

BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – May 20, 2008

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: Oakley, Van Deursen, Higgins, Woykowski, Turner – Present
Cioni, Housel – 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

Recreation Director – Bob Griffin

Mr. Griffin introduced himself to the Mayor and Council and explained that the Recreation Department has had a busy spring completing the pool project. He is happy to report they are closing in on that goal. The sod at the pool has been put down and the wading pool is complete. The main pool is operational. Mr. Griffin stated that two weeks ago he had given a report as to the status of the parks/pool to the Borough Manager. This report was a statement of fact as to what he found. Mr. Griffin reported the Borough Park has a staff of about fifteen people right now. Mayor Van Deursen asked if the summer staff had been hired. Mr. Griffin stated that they are still in the process of hiring as most past employees are just returning from college.

Councilwoman Woykowski asked for an update on the items reported broken to the Borough Manager. Mr. Griffin stated all of the plumbing issues have been taken care of. The leaking roof in the office is a habitual problem. Councilwoman Woykowski asked if it is in the process of being fixed. Mr. Griffin explained that it is not. This pool project was good for the town; however it did not address the full scope of problems at the pool.

Councilman Higgins asked what problems he anticipated. Mr. Griffin stated the target markers for the swim team will be a problem and the wading pool is still running on an old filter.

Councilman Higgins asked if Mr. Griffin has reviewed the plans or made any recommendations on the Railroad Avenue Park. Mr. Griffin stated he has not had the opportunity yet. Councilman Higgins asked if there is a meeting schedule for the Recreation Department. Mr. Griffin explained that the Recreation Department is meeting once a month.

Councilman Higgins asked for a status on the missing equipment from the park. Mr., Griffin stated that the Recreation Department is slowly purchasing new equipment to replace what is missing or in disrepair.

Councilman Higgins noted that Mr. Griffin also needs to be sure to obtain a copy of all of the lifeguard's certifications. Mr. Griffin stated that the lifeguards are unable to work until a copy of their certification is received.

Councilman Turner asked about interaction with other departments in the Borough. Mr. Griffin commended the Department of Public Works. They have made is job manageable; without their help the pool would not be opening on Memorial Day weekend. Mr. Griffin also thanked Mr. Bescherer and his community service workers for all of the painting they have done. Mr. Turner asked that the hours worked by other departments are quite extensive and should be verified.

Councilwoman Woykowski asked for a list of all programs and number of participants at the end of the season.

MINUTES:

Mayor Van Deursen entertained additions or corrections to the minutes of the Regular Meeting of May 6, 2008 and the Executive Session of May 6, 2008.

Councilwoman Woykowski noted one change on page 4.

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

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

Ayes: 5

Nays: 0

Motion Carried

COMMUNICATIONS:

The following communications were entered into the record:

1. NJ Transit Public Hearing Notice
2. Raritan Valley Rail Coalition

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

Ayes: 5, Nays: 0.
Motion carried.

AUDIENCE:

**Rich Maguire 234 W. Washington Avenue
Washington Celebrates America**

Mr. Maguire stated that members of the Washington Celebrates America committee are in attendance this evening for the approval of the fireworks on June 28, 2008 and to be available to address any questions concerns.

Mayor Van Deursen asked if everything was the same except for the date. Mr. Maguire noted that the Battle of the Bands has been moved behind the old antique center.

Councilman Turner thanked the committee for all of their hard work and suggested that the Council do a Proclamation for Kathy Halpin at the next Council meeting for all of her years of dedicated service to this event.

Councilman Higgins suggested a story in the paper regarding the date change and the reason why.

At this time Mayor Van Deursen entertained a motion to approve Resolution 123-2008.

Resolution 123-2008 was moved by Higgins, seconded by Turner and adopted.

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

Ayes: 5, Nays: 0
Motion Carried

RESOLUTION #123-2008

**RESOLUTION GRANTING PERMISSION FOR A
FIREWORKS DISPLAY IN THE**

BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY.

BE IT RESOLVED, by the Mayor and Common Council of the Borough of Washington, Warren County, New Jersey that permission is hereby granted to Interstate Fireworks, Inc., Rowland, Pa. to have a **Fireworks Display** in the Borough of Washington at 9:00 P.M., **Saturday June 28, 2008** with a **Rain Date of Sunday June 29, 2008**.

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

Candy De Fillipps – 116 Broad Street

Ms. De Fillipps stated her concerns over the new Recreation Department. The Recreation Department is not aware of what their duties are. Mayor Van Deursen reviewed the ordinance adopted by Council with Ms. De Fillipps outlining the duties of the Recreation Department. Mayor Van Deursen explained that there has only been one meeting since the creation of the Recreation Department; it will take some time to become more familiar with the new structure.

Ms. De Fillippis stated that there was a meeting this past weekend that the committee was not involved in. Manager Corica stated that the meeting was for the pool employees and handled by the Recreation Director and Manager. Ms. De Fillippis also asked why the Recreation Secretary is not attending or taking minutes at the meetings. Manager Corica stated that normally with a committee a secretary will be appointed from within the committee members and that person would normally take the minutes. The Recreation Secretary is the secretary to the Recreation Department.

Ms. De Fillipps stated that she will not sit on the Recreation Committee anymore. She is not pleased with the way it has worked out.

George Jacob - 70-72 East Washington Avenue

Mr. Jacob stated that the downtown project from last year is still causing his building problems with water going into the basement. It has been almost a year and nothing has been done. There is now structural damage to the building.

Mayor Van Deursen asked Manager Corica for an update. Mr. Corica explained that he and the engineer reviewed the issues going on at Washington Kid Kare. It has been determined that the apron to the door of the building is sloped towards the door and causing water to enter the basement at Kid Kare. Manger Corica stated that the remediation plan is to have the two contractors come back and fix the area of sidewalk in front of Washington Kid Kare. Mr. Philkill, of Hatch, Mott, MacDonald stated that the sidewalk does not meet engineering specs. Manger Corica indicated that he has instructed Mr. Philkill to move along with the remediation. Councilwoman Woykowski stated that if it did not meet engineering specs the engineer should

not have signed off on the project. There also needs to be a timeline in place for correcting this issue.

Mr. Jacob asked who will pay for damage inside the building. Councilman Higgins requested a structural engineers report be submitted to the Borough.

Councilman Higgins asked Mr. Sheldon if he was still getting water in his basement. Mr. Sheldon indicated that yes he is. Councilman Turner noted that Hatch, Mott should go back and check everything.

Councilman Higgins stated that the project was signed off on. The bigger problem is the oversight on engineering. They were supposed to be overseeing this project. Manager Corica suggested inviting Jim Cohe from Hatch, Mott, MacDonald to discuss these issues. Council agreed to discuss these issues with Mr. Cohe at the June 4, 2008 Council meeting.

Mayor Van Deursen asked if the Borough can request the work be completed within 30 days. Attorney Cushing noted that the language in the contract will need to be checked.

Councilwoman Oakley stated her concern is what if the problems are project wide.

Councilman Higgins stated that a letter needs to go to Hatch, Mott, MacDonald stating that they should not have signed off on this work.

A motion was made by Higgins, seconded by Turner to instruct the Borough Manager to write a letter to Gerry Philkill at Hatch, Mott, MacDonald addressing the Borough's concerns regarding the oversight on the downtown project. The letter should include instructions to have the two contractors meet to resolve the problems. If the Borough is not satisfied, the Borough will reserve the right to remediate the problem at the contractor's or engineer's expense.

Ayes: 5, Nays: 0
Motion Carried

Art Grasso – 3980 Danberry Drive Easton PA

Mr. Grasso explained to the Mayor and Council his idea for a new business venture in the Borough of Washington. It is called a Cyberdome (Console Entertainment Center using Microsoft X Box) and would be the fourth establishment of this type in the world. Mr. Grasso stated that right now he is looking to go into Mr. Van Cleefs building. The business is a membership based business, similar to a club. Mr. Grasso stated that this is not an arcade and is similar to a recreation club.

Attorney Cushing reviewed the Ordinance pertaining to arcades in the Borough. Mr. Sheldon explained that right now, Mr. Grasso will have to apply for a variance to be in the B2 Zone.

Mayor Van Deursen stated that this sounds like a great idea. She asked Council if they would like to amend the Ordinance or allow Mr. Grasso to apply for the variance through the Board of Adjustment.

It was determined to have Manager Corica send a letter to the Board of Adjustment stating that the Governing Body has no objection to this business being in the B2 Zone.

Joe Campo Full Financial Realty

Mr. Campo addressed his concerns on the parking lot properties that Mr. Van Cleef is waiting for the Borough to obtain the title on. He would like to know what the Borough's intentions are regarding these lots as Mr. Van Cleef is unable to receive a C.O. from the DCA because he does not have parking.

Councilman Turner stated that Mr. Van Cleef purchased 96 parking medallions from the Borough which should have fulfilled his obligation for parking. Mr. Van Cleef explained that the DCA stated that they will not give him a C.O. for the building until the parking lot behind his building is fixed. Right now it is deemed a safety hazard. Council concurred that the DCA should be sending the Borough a letter stating their concerns regarding the parking lot.

Mr. Campo inquired about the Khoury property. Does Council intend to proceed with that property as well? Manager Corica stated that right now Council is in the process of deciding how to handle the Khoury property.

ORDINANCES:

Ordinance 4-2008 AN ORDINANCE TO AMEND CHAPTER 85-81 OF THE CODE OF THE BOROUGH OF WASHINGTON, "ON STREET PARKING FOR HANDICAPPED." (Final Reading/Public Hearing)

Ordinance 4-2008 was moved by Councilman Turner, seconded by Councilwoman Oakley.

It was further moved by Tuner, seconded by Oakley that the Clerk read Ordinance #4-2008 by title only.

The Clerk read Ordinance #4-2008 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.

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

Ayes: 5, Nays: 0.
Motion carried.

Public Hearing:

Hearing no comments from the public Councilwoman Oakley motioned to close the public hearing seconded by Councilman Turner.

Ayes: 5, Nays: 0
Motion Carried

Council Discussion: None

Mayor Van Deursen entertained a motion to adopt on final passage.

Motion made by Councilwoman Oakley, seconded by Councilman Turner to adopt Ordinance 4-2008 on final passage.

Roll Call: Woykowski, Turner, Van Deursen, Higgins, Oakley. – Yes

Ayes: 5, Nays: 0
Motion Carried

**ORDINANCE # 4-2008
BOROUGH OF WASHINGTON
WARREN COUNTY, NEW JERSEY**

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

WHEREAS, the handicapped parking designation on the west side of 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, two residents have requested that handicapped parking spaces be designated in front of their residences, one at 40 Carlton Avenue and one at 62 East Church Street, with each request supported by a recommendation from the resident’s medical doctor; and

WHEREAS, the Mayor and Council have determined that there is sufficient justification to designate two additional handicapped parking spaces as requested 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, County of Warren, as follows:

Section 1. Section 85-81 of the Code of the Borough of Washington be and the same is amended as follows:

1. The following paragraph is to be deleted in its entirety: “School Street: west side, beginning at a point 50 feet south of the curb line of East Church Street and extending 22 feet southerly therefrom.”

2. The following paragraphs are to be added:

“Carlton Avenue: north side beginning at a point 97 feet west of the curb line of North Lincoln Avenue and extending 22 feet westerly therefrom.”

“East Church Street: north side beginning at a point 74 feet east of School Street and extending 22 feet easterly therefrom.”

Section 2. This Ordinance shall take effect upon passage in accordance with law.

SEWER CONNECTION FEES PUBLIC HEARING

Mayor Van Deursen opened the Public Hearing on the Sewer Connection Fees.

Hearing no comments from the public, Councilwoman Oakley motioned to close the public hearing, seconded by Councilman Turner.

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

Ayes: 5, Nays: 0

Motion Carried

Manager Corica stated he will have a Resolution ready for the next Council meeting pertaining to the new sewer connection fees.

PRESENTATION BY ANDREW HOLT, SUBURBAN ENGINEERING, DPW GARAGE

Mr. Holt stated that his firm has been preparing for the DPW Garage project. Right now, the contractor is looking to obtain permits in June in order to break ground in July.

Mr. Holt presented a copy of the original design plan. His firm has determined that there is still a need for additional design. Mr. Holt is recommending making additional space for a

dedicated repair shop and tool storage area, improving the size of the shop/equipment area, and an improved configuration of the restrooms.

Mr. Holt also stated that the salt storage shed was also in need of some improvements. Suburban Engineering is recommending changing the structure from a timber braced wall construction to reinforced concrete walls, metal clad exterior wall panels, and metal frame standing seam roof. This will provide for more durability, and improved loading and unloading.

Mr. Hold stated by making the changes to the salt storage shed we will be able to accommodate the extra cost in the DPW garage. The net effect will be a zero dollar change order.

Councilman Higgins inquired about the depth of the floor slab at the garage. Mr. Holt will double check the contract in regards to the depth of the concrete floor.

Mayor Van Deursen entertained a motion to have the change order prepared for the Borough Garage.

Motion made by Oakley, seconded by Turner and approved.

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

Ayes: 5, Nays: 0
Motion Carried

REPORTS:

It was moved by Oakley, seconded by Turner to receive and file the following reports.

Municipal Court Report, Fire Prevention, Police Activity Report, and Treasurer's Report for March, 2008.

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

Ayes: 5, Nays: 0
Motion Carried

Council Discussion:

Councilman Higgins noted that he was disappointed that T & M could not be present this evening. He also stated that he had spoken to the Warren County Health Department regarding the fence around the wading pool. The reason why the original design from Wayne Wade was not submitted was because the new ruling on fencing the wading pool was not in effect yet. When the plans were submitted the second time; the Warren County Health Department received

a letter from the previous Borough Administration stating that they were not going ahead with the project.

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: Report from Manager Corica included in Council packets.

Senior Services: No Report

Website Committee: No Report.

Curfew Committee: No Report

Pedophile Ordinance Committee: No Report

BID: Councilman Higgins reported the parking lot committee had another meeting. Mr. Sheldon presented the revised term sheet regarding the parking lot. The committee spoke with Joe Baumann via conference call regarding some additional items.

Councilman Higgins commented that Mr. Baumann had stated some items in his letter to the BID Attorney that did not relate to the parking lot; specifically item number seven. Councilman Higgins noted the BID and the Governing Body need to work as a partnership. He stated that this letter should have only gone to parking lot committee. The committee's have worked hard on the term sheet and this letter muddied the waters tremendously.

Councilman Turner stated that unfortunately this letter was not conducive to working together. Mayor Van Deursen stated she did say that this letter would cause some concern. Councilwoman Woykowski suggested we ask Mr. Baumann why he combined these two issues into one letter.

Mayor Van Deursen asked about any outstanding issues. She noted that all of the committee members should be meeting together now to finalize the agreement. Councilwoman Woykowski stated it is important to include the attorneys in the meetings, this document needs to be accurate.

Councilman Higgins stated that the BID and the parking lot committee were surprised by the comments in Mr. Bauman's letter. Mayor Van Deursen stated that the letter was not created by the Redevelopment Committee and there should be no inference that it was.

Councilman Higgins stated that the comment regarding the BID not sending reports on time needs to be amended. Manager Corica stated that Mr. Baumann was informed of that and the letter will be amended.

Councilman Higgins informed Council that he met with Congressman Garret regarding the possibility of the Fire Department obtaining grants for the building. Congressman Garrett stated that there are no grants available for “bricks and mortar”; however he will be following the grant application for the ladder truck very closely and will send a letter of support.

- Discussion to determine committee chairs, scopes, and timelines for the various council sub-committees.

Councilwoman Woykowski stated that Council has a copy of the worksheets she had prepared. The BID committee does need to be added to the worksheet. Each committee needs to appoint a chair and determine timelines and scopes. Manager Corica stated that this would be a good topic for the workshop meeting scheduled for July. This will allow the committees to meet prior to the workshop meeting. Council agreed.

Councilwoman Woykowski also asked about the status of the Office of Emergency Management Committee. Manager Corica stated that the committee exists however the last meeting was when Cef Garcia was in the acting role of Emergency Management Coordinator. Councilwoman Woykowski stated that she has received inquiries from the public regarding what they should be doing in the event of an emergency. Councilman Higgins stated that there is an emergency operation plan. The OEM office compiles the plan with the police, fire department, and rescue squad. Mayor Van Deursen suggested that the public call the OEM office with any questions.

At this time Councilwoman Woykowski motioned for a five minute recess, seconded by Councilwoman Oakley.

Ayes: 5, Nays: 0
Motion Carried

Council reconvened with everyone present.

VOUCHERS AND CLAIMS

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

Council agreed to use the more in depth version of the two new voucher reports. Manager Corica also noted that the report is structured so that it is reported by vendor. Councilwoman Woykowski asked if the fuel bills could be broken down by department. Councilman Turner suggested the vehicle number be used on the reports when reporting vehicle maintenance.

Councilwoman Woykowski asked if Council could have a clean copy of the budget workbook.

Councilman Turner commended Manager Corica for a great job reducing the number of questions regarding the bill list.

Hearing no further comments or questions the vouchers and claims were approved for payment in the amount of \$ 554,549.48.

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

Ayes: 5, Nays: 0
Motion carried.

OLD BUSINESS:

Email Hosting Proposal

This topic was tabled until the June 4, 2008 meeting.

Councilman Higgins asked Attorney Cushing if Council is using email in an appropriate way. Attorney Cushing explained that it is acceptable to communicate information via email; however you can not hold a meeting using email or make any decisions. The Borough Clerk should be copied on all emails of the Council. The emails can not go beyond factual information.

Permitted Businesses Downtown

Manager Corica stated the proposed Ordinance done by the Planning Board is complete and in front of Council. This Ordinance will be scheduled for introduction at the next Council meeting.

Mayor Van Deursen suggested adding language pertaining to the Cyderdome. Attorney Cushing advised getting some information from the Borough Planner. Council concurred.

NEW BUSINESS

Resolution 119-2008 Void Check

Resolution 119-2008 was moved on a motion made by Oakley, seconded by Higgins and adopted.

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

Ayes: 5, Nays: 0
Motion Carried

RESOLUTION # 119-2008

A RESOLUTION TO VOID A STALE DATED CHECK

WHEREAS, check #1302 was written 1/17/06 on the Washington Borough Developer's Escrow Account # 7200020877 in the amount of \$12.51 and made payable to Zbigniew Rosiak, 147 Sunrise Terrace, Washington, NJ 07882; and

WHEREAS, the Treasurer's office was made aware that this check has been judged to be stale-dated; and

WHEREAS, the Treasurer's office has received instruction from the Washington Borough auditors to cancel this check due to the expired time period; and

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 check #1302.

Resolution 120-2008 Void Check

Resolution 120-2008 was moved by Oakley, seconded by Higgins and adopted.

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

Ayes: 5, Nays: 0
Motion Carried

RESOLUTION #120-2008

A RESOLUTION TO VOID A STALE DATED CHECK

WHEREAS, check #1304 was written 1/17/06 on the Washington Borough Developer's Escrow Account # 7200020874 in the amount of \$101.57 and made payable to Daniel Wirasnik, 263 Rocky Run Road, Glen Gardner, NJ 08826; and

WHEREAS, the Treasurer's office was made aware that this check has been judged to be stale-dated; and

WHEREAS, the Treasurer's office has received instruction from the Washington Borough auditors to cancel this check due to the expired time period; and

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 check #1304.

Resolution 121-2008 Void and Replace Check

Resolution 121-2008 was moved on a motion made by Oakley, seconded by Higgins and adopted.

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

Ayes: 5, Nays: 0
Motion Carried

RESOLUTION #121-2008

A RESOLUTION TO VOID AND REPLACE A CHECK

WHEREAS, check #052728 was written 5/07/08 on Washington Borough's Operating Fund # 8102360230 in the amount of \$45.00 and made payable to Michael Freund, 305 Mt. Bethel Rd., Port Murray, NJ 07865; and

WHEREAS, the Treasurer's office was made aware that the check was made payable to the wrong vendor.

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 #052728. A replacement check in the amount of \$45.00 should be made payable to Kem Freund at 28 Pritchard Way, Belvidere, NJ 07823.

Resolution 122-2008 Introducing the Budget of the Business Improvement District

Resolution 122-2008 was moved on a motion made by Turner, seconded by Higgins and adopted.

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

Ayes: 5, Nays: 0
Motion Carried

The Clerk stated that publication of the Business Improvement District budget will be in

the Star Gazette on May 29, 2008, and the public hearing on the Business Improvement District budget will be on June 17, 2008.

RESOLUTION # 122-2008

**INTRODUCING AND APPROVING THE BUDGET OF
THE WASHINGTON BOROUGH BUSINESS IMPROVEMENT DISTRICT**

WHEREAS, the governing body of the Borough of Washington on June 4, 2003 adopted Ordinance 7-2003 creating the Washington Borough Special Improvement District; and

WHEREAS, the governing body of Borough of Washington designated the Washington Borough Business Improvement District Management Corporation as the District Management Corporation for the Special Improvement District; and

WHEREAS, the Washington Borough Business Improvement District Management Corporation Board of Directors have approved a 2008 Business Improvement District Budget for submittal to Borough Manager for submission to the Mayor and Council of the Borough of Washington for their consideration; and

WHEREAS, pursuant to N.J.S.A. 40:56-80 and N.J.S.A. 40:56-84, the governing body of Borough of Washington is required to approve the budget and fix the time and place for the holding of a public hearing upon the budget;

WHEREAS, the governing body of Washington Borough has determined that at least ten days prior to the hearing a complete copy of the proposed budgets shall be: (a) posted on the bulletin board in the Borough Municipal Building; (b) made available to each person requesting the same before and during the public hearing; (c) a copy of the budget shall be advertised along with the date, time and place of the hearing in a newspaper published in the county and circulating in the municipality at least 10 days prior to the hearing; and (d) the hearing shall be held not less than 28 days after the approval of the budget.

NOW, THEREFORE, BE IT RESOLVED the governing body of the Borough of Washington that:

- (1) The Washington Borough Business Improvement District budget is hereby introduced and approved by the governing body of the Borough of Washington for the period of January 1, 2008 – December 31, 2008 in the amount of \$236,175.
- (2) The hearing on the Washington Borough Business Improvement District Budget shall be Tuesday, June 17, 2008;
- (3) A special assessment in the amount of \$165,000 will be imposed and will be collected with either the regular tax payment (or payment in lieu of taxes), or otherwise, on properties located within the Borough of Washington as set forth within Ordinance 7-2003 as amended from time to time and the assessment proposed will be determined by the Borough Assessor;
- (4) Payments received by the Borough of Washington for the District will be transferred to the Washington Borough Business Improvement District Management Corporation to be expended in accordance with the approved budget;

- (5) The Borough Clerk will be authorized to forward a certified copy of the adopting resolution to Washington Borough Business Improvement District Management Corporation, the Warren County Board of Taxation, and the Director of the Division of Local Government Services in the State of New Jersey Department of Community Affairs after the public hearing and adoption by a majority vote of the full membership of the governing body.
- (5) The proposed Budget is attached and made part of this Resolution.

| Washington Borough Business Improvement District Management Corporation | | |
|---|---|-------------------|
| 2008 Budget Proposal | | |
| Income | | |
| | Income from Surplus | \$ 35,000 |
| | Income from Events | \$ 31,175 |
| | BID Assessment | \$ 165,000 |
| | Interest income | \$ 5,000 |
| | Total Income | \$ 236,175 |
| | Expense | |
| Administration & Operation | | |
| | Salaries | \$ 91,300 |
| | Sub-Contract Personel (Consultants) | \$ 25,800 |
| | Administration & Operation | \$ 45,185 |
| | Administration & Operation Sub-Total | \$ 162,285 |
| Public Relations & Events | | |
| | Advertising | \$ 12,000 |
| | Newsletters | \$ 2,000 |
| | Website Maintenance | \$ 2,000 |
| | Business Recruitment | \$ 1,500 |
| | Car Show | \$ 3,000 |
| | Festival in the Borough | \$ 26,000 |
| | Various Events & Promotions | \$ 4,859 |
| | Special Events Sub-Total | \$ 51,359 |
| Physical Improvements | | |

| | | |
|----------------------------------|--|-----------------------|
| | Facade Improvement | \$ 5,231 |
| | Banners | \$ 2,000 |
| | Streetscape | \$ 6,000 |
| | Signage | \$ 400 |
| | Landscaping | \$ 5,200 |
| | Physical Improvements Sub-Total | \$ 18,831 |
| Insurance & Elections | | \$ 3,700 |
| Total Operating Budget | | \$ 236,175 |

Resolution 124-2008 Maintenance Easement Rossi Sub Division

Resolution 124-2008 was moved on a motion made by Higgins, seconded by Oakley and adopted.

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

Ayes: 5, Nays: 0

Motion Carried

RESOLUTION # 124 -2008
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
WASHINGTON, WARREN COUNTY,

WHEREAS, the Mayor and Council have determined that it is in the best interest of the Borough to acquire a portion of a parcel of land owned by Edmark Washington Center, LLC a limited liability company in the Sate of New Jersey whose address is 20 Red Jacket Road, Pittstown, NJ 08867, (the Seller) shown on the tax maps of the Borough as Block 24, Lot 30.01; and

WHEREAS, a subdivision of the property has been approved by the Planning Board; and

WHEREAS, the subdivided portion of Block 24, Lot 30.01 is to be merged with Block 24, Lot 36, and;

WHEREAS, whereas sub-division deeds have been executed by the Chairman and Secretary of the Planning Board, and;

WHEREAS, it has been determined that it is in the best interest of the Borough and Seller

to grant an easement for the Seller to have access to a building located on the Seller's property, Said easement is shown on the Minor Subdivision map dated 26 November 2007 prepared by Hatch Mott MacDonald and approved by the Planning Board, and;

WHEREAS, a Maintenance Easement Grant has been executed by the Chairman and Secretary of the Planning Board.

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 Mayor and the Borough Clerk are hereby authorized and directed to execute the Maintenance Easement Grant on behalf of the Borough of Washington.

Resolution 126-2008 Professional Service Agreement – Engineer Parking Lot Design

Resolution 126-2008 was moved on a motion made by Oakley, seconded by Turner and adopted.

Councilman Higgins asked Manager Corica if the money for this is in the budget. Manager Corica indicated that yes it is.

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

Ayes: 5, Nays: 0
Motion Carried

RESOLUTION # 126-2008

A RESOLUTION APPOINTING AN ENGINEER AS A PROFESSIONAL SERVICE WITHOUT SEEKING COMPETITIVE BIDS.

WHEREAS, there exists a need for professional engineering services to complete the designs, and provide construction oversight for a municipal parking lot in conjunction with the Washington Business Improvement District; 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, Suburban Consulting Engineers of Mount Arlington, New Jersey serves as the Borough Engineer and has agreed to perform professional engineering services, as outlined in their proposal for the Borough Municipal Parking Lot dated 15 May 2008 in an amount not to exceed \$120,750, and;

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

WHEREAS, the Chief Financial Officer has certified that funds are available for the purpose, per the attached.

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 Suburban Consulting Engineers to provide engineering services per the proposal submitted on 25 January 2008 and annexed hereto in an amount not to exceed \$150,125;
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.

RECAP

COUNCIL REMARKS

Councilwoman Oakley – No Comments

Councilman Turner – No Comments

Councilwoman Woykowski – No Comments

Mayor Van Deursen – No Comments

Councilman Higgins wished everyone luck at the June Primary.

Manager Corica stated that he had given Council a copy of the letter regarding garage sale signs. Would Council like to consider amending the ordinance to allow for people to put up signs and be taken down immediately after the garage sale. Councilwoman Woykowski noted that it should be mandatory to put your address on the sign.

Manager Corica stated Mr. Holt had reviewed the basketball courts at the park. There is only minor cracking on the basketball courts and it poses no safety threat. This can be put off for a few years if Council desires.

A motion to amend Capital Ordinance 5-2008 as introduced to remove the basketball court repair was made by Councilman Turner, seconded by Councilwoman Oakley.

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

Ayes: 5, Nays: 0
Motion Carried

Manager Corica also informed Council that the proposed changes to the BID Ordinance were given to Council as recommended by Joe Baumann. This will eliminate the clause stating the BID is prohibited from borrowing money for more than 180 days.

Councilman Higgins suggested having the Ordinance ready for introduction at the next Council meeting, a copy should be sent to the BID for comments from their attorney.

Motion made by Turner, seconded by Woykowski to prepare the Ordinance for introduction at the next Council meeting.

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

Ayes: 5, Nays: 0
Motion Carried

EXECUTIVE SESSION

Mayor Van Deursen entertained a motion to enter executive session. Motion was made by Oakley, seconded by Turner and adopted.

Ayes: 5, Nays: 0
Motion Carried

RESOLUTION 125-2008

RESOLUTION AUTHORIZING EXECUTIVE SESSION

WHEREAS, the Open Public Meetings Act; *N.J.S.A. 10:4-6 et seq.*, declares it to be the public policy of the State to insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

WHEREAS, the Open Public Meetings Act also recognizes exceptions to the right of the public to attend portions of such meetings; and

WHEREAS, the Mayor and Council find it necessary to conduct an executive session

closed to the public as permitted by the *N.J.S.A. 40:4-12*; and

WHEREAS, the Mayor and Council will reconvene in public session at the conclusion of the executive session;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey that they will conduct an executive session to discuss the following topic(s) as permitted by *N.J.S.A. 40:4-12*:

_____ A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public (Provision relied upon: _____);

_____ A matter where the release of information would impair a right to receive funds from the federal government;

_____ A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

 X A collective bargaining agreement, or the terms and conditions thereof (Specify contract: CWA Contract _____);

 X A matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed;

_____ Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

_____ Investigations of violations or possible violations of the law;

_____ Pending or anticipated litigation or contract negotiation in which the public body is or may become a party; (The general nature of the litigation or contract negotiations is: _____ OR _____ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position in the litigation or negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

_____ Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: _____ OR _____ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.);

 X Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all

individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is

POLICE

OR _____ the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

_____ Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit;

BE IT FURTHER RESOLVED that the Mayor and Council hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Borough Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Borough or any other entity with respect to said discussion. That time is currently estimated to be: ___**SIX MONTHS** estimated length of time) OR upon the occurrence of _____;

BE IT FURTHER RESOLVED that the Mayor and Council, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

Council adjourned from Executive Session at 12:00 a.m.

Mayor Van Deursen entertained a motion to purchase the Khoury property and have the Borough do the demolition of buildings.

Motion made by Councilman Higgins, seconded by Turner and adopted.

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

Ayes: 5, Nays: 0

Motion Carried

Mayor Van Deursen entertained a motion to prepare a Resolution for the June 4, 2008 Council meeting to enter into an agreement to explore shared police services with Washington Township. A meeting will be held on June 19, 2008 with Washington Township.

Motion made by Oakley, seconded by Turner and adopted.

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

Higgins – No

Ayes: 4, Nays: 1

Motion Carried

Hearing no further business to come before Council, it was moved by Turner, seconded by Oakley that the meeting be adjourned at 12:05 a.m.

Ayes: 5, Nays: 0.
Motion carried.

Mayor Marianne Van Deursen

Kristine Blanchard, RMC Borough Clerk