

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – March 18, 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: Housel, Higgins, Woykowski, Cioni, Oakley, Van Deursen, Turner – Present

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.

PRESENTATION OF AWARDS

Officer Christopher Jones
Officer Walter Koch
Charles Van Deursen
Robert Mason
Joe Fox Jr.
Darryl Higgins
Kurt Merrill
Mitchell Tobin
Jim Vinson

Mayor Van Deursen presented the above with resolutions and plaques for their heroic efforts during the fire at the St. Cloud Hotel on September 27, 2007.

Walter Koch

**RESOLUTION OF THE GOVERNING BODY, OF THE BOROUGH
OF WASHINGTON, HONORING OFFICER
WALTER KOCH**

WHEREAS, the citizens and the Governing Body of the Borough of Washington would like to recognize Walter Koch for his contribution during a life threatening fire in the Borough of Washington.

WHEREAS, our community is fortunate to have an individual like Officer Koch, who on September 27, 2007 assisted in saving the lives of others who were trapped in a fire at the St. Cloud Hotel.

WHEREAS, sometimes the health and safety of our communities depend on special people like Officer Koch.

WHEREAS, Officer Koch has set an example through his willingness to do what was needed, act on those needs, and by doing so helped save lives.

NOW, THEREFORE, BE IT RESOLVED, that the Council of Washington Borough would like to commend Officer Koch on his heroic act and are proud to have him as a Washington Borough Police Officer.

BE IT FURTHER RESOLVED that this resolution shall be reflected in the minutes as history of this heroic action in the Borough of Washington.

Christopher Jones

**RESOLUTION OF THE GOVERNING BODY, OF THE BOROUGH
OF WASHINGTON, HONORING OFFICER
CHRISTOPHER JONES**

WHEREAS, the citizens and the Governing Body of the Borough of Washington would like to recognize Christopher Jones for his contribution during a life threatening fire in the Borough of Washington.

WHEREAS, our community is fortunate to have an individual like Officer Jones, who on September 27, 2007 assisted in saving the lives of others who were trapped in a fire at the St. Cloud Hotel.

WHEREAS, sometimes the health and safety of our communities depend on special people like Officer Jones.

WHEREAS, Officer Jones has set an example through his willingness to do what was needed, act on those needs, and by doing so helped save lives.

NOW, THEREFORE, BE IT RESOLVED, that the Council of Washington Borough would like to commend Officer Jones on his heroic act and are proud to have him as a Washington Borough Police Officer.

BE IT FURTHER RESOLVED that this resolution shall be reflected in the minutes as history of this heroic action in the Borough of Washington.

Charles Van Deursen

**RESOLUTION OF THE GOVERNING BODY, OF THE BOROUGH
OF WASHINGTON, HONORING
CHARLES VAN DEURSEN**

WHEREAS, the citizens and the Governing Body of the Borough of Washington would like to recognize Charles Van Deursen for his contribution during a life threatening fire in the Borough of Washington.

WHEREAS, our community is fortunate to have an individual like Charles Van Deursen, who on September 27, 2007 assisted in saving the lives of others who were trapped in a fire at the St. Cloud Hotel.

WHEREAS, sometimes the health and safety of our communities depend on special people like Charles Van Deursen.

WHEREAS, Charles Van Deursen has set an example through his willingness to do what was needed, act on those needs, and by doing so helped save lives.

NOW, THEREFORE, BE IT RESOLVED, that the Council of Washington Borough would like to commend Charles Van Deursen on his heroic act and are proud to have him as a Washington Borough Volunteer Emergency Squad Member.

BE IT FURTHER RESOLVED that this resolution shall be reflected in the minutes as history of this heroic action in the Borough of Washington.

Robert Mason

**RESOLUTION OF THE GOVERNING BODY, OF THE BOROUGH
OF WASHINGTON, HONORING
DARRYL HIGGINS**

WHEREAS, the citizens and the Governing Body of the Borough of Washington would like to recognize Darryl Higgins for his contribution during a life threatening fire in the Borough of Washington.

WHEREAS, our community is fortunate to have an individual like Darryl Higgins, who on September 27, 2007 assisted in saving the lives of others who were trapped in a fire at the St. Cloud Hotel.

WHEREAS, sometimes the health and safety of our communities depend on special people like Darryl Higgins.

WHEREAS, Darryl Higgins has set an example through his willingness to do what was needed, act on those needs, and by doing so helped save lives.

NOW, THEREFORE, BE IT RESOLVED, that the Council of Washington Borough would like to commend Darryl Higgins on his heroic act and are proud to have him as a Washington Borough Volunteer Fire Department Member.

BE IT FURTHER RESOLVED that this resolution shall be reflected in the minutes as history of this heroic action in the Borough of Washington.

Joe Fox Jr.

**RESOLUTION OF THE GOVERNING BODY, OF THE BOROUGH
OF WASHINGTON, HONORING
DARRYL HIGGINS**

WHEREAS, the citizens and the Governing Body of the Borough of Washington would like to recognize Darryl Higgins for his contribution during a life threatening fire in the Borough of Washington.

WHEREAS, our community is fortunate to have an individual like Darryl Higgins, who on September 27, 2007 assisted in saving the lives of others who were trapped in a fire at the St. Cloud Hotel.

WHEREAS, sometimes the health and safety of our communities depend on special people like Darryl Higgins.

WHEREAS, Darryl Higgins has set an example through his willingness to do what was needed, act on those needs, and by doing so helped save lives.

NOW, THEREFORE, BE IT RESOLVED, that the Council of Washington Borough would like to commend Darryl Higgins on his heroic act and are proud to have him as a Washington Borough Volunteer Fire Department Member.

BE IT FURTHER RESOLVED that this resolution shall be reflected in the minutes as history of this heroic action in the Borough of Washington.

Darryl Higgins

**RESOLUTION OF THE GOVERNING BODY, OF THE BOROUGH
OF WASHINGTON, HONORING
DARRYL HIGGINS**

WHEREAS, the citizens and the Governing Body of the Borough of Washington would like to recognize Darryl Higgins for his contribution during a life threatening fire in the Borough of Washington.

WHEREAS, our community is fortunate to have an individual like Darryl Higgins, who on September 27, 2007 assisted in saving the lives of others who were trapped in a fire at the St. Cloud Hotel.

WHEREAS, sometimes the health and safety of our communities depend on special people like Darryl Higgins.

WHEREAS, Darryl Higgins has set an example through his willingness to do what was needed, act on those needs, and by doing so helped save lives.

NOW, THEREFORE, BE IT RESOLVED, that the Council of Washington Borough would like to commend Darryl Higgins on his heroic act and are proud to have him as a Washington Borough Volunteer Fire Department Member.

BE IT FURTHER RESOLVED that this resolution shall be reflected in the minutes as history of this heroic action in the Borough of Washington.

Kurt Merrill

**RESOLUTION OF THE GOVERNING BODY, OF THE BOROUGH OF
WASHINGTON, HONORING
KURT MERRILL**

WHEREAS, the citizens and the Governing Body of the Borough of Washington would like to recognize Kurt Merrill for his contribution during a life threatening fire in the Borough of Washington.

WHEREAS, our community is fortunate to have an individual like Kurt Merrill, who on September 27, 2007 assisted in saving the lives of others who were trapped in a fire at the St. Cloud Hotel.

WHEREAS, sometimes the health and safety of our communities depend on special people like Kurt Merrill from the Washington Township Volunteer Fire Department.

WHEREAS, Kurt Merrill has set an example through his willingness to do what was needed, act on those needs, and by doing so helped save lives.

NOW, THEREFORE, BE IT RESOLVED, that the Council of Washington Borough would like to commend Kurt Merrill on his heroic act.

BE IT FURTHER RESOLVED that this resolution shall be reflected in the minutes as history of this heroic action in the Borough of Washington.

Mitchell Tobin

**RESOLUTION OF THE GOVERNING BODY, OF THE BOROUGH
OF WASHINGTON, HONORING
MITCHELL TOBIN**

WHEREAS, the citizens and the Governing Body of the Borough of Washington would like to recognize Mitchell Tobin for his contribution during a life threatening fire in the Borough of Washington.

WHEREAS, our community is fortunate to have an individual like Mitchell Tobin, who on September 27, 2007 assisted in saving the lives of others who were trapped in a fire at the St. Cloud Hotel.

WHEREAS, sometimes the health and safety of our communities depend on special people like Mitchell Tobin from the Washington Township Volunteer Fire Department.

WHEREAS, Mitchell Tobin has set an example through his willingness to do what was needed, act on those needs, and by doing so helped save lives.

NOW, THEREFORE, BE IT RESOLVED, that the Council of Washington Borough would like to commend Mitchell Tobin on his heroic act.

BE IT FURTHER RESOLVED that this resolution shall be reflected in the minutes as history of this heroic action in the Borough of Washington.

Jim Vinson

**RESOLUTION OF THE GOVERNING BODY, OF THE BOROUGH
OF WASHINGTON, HONORING
JIM VINSON**

WHEREAS, the citizens and the Governing Body of the Borough of Washington would like to recognize Jim Vinson for his contribution during a life threatening fire in the Borough of Washington.

WHEREAS, our community is fortunate to have an individual like Jim Vinson, who on September 27, 2007 assisted in saving the lives of others who were trapped in a fire at the St. Cloud Hotel.

WHEREAS, sometimes the health and safety of our communities depend on special people like Jim Vinson from the Washington Township Volunteer Fire Department.

WHEREAS, Jim Vinson has set an example through his willingness to do what was needed, act on those needs, and by doing so helped save lives.

NOW, THEREFORE, BE IT RESOLVED, that the Council of Washington Borough would like to commend Jim Vinson on his heroic act.

BE IT FURTHER RESOLVED that this resolution shall be reflected in the minutes as history of this heroic action in the Borough of Washington.

The owner of the St. Cloud property presented the rescue squad with a donation of \$1,000.00

MINUTES:

Mayor Van Deursen entertained additions or corrections to the minutes of March 4, 2008 and the Executive Session of March 4, 2008.

Councilman Higgins noted one correction.

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

Roll Call: Oakley, Higgins, Turner, Woykowski, Housel, Van Deursen – Yes
Cioni – abstain from the Executive Session

COMMUNICATIONS:

None

AUDIENCE:

David Sisco – 477 Morning Dove Court, Bushkill PA.

Mr. Sisco stated that he is the owner of the tattoo parlor that was the topic of discussion at the last Council Meeting. Mr. Sisco stated that statistics show that tattooing is the sixth fastest growing retail business in the United States with a 2.3 billion generated yearly. The highest growing demographic is middle class suburban women.

Mr. Sisco stated also like to address the stigma associated with tattoo parlors. What he intends to do is generate business in a small rural community and help boost the economy as any other business would. Tattooing is in great demand in this day and age. Mr. Sisco stated he has invested over \$15,000 into the shop and he intends to make it a high end tattoo parlor. He will not allow people to just hand out in his shop; he runs his business extremely professional.

Councilman Cioni stated he is very impressed with the information he provided council.

Councilman Turner asked how they will deal with medical waste. Mr. Sisco explained that it is like any other doctors office. It is picked up by a company and disposed of.

Councilman Higgins asked about the structural stability of the building. Manager Corica stated that the Borough has a letter from the DCA stating that the building needs to be fixed prior to being occupied; currently no CO can be issued because of the structural issues with the building.

Mayor Van Deursen thanked Mr. Sisco for the education on what type of business you will bring to the Borough. She suggested getting in touch with Mr. Sheldon the Business Improvement District Director.

EXECUTIVE SESSION:

Mayor Van Deursen entertained a motion to enter executive session for the purpose of litigation. Motion made by Higgins, seconded by Housel and adopted.

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

Ayes: 7, Nays: 0
Motion Carried

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

Council reconvened at 9:30 p.m.

ORDINANCES:

Ordinance 2-2008 –BOND ORDINANCE PROVIDING FOR EXPENSES RELATED TO CERTAIN REDEVELOPMENT PROJECTS IN AND BY THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY, APPROPRIATING \$100,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$100,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF (First Reading)

Mayor Van Deursen entertained a motion to introduce Ordinance #2-2008.

Ordinance 2-2008 was introduced by Councilwoman Oakley, seconded by Councilman Housel.

It was further moved by Oakley, seconded by Housel that the Clerk read Ordinance #2-2008 by title only.

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

Ayes: 7, Nays: 0

Motion Carried

The Clerk read Ordinance #2-2008 entitled, “Bond Ordinance Providing for Expenses Related to Certain Redevelopment Projects in and by the Borough of Washington, in the County of Warren, New Jersey, Appropriating \$100,000 therefore and Authorizing the Issuance of \$100,000 Bonds or Notes of the Borough to Finance Part of the Cost thereof.”

Council Discussion:

Councilman Turner stated he would like to see more specific information in the Bond Ordinance as it pertains to redevelopment. He is concerned with the amount of money already spend with Clarke, Caton, and Hintz. He does not want to pay for the same information twice. Mayor Van Deursen explained that is not the case. All of the information is being gathered from Mr. Cushing’s office and from Clarke, Caton, and Hintz so that there is no duplication of efforts. Councilman Turner asked if the Borough received a grant to pay form the work done by the planners; if so that should have covered the entire redevelopment. Councilman Turner stated the previous planners did not deliver. Manager Corica indicated that there were other professionals who were paid out of the grant funds as well. Councilman Turner stated he would like to know what Mr. Hintz was paid and how far he fell short of delivering a redevelopment plan.

Councilwoman Woykowski stated she has similar concerns. She would feel more comfortable voting on this after Thursday’s redevelopment meeting.

Manager Corica stated that the amount of the Bond Ordinance came from Mr. Baumann. If Council is going to accept the proposals; we need to have the money in place to do a Professional Services Agreement. Manager Corica suggested introducing the ordinance and addressing concerns prior to adoption.

Councilman Higgins stated that the Ordinance is vague. He asked why Turbine Alloy is included. Mayor Van Deursen stated it is for planning purposes. The DCA will reimburse developers for the remedy of that site.

Councilman Higgins suggested tabling the Ordinance. He indicated he does not understand the urgency. Manager Corica stated that this money is already in the Capital Budget. Councilman Higgins stated he thought this was removed. Manager Corica said the down payment only was removed.

Councilman Housel stated he is concerned that there is no clear plan for the downtown redevelopment project and other properties. Mayor Van Deursen stated this is the first time the Borough has seen this level of professionalism. Councilman Turner noted that he wants to make it clear that he was not satisfied with Clark, Caton, and Hintz.

Mayor Van Deursen entertained a motion to introduce Ordinance 2-2008 on first reading.

Ordinance 2-2008 was moved by Councilman Housel, seconded by Councilman Cioni to be introduced on first reading.

It was also concluded that the Ordinance be introduced on the first reading conditionally; after more information is obtained at the upcoming redevelopment meeting.

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

Ayes: 5, Nays: 2
Motion Carried

It was further moved by Housel, seconded by Oakley that Ordinance #2-2008 be published in the Star Gazette on March 27, 2008 as required by law and that the public hearing be scheduled for April 15, 2008.

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

Ayes: 6, Nays: 1
Motion Carried

**BOND ORDINANCE PROVIDING FOR EXPENSES
RELATED TO CERTAIN REDEVELOPMENT PROJECTS
IN AND BY THE BOROUGH OF WASHINGTON, IN THE
COUNTY OF WARREN, NEW JERSEY, APPROPRIATING
\$100,000 THEREFOR AND AUTHORIZING THE
ISSUANCE OF \$100,000 BONDS OR NOTES OF THE
BOROUGH TO FINANCE PART OF THE COST
THEREOF.**

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Borough of Washington, New Jersey (the “Borough”) as a general improvement pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the “Local

Bond Law”) and the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Law”). For the improvement or purpose described in Section 3, there is hereby appropriated the sum of \$100,000. No down payment is required pursuant to N.J.S.A. 40A:12A-37(c) as this bond ordinance authorizes obligations for the purpose of aiding a redevelopment entity with respect to a redevelopment project within the Borough.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$100,000 pursuant to the Local Bond Law and the Redevelopment Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for which the bonds are to be issued is for expenses related to proposed and ongoing redevelopment projects throughout the Borough located within the downtown redevelopment area and the proposed Turbine Alloy/Icon Title redevelopment area, including all work and materials necessary therefore and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefore.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all

matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital 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. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement within the redevelopment area described in the Redevelopment Plan, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) Pursuant to N.J.S.A. 40A:12A-37(c), the obligations authorized herein shall mature in annual installments commencing not more than two and ending not more than forty years from the date of issuance.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$100,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding \$100,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) The obligations of the Borough authorized by this bond ordinance shall bear interest at a maximum rate of not to exceed nine (9.00%) per centum per annum.

Section 7. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 8. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the

appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the “Rule”) for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 9. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

REPORTS:

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

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

Ayes: 7, Nays: 0

Motion Carried

Council discussion:

Councilman Higgins stated that he thought the Governing Body had taken the money out of the budget for the parking lot due to the BID paying for the new parking lot. He stated that the BID has not been informed of this.

Manager Corica stated that those discussions are on going. Several ideas have been discussed with Mr. Rossi and Jim Sheldon. The main reason for not informing the entire BID board is that we wanted to give the board a concrete number to work with.

Manager Corica stated that if the Executive Bid Board wants to discuss the topic with the BID they certainly can; or they can wait until the April meeting when more there will be more information. Councilman Higgins reminded Council that this was discussed in January and the BID is still on aware. He also asked what kind of liability is the Borough responsible for if we do not deliver on the parking lot. That money was received by the state. Manager Corica indicated that the DOT only wants to see a finished project. Councilman Higgins stated that this Governing Body is talking about placing an.11 tax increase on the businesses of this town. That is not a good recruiting tool. He stated that there is no accountability in the Borough.

Mayor Van Deursen stated there was no accountability. We have a new slate of professionals now. Councilman Housel stated that mistakes have been made in the past, the Governing Body needs to move forward.

Manager Corica stated that the Governing Body needs to introduce the Capital Ordinance for the down payment of the parking lot. If the Governing Body wishes to include the engineering fees in the capital portion it will be another 5% of those fees as well.

Councilman Cioni stated that this needs to get started now. He motion for Manager Corica to prepare the Capital Ordinance for introduction, seconded by Housel.

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

Motion Carried

COMMITTEE REPORTS:

Redevelopment Committee:

DPW Garage:

Sewer Committee: Councilman Higgins asked if the residence on Gardner’s Court were notified of the installation of the valve procedures. Manager Corica stated yes, all residence have been notified.

Streets Committee: No Report

Finance Committee: No Report

Shared Services Committee: No Report

Senior Services: No Report

Website Committee: No Report

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 payments that were not previously addressed before the meeting. Council discussed the \$2130.00 escrow payment for Attorney Stuart Ours. Councilman Turner would like to know specifically what the invoice is for. Mayor Van Deursen noted that the Planning Board should get clarification too and should be given monthly reports on expenses.

Councilman Turner noted that the DPW garage is still using a lot of fuel.

Hearing no comments or questions the vouchers and claims were approved for payment in the amount of \$ 333,600.14.

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

Ayes: 7, Nays: 0

Motion carried.

OLD BUSINESS:

Sign Ordinance

Manager Corica stated this was presented to Council in case there was any additional questions on the Ordinance. Councilman Cioni stated that he would like to see added on page two, under the section on decorative flags, a paragraph stating that flags must be double sided and in good condition; not worn or faded. Manager Corica indicated the information will be placed in Ordinance format and presented to Council.

Wedding/Civil Union Fee Ordinance

The Governing Body agreed not to charge a fee for weddings or civil unions.

Dulaine Contracting Discussion

Attorney Cushing indicated that the agreement with Dulaine Contracting was ready for approval. Approval motion by Higgins, seconded by Turner and adopted.

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

Ayes: 7, Nays: 0
Motion Carried

Resolution 81-2007 Approval of Dulaine Agreement

GEBHARDT & KIEFER, P.C.
1318 Route 31, P.O. Box 4001
Clinton, New Jersey 08809
Tel. 908-735-5161
Attorneys for Defendant, Borough of Washington

DULAINÉ CONTRACTING, INC.,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION: SPECIAL CIVIL PART
Plaintiff,	:	SOMERSET COUNTY
v.	:	DOCKET NO.: DC-002109-07
BOROUGH OF WASHINGTON,	:	<i>Civil Action</i>
WARREN COUNTY NEW JERSEY,	:	STIPULATION OF DISMISSAL
Defendant.	:	

WHEREAS, plaintiff initiated this lawsuit to collect payment for Change Order # 24 on a contract between the parties in connection with the project known as Phase II Sanitary Sewer Rehabilitation/Extraneous Water Flow Reduction Project, NJDEP Project Number S340706-05; and

WHEREAS, defendant filed a counterclaim pursuant to the mandatory claims joinder provisions of R. 4:30A; and

WHEREAS, the parties have reached a settlement with respect to the issue of the payment for Change Order # 24; and

WHEREAS, at the present time defendant is not aware of any specific claims it has accrued against plaintiff based on the quality of the work or supervision of work provided by plaintiff in connection with the contract; and

WHEREAS, the passage of time may reveal that such claims exist and defendant wishes to reserve its right to litigate such claims if and when they arise and plaintiff likewise wishes to

preserve any and all defenses to these claims and its rights to pursue actions against third parties that may be responsible for any claims asserted by the defendant or its Engineer.

NOW, THEREFORE, it is stipulated and agreed by the attorneys for the respective parties that the matter is dismissed without prejudice and without costs, but plaintiff agrees to relinquish all claims against the Defendant pursuant to a Release being executed pursuant to a settlement between the parties being agreed to simultaneously herewith.

Dated: _____

Christopher M. Erb, Esq.
Attorney for Plaintiff Dulaine Contracting, Inc.

Dated: _____

Richard P. Cushing, Esq.
Attorney for Defendant Borough of Washington

S:\BOW ads Dulaine Contracting (SCP)\PLD\Stipulation of Dismissal-Final.doc

Permitted Businesses Downtown

Councilman Cioni proposed that this draft Ordinance be sent to Planning Board for their review and comments. Mayor Van Deursen suggested sending the draft Ordinance to Attorney Baumann as well.

Motion made by Cioni, seconded by Turner to send the draft Ordinance to the Planning Board for their next meeting.

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

Ayes: 6, Nays: 1
Motion Carried

NEW BUSINESS

At this time Councilman Housel left the meeting

Resolution 80 2008

Motion was made by Higgins, seconded by Cioni and adopted.

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

Ayes: 6, Nays: 0
Motion Carried

RESOLUTION # 80 - 2008
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
WASHINGTON, WARREN COUNTY TO APPROVE A
CHANGE ORDER FOR S. BROTHERS, INC.

WHEREAS, the Borough of Washington awarded a contract to S. Brother, Inc. to reconstruct portions of Belvidere Avenue in the amount of \$374,736.50; and

WHEREAS, from time to time during the construction process, various field changes and adjustments are necessary; and

WHEREAS, Hatch Mott MacDonald, the Consulting Engineer, has recommended the following Change Order, to close out the project, which is attached hereto in the amount of \$2,711.00, which is less than 20% of the original contract price; and

WHEREAS, the Mayor and Council of the Borough of Washington wishes to accept the change order for this work as it is in the best interest of the Borough of Washington. A Certification of Available Funds is attached and made part of this Resolution.

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 Change Order in the amount of \$2,711.00 is approved and authorize the Borough Manager to execute the change orders on behalf of Washington Borough; and

Resolutions 82-2008 through 84-2008

Resolution 82-2008 through 84-2008 was moved on a motion made by Higgins, seconded by Turner and adopted.

Ayes: 6, Nays: 0
Motion Carried

RESOLUTION # 82 - 2008

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH
OF WASHINGTON APPOINTING A FINANCIAL ANALYST TO THE
SEWER UTILITY AS A PROFESSIONAL SERVICE WITHOUT
SEEKING COMPETITIVE BIDS.**

WHEREAS, there exists a need for a professional financial analyst to calculate sewer user fees and connection fees; 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, Stephanie Lewis of Municipal Capital Management, LLC of Princeton, New Jersey has agreed to perform professional financial analysis services, as outlined in her proposal for Financial Advisory Services dated 27 February in an amount not to exceed \$10,000; and

WHEREAS, the services to be provided by Municipal Capital Management 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 Manager is hereby authorized and directed to enter into a contract with Municipal Capital Management to provide financial analysis for the Sewer Utility per the proposal submitted on 27 February 2008 and annexed hereto in an amount not to exceed \$10,000, subject to available funds in the Sewer Utility operating budget;
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 83-2008

RESOLUTION # 83 - 2008
A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH
OF WASHINGTON REDUCING PERFORMANCE GUARANTEE FOR
TOLL BROTHERS

WHEREAS, Toll Brothers has posted a performance guarantee in the amount of \$3,558,140.40 ;and

WHEREAS, Toll Brothers has completed 43.94% of the work and requests a reduction of \$1,563,606.52; to \$1,994,533.88 and

WHEREAS, Andrew Holt, the Borough Engineer, has reviewed the request and has recommended its approval.

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 performance guarantee for Toll Brothers be reduced to \$1,994,533.88
2. That \$1,795,080.49 be in the form of surety
3. That \$199,453.39 be in cash.

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

Ayes: 6, Nays: 0
Motion Carried

Resolution 84-2008

RESOLUTION # 84-2008
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
WASHINGTON, WARREN COUNTY, TO CANCEL
PERFORMANCE AND ACCEPT MAINTENANCE BOND
FOR S. BROTHERS

WHEREAS, the Mayor and Council awarded a contract to S. Brothers to provide road improvements on Belvidere Avenue in the amount of \$377,447.50; and

WHEREAS, Bob Miller of Hatch Mott MacDonald, the Borough's consulting engineer has certified substantial completion of the improvements by S. Brothers.;

WHEREAS, S. Brothers has provided a Maintenance Bond number 1000757847MB in the amount of \$37,744.75 which is ten percent (10%) of the contract covering a two year period beginning 21 November 2007, and;

WHEREAS, the Borough attorney has reviewed the Maintenance Bond and has found it acceptable.

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 performance bond submitted by S. Brothers is hereby released and the maintenance bond is hereby accepted and is to be filed in the office of the Municipal Clerk.

BE IT FURTHER RESOLVED, that the Manger is hereby authorized to execute the Certificate of Substantial Completion on behalf of the Borough as well as any other documents required.

Resolution 85-2008

Resolution 85-2008 was moved on a motion made by Higgins, seconded by Cioni and adopted.

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

Ayes: 4, Nays: 2
Motion Carried

RESOLUTION # 85-2008

**A RESOLUTION SUPPORTING THE CLICK IT OR TICKET
MOBILIZATION OF MAY 19 – JUNE 1, 2008**

WHEREAS, 716 motor vehicle fatalities in New Jersey in 2007; and

WHEREAS, a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a safety belt; and

WHEREAS, use of a safety belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

WHEREAS, the National Highway Traffic Safety Administration estimates that 135,000 lives were saved by safety belt usage nationally between 1975-2000; and

WHEREAS, the State of New Jersey will participate in the nationwide *Click It or Ticket* safety belt mobilization from May 19- June 1, 2008 in an effort to raise awareness and increase safety belt usage through a combination of enforcement and education; and

WHEREAS, the Division of Highway Traffic Safety has set a goal of increasing the safety belt usage rate in the state from the current level of 91% to 93%; and

WHEREAS, a further increase in safety belt usage in New Jersey will save lives on our roadways;

NOW, THEREFORE, BE IT RESOLVED that Borough of Washington declares it's support for the *Click It or Ticket* safety belt mobilization both locally and nationally from May 19- June 1, 2008 and pledges to increase awareness of the mobilization and the benefits of safety belt use.

Resolution 86-2008

Resolution 86-2008 was moved on a motion made by Turner, seconded by Cioni and adopted.

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

Ayes: 6, Nays: 0
Motion Carried

RESOLUTION # 86-2008

**A RESOLUTION AUTHORIZING THE RELEASE OF FUNDS FROM
SPECIAL POLICE SERVICES ESCROW ACCOUNT HELD IN TRUST BY
THE BOROUGH OF WASHINGTON**

WHEREAS, Intercounty Paving Association, Ltd. has posted fees to cover anticipated costs of special police services with the Borough of Washington

WHEREAS, these funds were posted in the Intercounty Paving Association Ltd. Special Police Escrow Account to cover these anticipated costs; and

WHEREAS, a request has been made for the release of funds remaining in the account, and

WHEREAS, the Borough Treasurer and Police Secretary have determined that all outstanding bills have been paid for special police services,

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey, that the Municipal Treasurer is hereby authorized to issue a check to: Intercounty Paving Association Ltd., 859 Willow Grove Street, Hackettstown, N.J. 07840 for the actual account balance in the Special Police Services Escrow account.

Resolution 87-2008

Resolution 87-2008 was moved on a motion made by Turner, seconded by Cioni and adopted.

Roll Call: Turner, Cioni, Oakley, Higgins, Woykowski, and Van Deursen.
Ayes: 6, Nays: 0
Motion Carried

RESOLUTION # 87-2008
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
WASHINGTON, WARREN COUNTY,

WHEREAS, the Washington Fire Department is celebrating its 125th anniversary this year; and

WHEREAS, the Fire Department and the Borough wish to commemorate this historic occasion with a parade and festivities on 7 June, 2008; and

WHEREAS, part of the parade route is planned to be on portions of Rt. 57 and Rt. 31, both state highways within the Borough; and

WHEREAS, the Fire Department has requested that from 1:00 pm until 4:00 pm Rt. 57 be closed from Brass Castle Road to Rt. 31 and that the curb lane of Rt. 31 south bound be closed from Catell Court to the Washington Borough Park; and

WHEREAS, approval to close portions of Rt. 57 and Rt. 31 requires approval of the New Jersey DOT; and

WHEREAS, the Mayor and Council support the Fire Department's request to close the roadways for the parade.

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 Fire Department is requested to apply to the NJDOT to close Rt. 57 from Brass Castle Road to Rt. 31, and to close the curb lane of Rt. 31 south bound Catell Court to the Washington Borough Park from 1:00 pm to 4:00

pm on 7 June 2008.

Resolution 88-2008

Resolution 88-2008 was moved on a motion made by Higgins, seconded by Cioni and adopted.

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

Ayes: 6, Nays: 0

Motion Carried

RESOLUTION #88 -2008
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
WASHINGTON, WARREN COUNTY, TO APPLY FOR A
2007 RECYCLING TONNAGE GRANT

WHEREAS, the Mandatory Source Separation and Recycling Act, P. L. 1987, C.102, “the Act”, has, established a recycling fund form which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Act; and

WHEREAS, the recycling regulations imposed on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing the municipality to apply for the 2008 Recycling Tonnage Grant will memorialize the commitment of the municipality to recycling and to indicate the assent of the Borough Council to the efforts undertaken by the municipality and the requirements contained in the Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates John N. Corica, Borough Manger, to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED, that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Resolution 89-2008

Resolution 89-2008 was moved on a motion made by Cioni, seconded by Turner and adopted.

Roll Call: Higgins, Cioni, Turner, Oakley, Woykowski, and Van Deursen.
Ayes: 6, Nays: 0
Motion Carried

RESOLUTION # 89-2008
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
WASHINGTON, WARREN COUNTY, TO AMEND THE
2008 TEMPORARY BUDGET

WHEREAS, a temporary budget was approved by Resolution 1-2008; and

WHEREAS, N.J.S.A. 40A: 4-20 provides that emergency temporary appropriations may be made “for the period between the beginning of the current fiscal year and the date of the adoption of the budget for said year,” by a 2/3 vote of the full membership of the governing body; and

WHEREAS, it has been determined that there is a need for additional appropriations not included in the temporary budget.

NOW, THEREFORE, BE IT RESOLVED, by the a 2/3 vote of the full membership of the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the temporary budget for the year 2008 is hereby amended to add the follow amounts:

Road Department Other Expenses	\$20,000.00
Municipal Court Other Expenses	\$2,000.00
Group Medical Insurance	\$72,000.00
Board of Adjustment Other Expenses	\$1,500.00
Public Defender Other Expenses	\$300.00
Planning Board, Other Expenses	\$1,500.00
P.E.O.S.H.A, Other Expenses	\$500.00
Heating Oil, Other Expenses	\$1,000.00
Consolidated Police and Firemen’s Pension Fund	\$42.60
PFRS	\$212,776.00

PERS	\$99,053.60
Aid to First Aid Organization	\$5,000.00

Resolution 90-2008

Resolution 90-2008 was moved on a motion made by Oakley, seconded by Turner and adopted.

Roll Call: Higgins, Cioni, Turner, Oakley, Woykowski, and Van Deursen.
 Ayes: 6, Nays: 0
 Motion Carried

RESOLUTION # 90 – 2008

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF WASHINGTON
 AUTHORIZING THE TRANSFER OF APPROPRIATIONS**

WHEREAS, N.J.S.A. 40A: 4-59 provides for the transfer of excess appropriations by not less than 2/3 vote of the full membership of the governing body during the first three 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>
Police Salary and Wages	Redevelopment Other Expenses	\$988.89
Police Salary and Wages	Legal Other Expenses	\$1,614.10
TOTALS OF ALL TRANSFERS		\$2,602.99

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

Resolution 91-2008

Resolution 91-2008 was moved on a motion made by Cioni, seconded by Oakley and adopted.

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

Ayes: 6, Nays: 0

Motion Carried

RESOLUTION # 91-2008
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
WASHINGTON, WARREN COUNTY, TO AMEND THE
2008 TEMPORARY SEWER BUDGET

WHEREAS, a temporary sewer budget was approved by Resolution 2-2008; and

WHEREAS, N.J.S.A. 40A: 4-20 provides that emergency temporary appropriations may be made “for the period between the beginning of the current fiscal year and the date of the adoption of the budget for said year,” by a 2/3 vote of the full membership of the governing body; and

WHEREAS, it has been determined that there is a need for additional appropriations not included in the temporary budget.

NOW, THEREFORE, BE IT RESOLVED, by the a 2/3 vote of the full membership of the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the temporary budget for the year 2008 is hereby amended to add the follow amounts:

Sewer Bond Interest	\$586.00
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COUNCIL REMARKS

Councilman Higgins – Councilman Higgins asked Manager Corica about the safety strips at the crosswalks throughout town that are no longer there. Manager Corica stated they were in poor condition and are being replaced. Councilman Higgins stated he attended Assemblywoman Karrow’s presentation on the State Budget. Her suggestion was to have the Municipal Attorney draft a letter to the State. Manager Corica stated that the Division of Local Government Services is advising municipalities to hold off at the moment.

Councilman Turner stated that the Ticket or Click It money is given by the State to the police departments. The police should be doing the ticketing on their own.

Councilman Cioni asked Manager Corica to look at the municipal budget and recommend where cuts can be made.

Councilwoman Woykowski asked about the status of the Ray Rice contribution to the Borough. Manager Corica will reach out to Ray Rice.

Mayor Van Deursen stated that in the past she realizes that the Governing Body did not always get the deliverables expected. The Governing Body needs to stay focused on the primary goals.

Councilman Higgins asked that an agenda item be placed on the next meeting agenda to schedule Council workshop meetings.

EXECUTIVE SESSION

Mayor Van Deursen entertained a motion to enter executive session. Moved by Oakley, seconded by Higgins.

Ayes: 6, Nays: 0

Motion Carried

Resolution 92-2008 Executive Session

RESOLUTION 92 -2008

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:**

Contracts/Litigation

Hearing no further business to come before Council, it was moved by Higgins, seconded by Oakley that the meeting be adjourned at 11:45 p.m.

Ayes: 6, Nays: 0.
Motion carried.

Mayor Marianne Van Deursen

Kristine Blanchard, RMC Borough Clerk