

BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – April 3, 2007.

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

Roll Call: Higgins, Turner, Oakley, Cioni, Housel, Woykowski
6 – Present
Van Deursen - Absent

Also Present: John Corica, Interim Borough Manager
Richard P. 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.

COUNCIL APPEARANCE: Joe Groff, Captain – First Aid Squad

Mr. Groff summarized the activities of the Washington First Aid Squad for the year 2006. The squad answered 1,432 calls. The Rescue Squad is now split with paid workers during the day and volunteer in the evening. The squad is also billing for all calls.

Deputy Mayor Turner asked Mr. Groff how the paid workers are doing. Mr. Groff stated that they are doing very well and are answering a lot more calls than originally expected. The increase from 2005 to 2006 is 200 calls.

Councilman Higgins asked if there had been any response from Washington Township in regards to the letter that was sent to them in January of this year. The letter discussed splitting the costs associated with the operation of the first aid squad. Council indicated that there had been no response yet.

Councilwoman Woykowski suggested that Borough Manager, John Corica follow up with Washington Township in regards to the letter.

Deputy Mayor Turner thanked Mr. Groff for his thorough report to Council.

MINUTES:

Regular Meeting – March 6, 2007
Special Meeting – March 7, 2007
Regular Meeting – March 20, 2007

Deputy Mayor Turner entertained additions or corrections to the minutes of the regular meetings held March 6, 2007 and March 20, 2007 and also the Special Meeting held on March 7, 2007.

Councilman Higgins noted a correction on a correction on page 21 which was noted. Councilwoman Oakley noted a correction in regards to the discussion of the traffic machine.

Hearing no further corrections it was moved by Housel, seconded by Oakley that the minutes of the regular meetings held March 6th and 20th 2007 be approved and also the special meeting held March 7, 2007 with the noted corrections.

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

Ayes: 6, Nays: 0.
Motion carried.

COMMUNICATIONS:

The following communications were entered into the Record:

1. NJLM Re: League's Analysis of Valuation Reports
2. NJLM Re: Information from the DLGS
3. NJLMR Re: Sales Tax Exemptions
4. NJLM Re: Safe Kids Week
5. Brown & Brown Re: Presentation (in packets)

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

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

Ayes: 6, Nays: 0.
Motion carried.

Deputy Mayor Turner asked if there had been any indication from Brown and Brown as to who is handling the account. Borough Manager, John Corica will follow up with Brown and Brown.

AUDIENCE:

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

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

Ayes: 6, Nays: 0.
Motion carried.

ORDINANCES:

Ordinance #2-2007 –“ AN ORDINANCE PROVIDING FOR THE IMPROVEMENT OF WASHINGTON AVENUE IN AN AND BY THE BOROUGH OF WASHINGTON IN THE COUNTY OF WARREN, STATE OF NEW JERSEY, AND MAKING A SUPPLEMENTAL APPROPRIATION OF \$498,265 THEREFORE CONSTITUTING PROCEEDS OF A GRANT FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION (Final Reading)

An Ordinance Providing for the Improvement of Washington Avenue was introduced by Councilman Housel.

It was further moved by Housel, seconded by Cioni that the Clerk read Ordinance #2-2007 by title only.

Roll Call: Oakley, Cioni, Turner, Higgins, Housel and
Woykowski.
Ayes: 6, Nays: 0.
Motion carried.

The Clerk read Ordinance #2-2007 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 opened up the public hearing portion of the ordinance to the audience for their questions or comments.

Hearing no comments, it was moved by Higgins, seconded by Oakley that the public hearing portion of the ordinance be closed.

Ayes: 6, Nays: 0.
Motion carried.

Council Discussion:

Councilman Higgins asked if Hawkins is the firm that the Borough has always used for Bond Ordinances. Borough Manager, John Corica indicated that this is the Borough's bond counsel.

It was therefore moved by Housel seconded by Oakley that Ordinance #2-2007 be adopted on final passage and that final publication be made as required by law.

Roll Call: Turner, Cioni, Woykowski, Oakley, Higgins Housel

Ayes: 6, Nays: 0.
Motion carried.

**ORDINANCE PROVIDING FOR IMPROVEMENT
OF WASHINGTON AVENUE IN AND BY THE BOROUGH
OF WASHINGTON, IN THE COUNTY OF WARREN, NEW
JERSEY, AND MAKING A SUPPLEMENTAL
APPROPRIATION OF \$498,265 THEREFOR
CONSTITUTING PROCEEDS OF A GRANT FROM THE
NEW JERSEY DEPARTMENT OF TRANSPORTATION.**

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

The improvement described in Section 2 of this ordinance is hereby authorized as a general improvement to be made or acquired by the Borough of Washington, in the County of Warren, New Jersey, and there is hereby appropriated therefore the sum of \$498,265 constituting moneys received or expected to be received by the Borough from the New Jersey Department of Transportation as a grant-in-aid of financing said improvement (said sum being exclusive of the aggregate sum of \$1,350,000 heretofore appropriated therefore by ordinance number 1-2005 of the Borough).

The improvement heretofore and hereby authorized and purpose for the financing of which the appropriation is made as provided in Section 1 of this ordinance is the improvement of Washington Avenue (State Route 57) in and by the Borough, including the construction of a mid-block pedestrian crossing along Washington Avenue between Belvidere Avenue and School Street, the construction or reconstruction of a parking lot between Washington Avenue and East Church Street, the construction or reconstruction of roadways, curbing, sidewalks and pavers, and the installation of a bus shelter, trees, lamps, benches, trash receptacles, crossing lights and bicycle racks, together with all inlets, drainage improvements, milling, equipment, signage,

lighting, fencing, site work, work and materials necessary therefore or incidental thereto, all as shown on and in accordance with the plans and specifications therefore on file or to be filed in the office of the Borough Clerk and heretofore and hereby approved.

The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

This ordinance shall take effect after publication after final passage as provided by law.

Ordinance #3-2007 – AN ORDINANCE ESTABLISHING A CURFEW AND REPEALING THE LOITERING ORDINANCE (Final Reading)

An Ordinance Establishing a Curfew and Repealing the Loitering Ordinance was introduced by Councilman Housel.

It was further moved by Housel, seconded by Oakley that the Clerk read Ordinance #3-2007 by title only.

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

Ayes: 6, Nays: 0.

Abstain:

Motion carried.

The Clerk read Ordinance #3-2007 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 opened up the public hearing portion of the ordinance to the audience for their questions or comments.

Hearing no comments, it was moved by Higgins, seconded by Oakley that the public hearing portion of the ordinance be closed.

Ayes: 6, Nays: 0.

Motion carried.

Council Discussion:

None

It was therefore moved by Housel seconded by Oakley that Ordinance #3-2007 be adopted on final passage and that final publication be made as required by law.

Roll Call: Turner, Cioni, Woykowski, Oakley, Higgins Housel

Ayes: 6, Nays: 0.
Motion carried.

**AN ORDINANCE ESTABLISHING A CURFEW AND REPEALING
THE LOITERING ORDINANCE**

WHEREAS, the New Jersey Legislature enacted N.J.S. 40:48-2.52, Chapter 132, PL 1992 which authorizes municipalities to adopt Ordinances regulating the presence of minors in public places between the hours of 10:00 p.m. to 6:00 a.m.; and

WHEREAS, the Mayor and the Council of the Borough of Washington concur with the sentiments of the New Jersey Legislature that limiting a juvenile's access to public places during these hours is in the minor's and society's best interests; and

WHEREAS, the Mayor and the Council of the Borough of Washington acknowledge the constitutional rights of juveniles to congregate in public places, but desire to balance that right with the valid concerns of the community in keeping juveniles off the streets and safe from the potential hazards thereon; and

WHEREAS, the Mayor and the Council of the Borough of Washington acknowledge the dangers posed to the community and to juveniles by permitting juveniles unfettered access to public places during evening hours, and wish to afford protection to all its citizens; and

WHEREAS, the Mayor and the Borough of Washington believe that an evening curfew is a proactive and minimally intrusive device for combating violence perpetrated by and against juveniles, and for deterring crime; and

WHEREAS, the Borough wishes to repeal the Loitering Ordinance (Chapter 56 of the Revised Ordinances of the Borough of Washington) at this time;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Washington, Warren County, as follows:

SECTION A. Curfew. A curfew is hereby established in the Borough as follows:

1. Definitions. The following terms shall have the following meanings:

“Emergency” means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

“Extra curricular” means an activity relating to officially or semi officially approved and usually organized student activities (such as school plays, school trips, school club activities, athletics, etc.), connected with school.

“Juvenile” means an individual who is under the age of 18 years.

“Guardian” means a person, other than a parent, to whom legal custody of the juvenile has been given by court order or who is acting in the place of the parent or is responsible for the care and welfare of the juvenile.

“Properly authorized representative” means a parent, guardian or person specifically authorized in writing by a parent or guardian to speak for the juvenile with regard to an alleged violation of this Ordinance. Such person may include, but is not limited to, a doctor, a religious leader, a school administrator or teacher, or the representative of a legitimate organization located within the Borough of Washington.

“Public place” means any place to which the public has access, including but not limited to a public street, road, thoroughfare, sidewalk, bridge, alley, plaza, park, recreation or shopping area, public transportation facility, vehicle used for public transportation, parking lot or any other public building, structure or area.

“Serious Bodily Injury” means any bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

2. **Curfew.** There is hereby imposed a curfew on juveniles in the Borough of Washington as follows:

It is unlawful for juveniles under the age of 18, to be in any public place between the hours of 11:00 p.m. and 5:00 a.m., unless accompanied by a parent or lawful guardian or unless the juvenile is engaged in an activity listed in Section 4.

3. **Parent(s)/Guardian(s) Obligations.** It shall be unlawful for any parent(s), lawful guardian(s) or Properly Authorized Representative(s) to intentionally permit, suffer or allow any juvenile in his or her care to violate this Ordinance.

4. **Exceptions.** Notwithstanding anything to the contrary herein, juveniles who are engaged in the activities listed below shall not be deemed to be in violation of this Ordinance:
 - A. engaged in errands involving emergencies;
 - B. attending extra curricular school activities;

- C. participating in or attending a legitimate evening activity sponsored by the Borough, the Board of Education, or some other legitimate adult supervised organization within the Borough, or other similar entity that takes responsibility for the juvenile, and shall include attendance at church and religious activities and school activities, including classes, dances and sports events, as well as public fireworks displays and other similar events;
- D. present on the sidewalk or curbside immediately adjacent to or across from his/her own residence;
- E. engaged in or traveling to or from a business or occupation which the laws of the State of New Jersey authorize a juvenile to perform;
- F. engaged in lawful, bonafide protests or other constitutionally protected activities; or
- G. in direct transit to or from such activities, without any detour or stop, listed above during curfew hours.

5. Police Responsibility. The Washington Borough Police Department shall have the following responsibilities with respect to the Curfew law:

- A. The police department shall keep a recording (The Log) of any juveniles who have been convicted or pled guilty to a violation of this Ordinance. The Log shall be kept in accordance with the laws pertaining to the confidentiality of information pertaining to juveniles. No less often than every six months the police department shall remove from said Log of persons:
 - I. Those over the age of 18 years;
 - II. If convicted, the juvenile's name will be removed from the Log upon 18th birthday;
 - III. If juvenile's name is in the Log and charges do not result in conviction, his/her name will be removed after six (6) months;
 - IV. If the juvenile's name is on the Log and the juvenile is not charged, his/her name will be removed after six (6) months.
- B. A police officer who stops a juvenile for violation of this Ordinance, whose name does not appear on the Log, shall not arrest or issue a summons to the juvenile provided that the juvenile voluntarily supplies his/her name, address, telephone number and the name, address and telephone number of his/her parent(s) or legal guardian(s). In such cases, the officer shall follow up with the juvenile's parent(s) or legal guardian(s) about the reasons for the alleged violation. If the juvenile and his/her parent(s) or legal guardian(s) agree to meet with the juvenile officer of the department, or other designated member of the department, about the juvenile's alleged violation and the risks and hazards to unattended juveniles during curfew hours, no summons shall be issued to the juvenile or his/her parent(s) or legal guardian(s). However, the juvenile's name shall be recorded in the Log. If the parent(s) or legal guardian(s) refuse to meet with the juvenile officer or a member of the police department, then a summons will be issued to the parent(s)/legal guardian(s) for violation of the Ordinance.
- C. Provided that a juvenile supplies his/her name, address, telephone number and the name, address and telephone number of his/her parent(s) or legal guardian(s), no police officer who stops a juvenile for violation of this Ordinance shall issue a summons or arrest said juvenile if the juvenile presents to the officer a reason(s) authorized by this Ordinance to be in a public area until such time as the officer has had the opportunity to investigate the reasons expressed by the juvenile. Any such summons must be issued within thirty (30) days of the initial stop. No police officer shall arrest any juvenile for curfew ordinance violations unless:

- I. there is an immediate and clear risk to the health of the juvenile or any third party;
or
- II. the juvenile has been convicted on two or more occasions for violation of this Ordinance; or
- III. the juvenile refuses to provide his/her name, address and telephone number and the juvenile's parent(s) or legal guardian(s)' name, address and telephone number or
- IV. if the juvenile is under 13 years of age.

6. Juvenile's Responsibility if Confronted by a Police Officer Regarding Potential Curfew Violations. Any juvenile confronted by a police officer about whether the juvenile is in violation of this Ordinance shall provide the juvenile's name, address and telephone number and the juvenile's parent(s) or legal guardian(s)' name, address and telephone number. An individual over the age of 18 years shall present proof of his/her age.

7. Juveniles in Automobiles. No police officer of the Borough of Washington shall stop any motor vehicle lawfully upon the streets of the Borough of Washington based solely on a suspicion that a juvenile in the vehicle is in violation of this Ordinance. A juvenile who is in a vehicle operated by a properly licensed operator shall not be considered in violation of this Ordinance regardless of time of day.

8. Violations. Any person found guilty of having violated any portion of Section 2, Section 3, Section 4 or Section 5 of this Ordinance shall perform community service not to exceed ninety (90) days and/or be subject to a fine of no more than One Thousand (\$1,000.00) Dollars. If parents or guardians, as well as a juvenile, are found guilty of violating this Ordinance, the parents or guardians shall perform community service together with the juvenile.

SECTION B. Chapter 56 of the Code of the Borough of Washington, Loitering, is repealed in its entirety.

SECTION C. In accordance with Chapter 3, Article II, Section 15, Subsection E of the Code of the Borough of Washington, this Ordinance shall become effective twenty (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.

SECTION D. Severability: If any part(s) of this Ordinance are for any reason held to be invalid by a court of competent jurisdiction, such adjudication shall not affect the validity of the remaining portions of this ordinance.

ORDINANCE #4-2007 – AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT THE CODE OF THE BOROUGH OF WASHINGTON CHAPTER 85 “VEHICLES AND TRAFFIC” (Final Reading)

An Ordinance to Amend, Revise, and Supplement Chapter 85 “Vehicles and Traffic” was introduced by Councilwoman Oakley.

It was further moved by Oakley, seconded by Higgins that the Clerk read Ordinance #4-2007 by title only.

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

Ayes: 6, Nays: 0.
Abstain:
Motion carried.

The Clerk read Ordinance #4-2007 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 opened up the public hearing portion of the ordinance to the audience for their questions or comments.

Candy De Fillippis – 116 Broad Street

Mrs. De Fillippis stated that she feels this ordinance is not a good idea. If Broad street is opened for two way traffic during the summer the Borough is looking for trouble. There is not enough room for two cars going in and out on Broad Street. When there are a lot of activities going on in the park there are a lot of cars there and these cars are parking everywhere. Mrs. De Fillippis is concerned a child is going to be hit due to the fact the drivers cannot see.

Hearing no further comments, it was moved by Housel, seconded by Oakley that the public hearing portion of the ordinance be closed.

Ayes: 6, Nays: 0.
Motion carried.

Council Discussion:

Councilman Higgins asked if the curb was going to be painted yellow. Deputy Mayor Turner stated he believes the curb will be painted yellow along with line striping and signage. Deputy Mayor Turner requested that Borough Manager, John Corica send a memo to the Police Chief and have him indicate what the safe parking should be in the area.

It was therefore moved by Housel seconded by Oakley that Ordinance #4-2007 be adopted on final passage and that final publication be made as required by law.

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

Ayes: 6, Nays: 0.
Motion carried.

ORDINANCE NO. 4-2007

**BOROUGH OF WASHINGTON
COUNTY OF WARREN
STATE OF NEW JERSEY**

**AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT THE CODE
OF THE BOROUGH OF WASHINGTON, CHAPTER 85 "VEHICLES AND TRAFFIC"**

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Washington, Warren County, New Jersey, that Chapter 85 of the Code of the Borough of Washington, Warren County, is hereby amended to read as follows:

- | | | |
|---------------|------------------|--|
| Chapter 85-29 | Park Access Road | One way entrance only from Rt. 31 to a point 385 feet west of Route 31 |
| Chapter 85-30 | Park Access Road | Two-way traffic from Broad Street entrance to a point 418 feet east of Broad Street as marked. |
| Chapter 85-31 | Park Access Road | Stop Sign at westerly exit at Broad Street |

This Ordinance shall take effect upon its adoption and final publication in accordance with law.

REPORTS:

It was moved by Cioni, seconded by Higgins that the Council acknowledge, receive and file the Complaint Tracking, Municipal Court, Zoning/Code Enforcement, Admin and Executive Reports.

Deputy Mayor Turner stated that the Complaint Tracking Report is a bit confusing and should contain more details.

Councilman Housel brought to Council's attention about sixteen mailboxes in the Centex development that are into the right of way past the curb line. It is impossible to plow without almost hitting these mailboxes. Councilman Housel suggested a letter go out to the homeowners to suggest moving these mailboxes behind the curb line. Councilman Cioni stated that this letter should go through Zoning. Deputy Mayor Turner suggested Borough Manager, John Corica discuss this with the Zoning Officer to have him investigate this.

Councilman Higgins inquired about the refund of a mailbox in that area. He asked if there was a process. Borough Manager, John Corica stated that normally the homeowner would need approval to be reimbursed for a mailbox. If every small item came before the governing body for approval it would bog down the process.

Councilman Housel stated that the process in this form of government is that approval for these items must go through the Borough Manager.

Manager, John Corica also stated that in the letter from the Zoning Office it will be stated that if the mailboxes are not moved out of the right of way by a certain time the Borough will not have the liability to replace them if damaged by a snow plow.

Ayes: 6, Nays: 0
Motion Carried

VOUCHERS & CLAIMS:

Deputy Mayor Turner entertained questions or additions to the vouchers and claims for payment.

Councilman Cioni asked about the vehicle maintenance charge for Stew's Auto Body. Manager, John Corica explained that this was an accident that happened between Borough

departments and is being taken care of by the Insurance Company but is subject to a \$1,000.00 deductible.

Councilman Higgins asked about the charge for the study on North Prospect Street. He was under the impression this study was supposed to be stopped. Deputy Mayor Turner agreed that this was to be stopped. Council asked Manager Corica to check on this charge and see when the work was done.

Councilman Higgins also questioned a \$29,000.00 charge for engineering that goes back to January 2006. Manager Corica stated that many of these bills are ones that were held and are still being presented for payment. Councilman Higgins asked if the money to pay for these bills comes out of the 2006 or the 2007 budget. Manager Corica stated that it will come out of the 2006 budget. However the question still remains as to what is still outstanding and whether or not there will be sufficient funds to cover these bills in the 2006 budget. If there is not enough funds to cover them it will have to come out of the 2007 budget.

Deputy Mayor Turner indicated that there are a lot of engineering charges for street opening permits. Currently street opening permits are \$70.00; Council needs to revisit this Ordinance to increase the permit fees to cover the engineering inspections of street openings. Manager Corica will review this item with Borough Engineer, Bob Miller. Mr. Miller will provide the Borough with a general estimate of engineering inspection fees for a period of one year.

Councilman Housel made a motion to pay the vouchers and claims in the amount of 861,862.96, seconded by Councilwoman Oakley.

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

Ayes: 5, Nays: 1.
Motion carried.

OLD BUSINESS:

Washington Ventures Follow Up

Attorney Cushing indicated that he had looked up the law on bussing. The law provides that elementary school students who live more than two miles from the public school need to be bussed; for secondary school students it is two and one half miles. According to the school superintendent mileage is measured by road mileage. He also asked what the consequences are in that regard; Memorial School would be within the two mile radius of there was access through the apartment building. The Taylor Street School would be close if access was through the apartment complex.

The other item in regards to pedestrian access and emergency access was discussed with Carl Hintz and the planner for Washington Ventures.

Councilman Housel indicated that the Ordinance passed included a clause that stated emergency access and pedestrian access was necessary. He stated he does not remember anything about having Carl Hintz do a study or incurring extra expenses.

Attorney Cushing stated he interpreted the discussions as raising questions in this regard that needed to be resolved.

Councilwoman Oakley stated that the agreement was that they had to agree to provide emergency access and pedestrian access; not where are you going to place the access.

Attorney Cushing asked if the language included in the minutes will be acceptable to Council. Council agreed that this language included in the minutes of the March 20, 2007 meeting is acceptable.

Councilman Higgins motioned that he would like to have the Manager get in touch with the County and find out how to apply for open space money. Councilwoman Woykowski seconded the motion.

Ayes: 6, Nays: 0
Motion Carried.

NEW BUSINESS

Acceptance of the Business Improvements District's Suggestions for Downtown Signage and Approval to Send these Suggestions to the Planning Board for Their Consideration

Councilman Higgins explained to Council that the BID formed a committee to discuss what they would like to see downtown in regards to uniformity in signage. The BID is looking for acceptance and permission to pass these suggestions along to the Planning Board.

Councilman Higgins asked if the businesses in town right now will be grand fathered. Business Improvement District Director, Jim Sheldon stated yes; once the business changes hands it will need to come into compliance.

Attorney Cushing explained that one problem the Borough will face is the fact that anyone with an existing sign will be grand fathered. Even if there is a change in ownership it will not terminate the right of that sign owner to be able to maintain the sign.

Councilman Oakley stated that she does not want to take the rights of the individual away.

Roll Call: Woykowski, Housel, Cioni, Turner, and Higgins. - Yes
Oakley - No

Ayes: 5, Nays: 1
Motion Carried

Approval of the New Jersey State Firemen's Association Application of Karl Schupp

This request was moved by Housel, seconded by Oakley and approved.

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

Ayes: 6, Nays: 0
Motion Carried

Borough Code

Councilwoman Woykowski stated she put these items on for Council discussion and the reasons are for Council to have a refresher on the code and to discuss making some amendments and improvements to the code.

Council discussed several of Councilwoman's suggestions in regards to the process of adoption of ordinances and to.

Attorney Cushing advised Council that some of these changes dilutes the power of the Manager. The manager is supposed to help Council think about policies they may want. If you

change that you effectively strip the power of the manager to draft an ordinance. It is the manager's job to take the lead and that is what the manager form of government is all about.

Councilwoman Woykowski stated that no one on Council would have a problem with the manager drafting and giving to Council an Ordinance that is in line with Council's goals. How do we prevent the manager from drafting an Ordinance not in line with Council's goals?

Attorney Cushing asked why you would want that much control over a manager. Manager Corica stated that Council will need to establish a repoir with who ever the new manager is. In this form of government the manager is the Chief Executive Officer of the municipality. In the ideal world under this form of government, the manager and the professional staff are the ones you entrust to implement your policies and run the town on a day to day basis. The governing body can be most effective and efficient as a legislative body not as an administrative body. Council can convey your goals and enable the manager to implement those goals through your professional staff.

Councilwoman Woykowski stated that while she agrees with both comments there have been a lot of items presented to council in the past that have failed.

Attorney Cushing also stated that the statutory requirements set the tone for what Council should be doing. What Council should want is someone to come up with ideas. The real issue is the type of government you have and the leadership qualities that the manager should have. If Council hobbles the manager with restrictions it defeats the form of government.

Councilwoman Woykowski stated she is talking about Ordinances that has already had a lot of work done by professional prior to the Ordinance being presented to Council; that is when unnecessary expenses occurs.

Councilman Higgins stated it should remain the way it is; if it becomes a problem in the future Council can address it at that time.

Councilwoman Woykowski said the main thing is incurring expenses especially when Council is getting an Ordinance for the first reading and second reading and do not receive all of the supporting documentation with the Ordinance. Manager Corica stated that this is not a problem with the manager; it is a problem with the procedures that you are allowing the Governing Body to follow. There should be nothing that stops the manager from presenting an ordinance. The governing body is not forced to act on it when it comes before them.

Councilman Housel clarified that Councilwoman Woykowski is simply stating that Council wants to see all of the information before Council is expected to act on an Ordinance.

Attorney Cushing stated that the other issue is when Council creates requirements in addition to what is statutorily required it could create procedural problems in the future.

After further discussion Council agreed to leave the code as is for now.

Resolution 105-2007 – Resolution Approving the Pleasant Valley Mill Dam Proposal form Hatch Mott MacDonald

This Resolution was moved on a motion by Housel, seconded by Oakley and adopted with changes to the attached agreement.

Councilman Higgins stated that he would like to know when the engineers reach \$5,000.00. The attached contract seems to indicate that it may be possible for the engineers to exceed \$5,000.00. Attorney Cushing recommended that the Borough use an agreement for services that is used by Gebhardt & Kiefer and only contains basic language. Council agreed.

RESOLUTION # 105-2007
A RESOLUTION AUTHORIZING THE MAYOR TO ENTER
INTO A CONTRACT FOR PROFESSIONAL SERVICES
WITHOUT SEEKING COMPETITIVE BIDS

WHEREAS, the New Jersey Department of Environmental Protection requires a regular dam inspection at the Pleasant Valley Mill Dam on Mill Pond Road and;

WHEREAS, funds are available in the Engineering Services/Contractual Services for this purpose; 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 Hatch Mott McDonald, Millburn, NJ has submitted a proposal dated March 9, 2007 to perform a site inspection of the dam in accordance with the NJDEP regulations by a Professional Engineer qualified to perform such dam inspections and;

WHEREAS, the services to be provided by Hatch Mott McDonald, 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. That the Mayor and Council hereby appoint of Hatch Mott McDonald, to provide professional engineering services to the Borough of Washington in matters pertaining to regular dam inspection at the Pleasant Valley Mill Dam on Mill Pond Road as more specifically outlined in their proposed agreement, dated March 9, 2007.
2. The Mayor and Clerk are hereby authorized and directed to enter into an agreement with Hatch Mott McDonald of Millburn , NJ
3. The contract is awarded without competitive bidding as professional services in accordance with N.J.S.A. 40A: 11-5 in the amount not to exceed \$5,000
4. The necessary funds are available in the General Engineering account.
5. Notification of the contract award shall be printed in the Star Gazette.
6. 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.

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

Ayes: 6, Nays: 0
Motion Carried

Resolution 106-2007 Authorizing Agreement between the NJ DOT and the Borough of Washington for the Rt. 57 Culvert

This Resolution has been tabled until further information is received.

Resolution 107-2007 Resolution Approving the Proposal from Hatch Mott MacDonald for Water Meter Pit

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

A RESOLUTION AWARDING THE PROPOSAL FOR THE PURCHASE OF COMPLETE WATER METER PIT FROM PRECAST CONCRETE SALES CO.

WHEREAS, the Borough of Washington requested proposals from qualified vendors and;

WHEREAS, the Borough received two (2) proposals from vendors dated March 27, 2007 ;
and

WHEREAS, the proposals received were as follows

PreCast Concrete Sales Co Valley Cottage NY	\$20,239.00
A.C. Miller Concrete Products Inc Spring City Pa	\$28,005.00

WHEREAS, the certification of available funding is attached and;

WHEREAS, the Mayor and Council of the Borough of Washington wishes to accept the lowest proposal for the water meter pit.

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 award the purchase for the complete water meter pit to PreCast Concrete Sales Co and authorize the Borough Manager to prepare the contract documents as soon as possible and for the Mayor and Borough Clerk and any other municipal official to execute the contracts.

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

Ayes: 6, Nays: 0
Motion Carried

Resolution 108-2007 Approving the Proposal from Hatch Mott MacDonald for the Rental of Crane and Crane Operator

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

A RESOLUTION AWARDING THE PROPOSAL FOR THE RENTAL OF CRANE AND OPERATOR FROM JENSEN &

KOERNER CRANE SERVICE, INC.

WHEREAS, the Borough of Washington requested proposals from qualified vendors and;

WHEREAS, the Borough received three (3) proposals from vendors dated March 27, 2007 ;
and

WHEREAS, the proposals received were as follows

Jensen & Koerner Crane Services, Inc Rockaway NJ	\$1461.30
United Crane Rentals Inc. Kenilworth NJ	\$1663.00
Mackinson Crane Middlesex NJ	\$1850.00

WHEREAS, the certification of available funding is attached and;

WHEREAS, the Mayor and Council of the Borough of Washington wishes to accept the lowest proposal for the rental of crane and operator.

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 award the rental of Crane and Operator from Jensen and Koerner Crane Service, Inc. and authorize the Borough Manager to prepare the contract documents as soon as possible and for the Mayor and Borough Clerk and any other municipal official to execute the contracts.

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

Ayes: 6, Nays: 0
Motion Carried.

Resolution 109-2007 Amend the Temporary Budget

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

**A RESOLUTION PROVIDING FOR AMENDING TEMPORARY
CURRENT FUND APPROPRIATIONS**

WHEREAS, N.J.S.A.40A:4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the 2007 Budget, temporary appropriations should be made for the purpose and amount required in the manner and time therein provided; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey do hereby make the following amendments to the temporary appropriations:

TEMPORARY APPROPRIATIONS – 2007 BUDGET

General Government:

Engineering Services	
Other Expenses	10,000.

Insurance:

Insurances	
Surety Bonds	3,500.
Group Health Insurance	70,000.

Utilities:

Natural Gas	
Other Expenses	9,000.

Statutory Expenditures:

Social Security	15,000.
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TOTAL AMENDMENTS TO APPROPRIATIONS: 107,500.

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

Ayes: 6, Nays: 0
Motion Carried.

Resolution 110-2007 Appointing Lou Starita to the Shade Tree Commission

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

RESOLUTION # 110-2007

**RESOLUTION APPOINTING A MEMBER TO THE
SHADE TREE COMMISSION**

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

WHEREAS, the Borough of Washington, Warren County, New Jersey under this plan is directed and authorized to appoint a **Shade Tree Commission** in accordance with N.J.S.A. 40:64-2 et. seq.

BE IT RESOLVED, that the following named person is hereby appointed by the Mayor to serve as a member of the Shade Tree Commission for a term to expire 1/1/2012.

Lou Starita

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

Ayes: 6, Nays: 0
Motion Carried.

Resolution 111-2007 Appointing Cheryl Turnbull to the Recreation Commission

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

RECREATION COMMISSION

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

WHEREAS, under this plan the Mayor of the Borough is to appoint the members of the Board of Recreation with the consent of the Borough Council; and

WHEREAS, the Mayor has designated the following person her appointee;

WHEREAS, The Council does approve of this appointment.

NOW, THEREFORE, BE IT RESOLVED, that the following named person is appointed to the Recreation Commission for a term ending **1/01/2012**.

Cheryl Turnbull

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

Ayes: 6, Nays: 0

Motion Carried

EXECUTIVE SESSION

RESOLUTION 112 -2007

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

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

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

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

Litigation

Contract Negotiations

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

Ayes: 6, Nays: 0.

Motion Carried.

COUNCIL REMARKS:

None

RECAP

None

Hearing no further business to come before Council, it was moved by Oakley, seconded by Turner that the meeting be adjourned at 11:20 p.m.

Ayes: 6, Nays: 0.
Motion carried.

Andrew Turner, Deputy Mayor

Kristine Blanchard, RMC Borough Clerk