mayor and Council. He noted that included in his report is the budget that was approved by the board at their last meeting. He reported that the Town Clock will be installed by the holidays and the trees for the downtown were also installed today.

Mr. Sheldon stated that the ribbon cutting ceremony was a fantastic event for the Borough. He thanked the Washington Fire Department for the use of the aerial truck. Mr. Sheldon stated that the BID is working with the Warren County Chamber of Commerce on their business recruitment plan. The Chamber is going to hire a firm to do a marketing survey paid for with a grant received by the Chamber. Councilman Higgins noted that Mr. Sheldon was a featured speaker at the League of Municipalities Convention this year. He represented the Borough of Washington in a professional and informative manner.

## **AUDIENCE:**

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

### **Fran Wheeler 67 North Jackson Ave**

Ms. Wheeler updated Council on her request for the Borough to vacate the grass alley. She informed Council that all residents signed a letter stating they were willing to accept the vacation of the grass alley. She asked if the letter was sufficient to have the Borough begin the

proceedings. Manager Corica indicated yes. Manager Corica explained that the Ordinance would be introduced at the second meeting in January with final adoption at the second meeting in February.

Mr. Wheeler informed Council of his concern of water constantly flowing out of the street at Catelle Court. Manager Corica indicated that the DOT had been contacted as well as the water company. The water company stated that the water is not coming from any of their mains. The Borough is writing a letter to the DOT just to go on the record that this problem exists. Unfortunately the Borough has no jurisdiction given that it is a state highway.

## **ORDINANCES:**

### **Ordinance 13-2007 – An Ordinance to Amend Chapter 85-81 of the Code of the Borough of Washington - On Street Parking for Handicapped Parking. (First Reading)**

Mayor Van Deursen entertained a motion to introduce Ordinance #13-2007.

Ordinance 13-2007 was introduced by Councilman Housel, seconded by Councilman Turner.

It was further moved by Housel, seconded by Turner that the Clerk read Ordinance #13-2007 by title only.

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

Ayes: 7, Nays: 0  
Motion Carried

The Clerk read Ordinance #13-2007 entitled, “An Ordinance to Amend Chapter 85-81 of the Code of the Borough of Washington – On Street Parking for Handicapped Parking.”

Council Discussion: None

Mayor Van Deursen entertained a motion to introduce Ordinance 13-2007 on first reading.

Ordinance 13-2007 was moved by Councilman Turner, seconded by Councilman Cioni to be introduced on first reading.

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

Ayes: 7, Nays: 0  
Motion Carried

It was further moved by Turner, seconded by Cioni that Ordinance #13-2007 be published in the Star Gazette on November 29, 2007 as required by law and that the public hearing be scheduled for December 18, 2007.

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

Ayes: 7, Nays: 0  
Motion Carried

**ORDINANCE # 13 - 2007**

**AN ORDINANCE TO AMEND CHAPTER 85-81 OF THE CODE OF THE BOROUGH OF WASHINGTON, ON STREET PARKING FOR HANDICAPPED PARKING**

**WHEREAS** the handicapped parking designation in front of 9 – 11 School Street is no longer needed for the purpose for which it was installed; and

**WHEREAS** the Mayor and Council deem it to be in the best interest of the Borough to remove the restriction to permit additional parking on the street; and

**WHEREAS** a request has been made by a medical doctor on behalf of his patient to install handicapped designated parking in front of 49 State Street; and

**WHEREAS** the Mayor and Council have determined that there is sufficient justification to designate a handicapped parking space at 49 State Street and that it is in the best interest of the Borough to do so.

**NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY THAT SECTION 85-81 OF THE CODE OF THE BOROUGH OF WASHINGTON BE AMENDED AS FOLLOWS:**

1) The following paragraph is to be deleted in its entirety: “School Street: west side, beginning at a point 125 feet north of the northerly curb line of East Washington Avenue at its intersection with School Street and extending 22 feet northerly there from.”

2) The following paragraph is to be added: “State Street: southern side, beginning at a point 335 feet east of the easterly curb line of Grand Avenue and extending 22 feet easterly there from.

**Ordinance 14-2007 – An Ordinance Amending Section 75-60 of the Code of the Borough of Washington to Prohibit Skateboarding on Taylor Street and at the Taylor Street School. (First Reading)**

Mayor Van Deursen entertained a motion to introduce Ordinance #14-2007.

Ordinance 14-2007 was introduced by Councilman Higgins, seconded by Councilman Housel.

It was further moved by Higgins, seconded by Housel that the Clerk read Ordinance #14-2007 by title only.

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

Ayes: 7, Nays: 0

Motion Carried

The Clerk read Ordinance #14-2007 entitled, "An Ordinance Amending Section 75-60 of the Code of the Borough of Washington to Prohibit Skateboarding on Taylor Street and at the Taylor Street School."

Council Discussion:

Councilman Turner asked where the complaint originated from. Manager Corica stated that the neighbors complained. Councilman Turner stated that there are more kids on bicycles than on skate boards. We continually push them away and never give them a place to do things. Councilman Turner stated he can't back this Ordinance unless we have an alternative solution for them. Manager Corica stated that the initial complaint came from a resident however the school superintendent does have concern over their safety.

Councilwoman Woykowski noted that other municipalities are addressing this need and are providing place for the kids to skate. This topic deserves more thought.

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

Ayes: 5

Nays: 2

Motion Carried

#### **Don Eller - 44 West Church Street**

Mr. Eller voiced his concern with Council over the passing of this ordinance. Council can not regulate everything the children do. Just because one person does not like it doesn't mean you have to change it. The sport is seasonal; most times the kids are out there for an hour and then they move on. He stated that if the kids are a problem let the police take care of it. This topic should have never come up because one person complained about it.

Councilman Housel motioned to have Ordinance 14-2007 reconsidered, seconded by Councilwoman Woykowski.



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

Ayes: 7, Nays: 0  
Motion Carried

Mayor Van Deursen entertained a motion to re-introduce Ordinance 14-2007 and have the clerk read by title only.

Motion made by Oakley, seconded by Higgins to re-introduce Ordinance 14-2007.

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

Motion Failed

**Ordinance 15-2007 - An Ordinance Amending Ordinance 9-2007 An Ordinance Fixing the Salary and Wages of Certain Municipal Officials and Repealing Portions of Prior Inconsistent Salary and Wage Ordinances.**

Mayor Van Deursen entertained a motion to introduce Ordinance #15-2007.

Ordinance 15-2007 was introduced by Councilman Higgins, seconded by Councilman Turner.

It was further moved by Higgins, seconded by Turner that the Clerk read Ordinance #15-2007 by title only.

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

Ayes: 7, Nays: 0  
Motion Carried

The Clerk read Ordinance #15-2007 entitled, “An Ordinance Amending Ordinance 9-2007 An Ordinance Fixing the Salary and Wages of Certain Municipal Officials and Repealing Portions of Prior Inconsistent Salary and Wage Ordinances.”

Council Discussion: None

Mayor Van Deursen entertained a motion to introduce Ordinance 15-2007 on first reading.

Ordinance 15-2007 was moved by Councilman Housel, seconded by Councilman Turner to be introduced on first reading.

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

Ayes: 7, Nays: 0

Motion Carried

It was further moved by Housel, seconded by Higgins that Ordinance #15-2007 be published in the Star Gazette on November 29, 2007 as required by law and that the public hearing be scheduled for December 18, 2007.

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

Ayes: 7, Nays: 0

Motion Carried

**ORDINANCE # 15-2007**

**AN ORDINANCE AMENDING 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 following named municipal officials and employees of the Borough of Washington are amended beginning 1 January 2008 as follows:

**POSITION TITLE**  
**RANGE**

**SALARY OR WAGE**

**SCHEDULE A - FULL-TIME CLASSIFIED**

Assistant Supervisor, Streets	\$39,229 - \$57,620 AN
Clerk	\$12,740 - \$24,491 AN

**SCHEDULE B - PART-TIME CLASSIFIED**

Deputy Registrar of Vital Statistics	\$1,500 AN
Clerk-Typist	\$8.50 - \$14.73 Hr.

**SCHEDULE C - UNCLASSIFIED SERVICE**

Municipal Manager	\$80,000 - \$120,000 AN
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SECTION 2. All other sections of Ordinance 9 – 2007 remain unchanged.

**REPORTS:**

It was moved by Higgins, seconded by Housel that the that the Council acknowledge, receive and file the, Fire Prevention, Municipal Court, Treasurer's, Borough Engineer's, Police Activity, Zoning/Code Enforcement Reports.

Councilman Higgins requested that the Borough Manager speak to the Borough Engineer to follow up on items instead of waiting for people to contact him. Councilman Cioni asked about the funds for the parking lot. Manager Corica stated that the Planning Board will review the Rossi subdivision and the money will be in the capital budget for 2008.

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

Ayes: 7, 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:** Councilwoman Woykowski stated she will have information available at the next meeting.

**Senior Services:** No Report

**Website Committee:** Councilman Cioni informed Council of the new feature of the Borough website. News articles regarding the Borough are automatically pulled off of the *Express Times* and other news organizations and listed on the website.

**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.

Hearing no further comments or questions the vouchers and claims were approved for payment in the amount of \$529,998.69.

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

Ayes: 7, Nays: 0.

Motion carried.

Councilman Housel excused himself from the remainder of the meeting.

### **OLD BUSINESS:**

Manager Corica gave an update to the Mayor and Council on the status of the Pleasant Valley Mill Dam. It appears that the dam has no relation to sewer plant discharge and the use of that property. Manager Corica indicated that he has discussed this issue with the Borough Engineer. Manager Corica recommended to the Council that the Borough explore the option of decertifying the dam with the State of New Jersey. Manager Corica stated a meeting would the DEP would need to take place as well to decertify the dam.

Councilman Higgins motioned for a meeting to be arranged with the DEP in order to being the de-certification process, seconded by Councilman Turner.

Ayes: 6, Nays: 0

Motion Carried

### **NEW BUSINESS**

#### **Good Neighbor Policy**

Councilman Cioni submitted a draft version of a Good Neighbor Policy Ordinance he has prepared. This property maintenance ordinance is less aggressive than the last one presented to Council. Councilman Cioni stated he feels that he has come up with a fair policy and has also included information regarding the Housing Rehabilitation Program through the County.

Mayor Van Deursen asked Councilman Cioni if he is recommending that Council consider this Ordinance next year. Councilman Cioni stated yes, he would like the Council to consider this after the first of the year.

Councilwoman Oakley stated that she does not agree with this type of ordinance. Councilwoman Woykowski noted that there are some language changes that could be made within the ordinance.

Mayor Van Deursen asked Council if it supports the concept of this ordinance.

Councilwoman Woykowski – no

Councilman Cioni – yes

Councilman Higgins – no

Councilman Turner – no  
Councilwoman Oakley – no

Mayor Van Deursen suggested placing this as a topic of discussion on a future workshop meeting.

**Resolution 263-2007 Change in EDU's**

Resolution 263-2007 was moved on a motion made by Higgins, seconded by Turner and adopted.

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

Ayes: 6, Nays: 0  
Motion Carried

**RESOLUTION # 263 -2007**  
**OF THE MAYOR AND COUNCIL OF THE BOROUGH OF**  
**WASHINGTON, WARREN COUNTY, TO CHANGE SEWER EDU**  
**CHARGES**

WHEREAS, 50 Broad Street, shown on the tax maps of the Borough as Block 94, Lot 44, has existed as a 2 family home, and has been charged 2 EDUs; and

WHEREAS, the property owner has filed a zoning permit to convert the building to a one family home; and

WHEREAS, the Zoning and Code Enforcement Officer has inspected the property and has found that it is a one family home;

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 Sewer charge for 50 Broad Street be reduced from 2 EDUs to 1 EDU.

Be it Further Resolved that such change be effective immediately.

Be It Further Resolved that a copy of this resolution be forwarded to the Chief Financial Officer for implementation.

**Resolution 264-2007 Resolution Authorizing an Extraordinary Unspecifiable Service Contract for Gas and Diesel**

Resolution 264-2007 was moved on a motion made by Higgins, seconded by Turner and adopted.

Council Discussion: Manager Corica explained that this Resolution is necessary due to the spending for gasoline exceeding the bid threshold. We are going out to bid now for gasoline however due to the fact that there needs to be 24 hour service available it is unlikely that we will receive any bids.

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

Ayes: 6, Nays: 0  
Motion Carried

**RESOLUTION # 264 - 2007**  
**OF THE MAYOR AND COUNCIL OF THE BOROUGH OF**  
**WASHINGTON, WARREN COUNTY, TO AWARD EMERGENCY**  
**EXTRAORDINARY UNSPECIFIABLE SERVICE CONTRACT TO**  
**PURCHASE GASOLINE AND DIESEL FUEL**

WHEREAS, the Chief of Police and the Assistant Supervisor of Roads have notified the Manager that they need to have access to fuel supply 24 hours a day; and

WHEREAS, the Manager has determined that failure to have such access would adversely affect “the public health, safety [and] welfare” and constitutes an emergency as described in N.J.S.A. 40A:11-6 Emergency Contracts;

WHEREAS, LukOil at the corner of Rt. 57 and Rt. 31 is only gas station within a reasonable distance of Washington Borough that provides service 24 hours a day and would make it impossible to secure competitive bids as prescribed under N.J.S.A. 40A: 11; and

WHEREAS N.J.S.A. 40A:11-6.1(b) provides for the award on an “extraordinary unspecifiable service contract”.

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 an emergent condition exists for fueling public works and emergency vehicles.

Be It Further Resolved that an Extraordinary Unspecifiable Service Contract be awarded to LukOil for the purchase of gasoline and diesel fuel.

**Resolution 265-2007 Resolution Appointing Van Note-Harvey as a Professional Service without Seeking Competitive Bids**

Resolution 265-2007 was moved on a motion made by Higgins, seconded by Turner and adopted.

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

Ayes: 6, Nays: 0  
Motion Carried

**RESOLUTION # 265 - 2007**  
**A RESOLUTION APPOINTING A VAN NOTE-HARVEY AS A**  
**PROFESSIONAL SERVICE WITHOUT SEEKING COMPETITIVE BIDS.**

WHEREAS, there exists a need for professional engineering services to perform a Preliminary Assessment and Memorandum of Agreement application to submit to the NJDEP for the Modern Valet property; 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, Van Note Harvey of Princeton, New Jersey has agreed to perform professional engineering services, as outlined in their proposal dated November 1, 2007 in an amount not to exceed \$4,500 and have also agreed to prepare a Memorandum of Agreement for an amount not to exceed \$1,350; and

WHEREAS, the services to be provided by, Van Note-Harvey 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 Van Note Harvey, 77 Alexander Road, Princeton, NJ 08540 to provide professional engineering services per the proposal submitted on 1 November 2007 and annexed hereto in an amount not to exceed \$4,500, and to additionally prepare a Memorandum of Agreement for submission to the DEP for an amount not to exceed \$1,350.
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 266-2007 Borough Maintains a 457 Deferred Compensation Plan**

Resolution 266-2007 was moved on a motion made by Higgins, seconded by Turner and adopted.

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

Ayes: 6, Nays: 0  
Motion Carried

**RESOLUTION # 266 -2007**  
**OF THE MAYOR AND COUNCIL OF THE BOROUGH OF**  
**WASHINGTON, WARREN COUNTY**

WHEREAS, the Borough maintains a 457 Deferred Compensation Plan (“the Plan”) through the ICMA; and

WHEREAS, the Borough Manager is assigned as the Administrator of the Plan.

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 effective immediately Richard Sheola is deleted as the Plan Administrator and John N. Corica is added as the Plan Administrator.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the ICMA Retirement Corporation.

**Resolution 267-2007 Assigning a Labor Lien on Block 22.04 Lot 8**

Resolution 267-2007 was moved on a motion made by Turner, seconded by Oakley and adopted.

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

Ayes: 5, Nays: 1  
Motion Carried

**RESOLUTION # 267 - 2007**  
**OF THE MAYOR AND COUNCIL OF THE BOROUGH OF**  
**WASHINGTON, WARREN COUNTY, ASSIGNING A**  
**LABOR LIEN ON BLOCK 22.04, LOT 8**

WHEREAS, Section 91-1 of the Code of the Borough Washington (the Code) provides that weeds and vegetable growths in excess of one foot in height are a public nuisance; and

WHEREAS, Section 91-3 that the Borough can cause such nuisance to be abated; and

WHEREAS, Section 91-4 provides that the costs of the abatement done under Section 91-3 be charged to the property owner as a tax lien on the property;



WHEREAS, the Zoning Code Enforcement Officer of the Borough has certified, per the attached, that the owner of the property at 9 Cherry Street, identified on the tax maps of the Borough as Block 22.04, Lot 8 was in violation of Section 91-1 of the Code so that it was necessary for the Borough to take action to cut and bag the grass; and

WHEREAS, the Zoning Code Enforcement Officer has certified that the Borough incurred costs of \$52.35 to correct the violation;

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 under the provisions of Section 75-70 et.seq. the Tax Collector is hereby authorized and directed to place a lien in the amount of \$52.35 on the property at 9 Cherry Street, identified on the tax maps of the Borough as Block 22.04, Lot 8.

**Resolution 268-2007 Adjust Sewer Billings as a Result of Appeals**

Resolution 268-2007 was moved on a motion made by Higgins, seconded by Turner and adopted.

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

Ayes: 5, Nays: 0  
Abstain: 1  
Motion Carried

**RESOLUTION # 268-2007**

**A RESOLUTION TO ADJUST SEWER BILLINGS AS A RESULT OF APPEALS FILED IN ACCORDANCE WITH CHAPTER 70, SECTION 13 OF THE CODE OF THE BOROUGH OF WASHINGTON**

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

WHEREAS, certain residents and property owners have filed requests for appeal of their sewer service charge with documentation to justify modification of their charges which have been reviewed by the Borough Manager; and

WHEREAS, there is a need to provide expeditious review and approval of those appeals, which are determined to be meritorious without the necessity of a formal hearing in front of the governing body; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the following appeals are granted on a preliminary basis, subject to the right of the applicant to a formal hearing before a governing body:

<u>BLOCK/LOT</u>	<u>PROPERTY OWNER/ PROPERTY LOCATION</u>	<u>REASON/ADJUSTMENT EFFECTIVE DATE</u>
94/44	Mattison, Alda M. 50 Broad Street	2 Family converted to Single 2 to 1 E.D.U.      11/06/07

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

**Resolution 269-2007 Authorizing Transfer of Appropriations**

Resolution 269-2007 was moved on a motion made by Higgins, seconded by Turner and adopted.

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

Ayes: 6, Nays: 0

Motion Carried

**RESOLUTION # 269-2007**

**A RESOLUTION AUTHORIZING THE TRANSFER OF APPROPRIATIONS**

**WHEREAS**, N.J.S.A. 40A: 4-58 provides for the transfer of excess appropriations by not less than 2/3 vote of the full membership of the governing body during the last two months of the fiscal year; and

**WHEREAS**, the Borough Manager and the Chief Financial Officer have determined that excess appropriations do exist in some accounts and there is a need for supplemental appropriations in other accounts.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey, that the following appropriation transfers are hereby approved:

<u>Transfer From</u>	<u>Transfer To</u>	<u>Amount</u>
ADMINISTRATIVE & EXECUTIVE	SHADE TREE	\$8,000

Salary and Wages	Other Expenses	
ADMINISTRATIVE & EXECUTIVE Salary and Wages	GENERAL LIABILITY	\$1,000
ADMINISTRATIVE & EXECUTIVE Other Expenses	ELECTRICITY	\$3,000
DOWNTOWN REDEVELOPMENT Other Expenses	ELECTRICITY	\$2,400
CONTINGENCIES	ELECTRICITY	\$2,000
P.E.O.S.H.A. Other Expenses	ELECTRICITY	\$900
EMERGENCY MANAGEMENT	ELECTRICITY	\$2,600
BUILDINGS AND GROUNDS Other Expenses	ELECTRICITY	\$2,100
TOTALS OF ALL TRANSFERS		\$22,000

Be It Further Resolved that a copy of this resolution be forwarded to the Chief Financial Officer for implementation.

**Resolution 270-2007 Resolution to Approve Extending the Sewer Lines for a Single Family Home on Harrison Street**

Resolution 270-2007 was moved on a motion made by Turner, seconded by Cioni and adopted.

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

Ayes: 6, Nays: 0  
Motion Carried

**RESOLUTION # 270 -2007**  
**OF THE MAYOR AND COUNCIL OF THE BOROUGH OF**  
**WASHINGTON, WARREN COUNTY, TO EXTEND THE**  
**APPROVAL OF SEWER LINES FOR A SINGLE FAMILY**  
**HOME ON HARRISON STREET**

WHEREAS, the Mayor and Council approved Resolution # 113 - 2005 on 21 June 2005

to authorize submission of an application to DEP for extending sanitary sewer lines to a single family home on Harrison Street, designated as Block 61, Lot 10 on the tax maps of the Borough of Washington; and

WHEREAS, DEP approval was granted for a period of two years ending 9 November 2007 under NJDEP Treatment Works Approval Number 05-0598; and

WHEREAS, the work has not been completed on this project and the property owner has asked for a one year extension of the previous approval; and

WHEREAS, the DEP allows for extension of the approval for up to five years in one year increments.

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 of Washington approves the one year extension of the Sanitary Sewer Extension NJDEP Treatment Works Approval Number 05-0598 to Harrison Street Block 61, Lot 10 on the Borough Tax Maps.

BE IT FURTHER RESOLVED that the Borough Manager is hereby authorized to sign any and all permit extension applications as required by the NJDEP.

**Resolution 271-2007 Redemption of Tax Sale Certificate**

Resolution 271-2007 was moved on a motion made by Higgins, seconded by Turner and adopted.

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

Ayes: 6, Nays: 0

Motion Carried

**RESOLUTION # 271-2007**  
**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 RDA Trust, in the amount of \$275.85 for taxes or other municipal liens assessed for the year 2006 in the name of Parker, Monica of 81 Flower Avenue Block 066.01 Lot 014, which sale was evidenced by Certificate #434-07; and

**WHEREAS**, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 11-02-07 and before the right to redeem was cut off, as provided by law, Monica Parker, claiming to have an interest in said lands, did redeem said lands claimed by RDA Trust by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$275.85, which is the amount necessary to redeem Tax Sale Certificate #434-07.

**NOW THEREFORE BE IT RESOLVED**, on this 20th day of November 2007 by the Mayor and

Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to RDA Trust PO Box 23222 Trenton NJ 08607 in the amount of \$275.85.

**BE IT FURTHER RESOLVED**, that the Tax Collector is authorized to cancel this lien on Block 066.01 Lot 014 from the tax office records.

## **COUNCIL REMARKS**

### **Mayor Van Deursen**

Mayor Van Deursen stated that the information gathered at the league convention was very valuable and the council members who attended made valuable contacts.

### **Councilman Cioni**

Councilman Cioni noted that the County Planning Board was requesting lists of properties from municipalities to be considered for open space. The Borough should recommend the Baker Tract.

### **Councilwoman Woykowski**

Councilwoman Woykowski requested that a discussion on workshops for the year 2008 be on the next agenda for Council discussion. She also stated she received a call from a resident that leaf pick up ends this week and many leaves have not fallen from the trees. Council discussed extending the leaf pick up by three weeks.

Councilman Turner motioned for Manager Corica to contact Blue Diamond and the Borough DPW Department to inquire about extending the pick up; and authorized the Manager to go with the less costly option. This motion was seconded by Higgins.

Ayes: 6, Nays: 0  
Motion Carried

Councilman Higgins inquired about the sod at Vara Field. The Borough still does not have the sod installed. He stated that he can't emphasize this enough. This has been going on for six years now. He stated that the sod needs to be installed by next Friday November 29<sup>th</sup>.

Councilman Turner echoed Councilman Higgins thoughts on the sod.

## **EXECUTIVE SESSION**

Councilman Higgins motioned to enter executive session; this motion was seconded by Councilman Turner after a five minute recess.

Ayes: 6, Nays: 0  
Motion Carried

Councilman Cioni left the meeting prior to Executive Session

**Resolution 272-2007 Executive Session**

**RESOLUTION 272-2007**

**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 12:00 a.m.

Ayes: 5, Nays: 0.  
Motion carried.

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Mayor Marianne Van Deursen

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Kristine Blanchard, RMC Borough Clerk