

BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – May 6, 2008

The Regular Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 7:30 P.M.

Roll Call: Housel, Higgins, Woykowski, Cioni, Turner – Present
Oakley – arrived 7:45 p.m.
Van Deursen - Absent

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

Deputy Mayor Higgins led everyone in the flag salute.

Deputy Mayor Higgins 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

Dr. Frank Mangraviti
Richard Hoyt and Kevin Shoudt – Veolia Water

Mr. Hoyt explained that Veolia Water had reviewed the report provided by Mr. Mangraviti. Veolia Water does agree with vast majority of the findings on the MRRA account. There are only several items in dispute.

Mr. Hoyt stated the first item they would like to review is the lab services for local limits. Mr. Mangravite points out in his report that testing permits is in Veolia’s scope however, this was a new permit and covered under the change of law section in the contract. Mr. Mangraviti stated that he would need to review the contract again to clarify who should be responsible for the lab services fees of \$5352.00 in June of 2007.

The second item in dispute is the new mufflers for the generator. Mr. Hoyt explained that this generator was part of the old facility. Mr. Mangraviti agreed.

One item that needs further clarification is the June 2007 jetting of Green Street. Mr. Shoudt explained that there is a sag in the line at Green Street which was scheduled for Phase II and removed. Mr. Hoyt indicated that this was a structural issue and is the Borough’s responsibility. Mr. Mangraviti stated that would warrant further examination and a review of the history of the pipe. Mr. Shoudt indicated that since Veolia has been jetting the pipe monthly; there have been no further complaints from the resident. Mr. Mangraviti suggested Veolia keep a history of blockages in the future so that these issues will be easier to trend.

Deputy Mayor Higgins asked if the Borough is due a refund. Manager Corica stated that the only item to be agreed upon is the charge for the Green Street blockage. He suggested splitting the cost between the Borough and Veolia. Veolia agreed. It was moved by Housel, seconded by Turner to split the cost of the blockage at Green Street that occurred in June of 2007.

Roll Call: Housel, Cioni, Turner, Woykowski, Higgins – Yes
Oakley - Abstain

Ayes: 5
Nays: 0
Abstain: 1

Councilman Housel inquired about the maintenance software purchased by Veolia and the Borough. Mr. Shoudt stated that the software should be installed on the computer at the DPW Garage. Councilman Housel noted that there may be an issue with the licensing agreement. Mr. Hoyt stated Veolia will assist the Borough in straightening the licensing agreement out.

Deputy Mayor Higgins asked Manager Corica to review the refund with Veolia. Manager Corica stated that once the refund numbers have been worked out, he would like to see a check from Veolia so that there is a clear trail of payments and refunds. Mr. Mangravite and Mr. Hoyt will also review the permit.

Susan Wagner Glaser – Let’s Celebrate Housing

Ms. Glaser gave a brief summary on Let’s Celebrate. She stated Let’s Celebrate is a non-profit affordable housing developer that develops, manages, and operates affordable housing in New Jersey. Under the terms of the settlement agreement for Westgate I and II, the current owners had to dispose of the property by April 14 or face foreclosure. Let’s Celebrate received a 90 day extension on the closing of this property. Ms. Glaser would like Council to consider a PILOT agreement on these two properties. A PILOT agreement will be needed for Let’s Celebrate to obtain financing on the properties. She stated that the two Westgate properties make up a vast majority of the COAH obligation in this town. Councilman Cioni asked what will happen if there is no PILOT agreement in place. Ms. Glaser stated the Federal Government can foreclose on July 16, 2008. If that were to happen, the existing limitations on those units would no longer exist and the rentals would go at market rate. Councilwoman Woykowski asked how many COAH units there are at Westgate. Ms. Glaser stated that there are 68 units, all low income.

Attorney Cushing stated that if the Borough were to go along with a PILOT agreement; you would need to ensure that the Borough will get full credit for the COAH obligation. Councilwoman Oakley asked if the rents were raised would the PILOT amount stay the same. Ms. Glaser stated the PILOT amount is based on the rent and would go up accordingly. Councilman Cioni asked what would happen if the Borough were to lose the COAH units. Attorney Cushing stated that with the COAH requirements it would need to be made up somewhere else. Councilman Cioni asked who will be renovating and maintaining the buildings. Ms. Glaser stated that she will be doing a Capital needs assessment she will also be managing the building and will be there two to three days per week.

Ms. Glaser suggested Council send her a list of items of agreement that Council would like to see. Councilwoman Woykowski stated she would like confirmation on how many units are COAH and are both Westgate I and II are still in the PILOT program.

MINUTES:

Deputy Mayor Higgins entertained additions or corrections to the minutes of the Workshop meeting of April 3, 2008 and the Regular Meeting of April 15, 2008.

Councilwoman Woykowski and Deputy Mayor Higgins provided corrections to the Clerk previously.

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

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

Ayes: 6
Nays: 0
Motion Carried

COMMUNICATIONS:

The following communications were entered into the record:

1. Legislative Update
2. Washington Township Re: Ordinance 2008-10 To Permit Service Stations with Convenience Stores as a Conditional use in the HC and GC Zones.

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

Ayes: 6, Nays: 0.
Motion carried.

AUDIENCE:

Fran Wheeler 67 North Jackson Avenue.

Ms. Wheeler read the following letter to the Mayor and Council.

As you are aware, we are most interested and eager to obtain the portion of the grass alley that abuts our property at 67 N. Jackson Ave. We are addressing you also on behalf of our neighbors at 65 N. Jackson Avenue who are eager to obtain the portion of the alley that abuts their property.

Mr. Corica stated in his letter of February 25, 2008 that “one of the property owners on Jackson Avenue did contact the Borough to protest the vacation of the alley. The alley is a means of ingress and egress from the back of the property.” He then went on to state that. “vacating the alley would deprive them of the access and would impose a hardship upon them.”

The issue here is not the abandonment of the alley. As stated in Mr. Corica’s letter of October 17, 2007, “the Borough has no objection to vacating the alley, but does not wish to incur legal and engineering expenses to do this.” We are paying all of the Borough’s legal expenses that could possibly be incurred during this process. So, the issue that remains is the misunderstanding of the matter of depriving access to those neighbors who have declined the offer.

We can prove that vacating the grass alley abutting 67 and 65 N. Jackson Avenue in no way deprives access to the property owners at 63 and 59 N. Jackson Avenue. Attached is a satellite picture of N. Jackson Avenue showing a clear view of all four properties involved. The properties and the grass alley have been marked for your convenience. Please note the alley in red and the back X that marks the only ingress and egress to the road. 67 and 65 N. Jackson Avenue do not deny 63 and 59 N. Jackson Avenue access to the road.

Those of us at 67 and 65 N. Jackson Avenue are waiting to obtain the 6’ portion of the grass alley that directly abuts our properties. Jack Godfrey is willing to convey us the 6’ of grass alley that abuts his empty lot on the other side. Both of us at 67 and 65 N. Jackson will be able to extend our back yards another 12 feet with the intention of fencing it in completely.

The only change that would take place is that the Borough owned alley listed as Block 37, Lot 20 would be reduced. Whether it is abutting four properties or two properties, the Borough has no use for this grass alley at all. So there remains only on question. Is there any reason why the Borough Council would not allow this alley to become divided in half? If not, then we are requesting that the Borough Council move forward with the adoption of an ordinance to vacate the alley directly abutting 67 and 65 N. Jackson Avenue.

Councilman Turner asked Attorney Cushing if the Borough can vacate the alley at 67 and 65 N. Jackson. Attorney Cushing indicated that yes Council could do this. It was moved by Turner, seconded by Housel to prepare an ordinance for vacation of the alley at 67 and 65 N. Jackson Avenue. Council concurred to establish an escrow account for the Wheelers as well.

ORDINANCES:

Ordinance 3-2008 AN ORDINANCE AMENDING CHAPTER 94 OF THE CODE OF THE BOROUGH OF WASHINGTON TO ESTABLISH NEW REGULATIONS FOR SIGNS. (Final Reading/Public Hearing)

Ordinance 3-2008 was moved by Councilman Housel, seconded by Councilman Cioni.

It was further moved by Housel, seconded by Cioni that the Clerk read Ordinance #3-2008 by title only.

The Clerk read Ordinance #3-2008 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, Housel, Cioni, Higgins, Oakley

Ayes: 6, Nays: 0.
Motion carried.

Public Hearing:

Hearing no comments from the public Councilman Housel motioned to close the public hearing seconded by Councilman Cioni.

Ayes: 6, Nays: 0
Motion Carried

Council Discussion:

Deputy Mayor Higgins entertained a motion to adopt on final passage.

Motion made by Councilman Housel, seconded by Councilman Cioni to adopt Ordinance 3-2008 on final passage.

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

Ayes: 5, Nays: 1
Motion Carried

**ORDINANCE # 3-2008
BOROUGH OF WASHINGTON
WARREN COUNTY, NEW JERSEY**

**AN ORDINANCE AMENDING CHAPTER 94 OF
THE CODE OF THE BOROUGH OF WASHINGTON
TO ESTABLISH NEW REGULATIONS FOR SIGNS**

WHEREAS, the Borough finds that Section 94-62 of the Development Regulations Ordinance of the Borough of Washington regulating signs does not sufficiently promote a desirable character in the Borough's B-2 district and should be amended to better reflect the Borough's historic character and needs of the business community.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Washington that Section 94-62 of the Code of the Borough of Washington is hereby amended to read as follows:

Section 1. Section 94-62 of the Code of the Borough of Washington is amended as follows:

Add new subsection A as follows:

- A. Permits Required; Design & Maintenance. No sign shall be erected, displayed, or altered unless a permit shall have first been obtained from the Building or Zoning Officer. All signs shall be legible and in good repair and shall be of professional quality. Logos and graphics shall be harmonious with the overall design.

Add new subsection (C)(7) as follows:

- (7) In addition to the foregoing provisions, the following requirements shall apply to signs in the B-2 Central Business District. Where there is a conflict between the provisions of C(1) to (6) above and the provisions of this section (7), the provisions of this section shall apply.

- (a) Permanent signs. The following permanent signs are permitted, subject to the limitations of section (1)(a) above:

- (1) Flat Wall Signs. Business establishments located on the first floor of a building may have two (2) flat wall signs, that is, signs attached to and parallel to the face of any building wall; provided, however, that no exterior wall shall contain more than one (1) of the two (2) permitted signs. Flat wall signs shall not exceed thirty-six (36) inches in height and shall not project more than three (3) inches from the surface of the building. The total sign area of any flat wall sign shall not exceed five percent (5%) of the area of the face of the wall to which the sign is attached.

- (2) Overhanging Signs. In addition to the provisions in section (4) above, overhanging signs in the B2 district shall maintain a minimum distance of ten (10) feet above the sidewalk, shall not exceed six (6) square feet in sign area, shall not project more than three (3) feet from the wall to which it is attached and shall not extend above the cornice line of the first floor level except where necessary to maintain the minimum ten (10) foot clearance from the sidewalk.
 - (3) Awnings with Lettering. The outer decorative covering of all awnings shall be canvas or other fabric of similar weight and durability. Vinyl or metal awnings are not permitted. Lettering or graphics on an awning shall not exceed an average height of nine (9) inches and shall be restricted to the awning valance. A minimum distance of one and one-half (1-1/2) inches shall be maintained between the edge of the lettering or graphics and the top and bottom of the valance. Backlit waterfall awnings are not permitted.
- (b) Directory Signs. A sign listing the tenants or occupants of a building or group of buildings and that may indicate their respective professions or business activities as well as a map or floor plan diagram indicating the location of the buildings and/or offices shall be permitted where there are multiple building tenants in a building. One (1) directory sign, provided that the sign does not exceed ten (10) square feet, shall be permitted for each public access to the establishment which the sign advertises. Directory signs shall be in addition to the total number of signs permitted by this section C.
- (c) Window signs. Window signs, including lettering, shall pertain only to the business occupying that portion of the premises in which the window is located, shall be applied to the interior of the window and shall not cover an area greater than twenty percent (20%) of the window glass. Except as provided in subsection (d) below, there shall be no window signs on the second floor of a building.
- (d) Temporary signs. The following temporary signs are permitted, provided that no temporary sign shall be displayed for a period longer than thirty (30) days during any one period with a maximum of four signs per annum:
- (1) Standing Signs. Standing signs, that is moveable “A-frame” or easel signs generally placed along a sidewalk or other area intended for the view of pedestrians, shall be permitted provided that any such sign shall not exceed six (6) square feet in total size per side. The maximum width of such signs shall be twenty-four (24) inches and the maximum height of such signs shall be thirty-six (36) inches. The overall height of the sign, including a support frame shall not exceed forty-two (42) inches. The following limitations shall apply:
 - (i) Only A-frame or easel-frame signs are permitted;
 - (ii) No more than one sign shall be permitted for each business and only first floor businesses may use such signs;

- (iii) Signs may be displayed only during the hours when the business is open;
 - (iv) Signs may be constructed of painted wood, metal or plastic with professional-quality painted messages, chalkboards, dry-erase boards or boards with changeable letters. No other construction materials are permitted.
 - (v) Signs may be located only adjacent to the building within the side property lines as extended, in an entrance alcove, or adjacent to the curb.
 - (vi) No standing sign shall block pedestrian movement, access to benches, access to parking meters or access to motor vehicles. The Building or Zoning Officer may direct that any sign which violates this chapter or creates a safety hazard be removed, modified or relocated.
- (2) Decorative flags. Decorative flags must be double-sided and shall project from the façade on a pole that shall not exceed five (5) feet in length. The lowest point of the flag must be at least seven (7) feet above the sidewalk. They must be in good condition, not worn or faded.
- (3) Exterior lighting used for seasonal decoration that outlines the windows, doors or other architectural features of a building.
- (e) Second Floor Business Signs. Notwithstanding any of the provisions of this chapter, a business located on the second floor of a building which is a distinct business from that located on the first floor of the same building, shall be permitted one sign not more than 18 inches high or more than three feet wide to be placed or painted in the window of the business. The letters on the sign shall not exceed eight inches in height. Second floor businesses may be listed on a directory sign located at the public access to the building. No other signs are permitted for second floor businesses.
- (f) The following signs are prohibited:
 - (1) freestanding signs;
 - (2) signs with neon lighting;
 - (3) back-lighted box signs or pylon signs;
 - (4) permanent banners, streamers, advertising flags, inflatable object, twirlers or similar objects.
- (g) Unsafe, obsolete, and abandoned signs are subject to the following provisions:
 - (1) Unsafe signs: Whenever, in the opinion of the Building or Zoning Officer, any sign becomes unsafe or endangers the safety of a building or premises or endangers the public safety, the Code Enforcement Officer or Zoning Officer shall send a registered letter to the owner of the sign or the owner of the premises on which the sign is located, ordering that the sign be made safe or removed within ten (10) days of receipt of the letter. If the owner of the sign fails to remove, alter or repair it within 10 days after receiving the registered letter, the sign may be removed, altered or

repaired by the Zoning Officer, in order to comply with the provisions of section 94-62 of the Borough Code, at the expense of the owner of the sign or the owner of the property upon which the sign is located. The Code Enforcement Officer or Zoning Officer may cause any sign or sign structure to be removed or repaired summarily and without written notice if it is an immediate peril to persons or property by virtue of its construction or moorings.

- (2) Obsolete signs: Any sign which no longer advertises a bona fide business conducted, a product sold or is not used for a permitted use hereunder shall be taken down and removed by the sign owner or the owner, agent or person having the beneficial use of the building or structure or land upon which such sign is located within ten (10) days after written notification from the Building or Zoning Officer. Upon failure to comply with the notice within the time specified in the order; the Building or Zoning Officer is hereby authorized to cause removal of the sign, and any expense incidental to the removal shall be paid by the owner of the sign or the owner, agent or person having the beneficial use of the building or structure or land upon which such sign is located.
- (3) Abandoned signs: The failure to keep a nonconforming sign painted or in good repair for a period of six (6) months shall constitute abandonment, and such sign may not be reused and must be removed. Said sign shall be repainted or repaired as necessary within ten (10) days after written notification from the Building or Zoning Officer.

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

ORDINANCE 5-2008 BOND ORDINANCE APPROPRIATING \$432,000.00 AND AUTHORIZING THE ISSUANCE OF \$410,000.00 IN BONDS OR NOTES OF THE BOROUGH FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY. (Introduction)

Deputy Mayor Higgins entertained a motion to introduce Ordinance #5-2008.

Ordinance 5-2008 was introduced by Councilman Housel, seconded by Councilwoman Oakley.

It was further moved by Housel, seconded by Oakley that the Clerk read Ordinance #5-2008 by title only.

Roll Call: Higgins, Woykowski, Housel, Turner, Oakley, and Cioni - Yes

Ayes: 6, Nays: 0

Motion Carried

The Clerk read Ordinance #5-2008 entitled, "A Bond Ordinance Appropriating \$432,000 and Authorizing the Issuance of \$410,000 in Bonds or Notes of the Borough for Various Improvements or Purposes Authorized to be undertaken by the Borough of Washington, in the County of Warren, State of New Jersey.

Council Discussion:

Council discussed the \$10,000.00 for a new Recreation Department truck. Councilman Housel stated he thought the old truck would be repaired. Manager Corica indicated that is correct. At the time the Recreation Commission presented their budget request to Council, a new truck was an appropriate decision. However, it has been determined that the old truck can be repaired. Councilman Housel motioned to remove the new recreation truck from the Bond Ordinance, seconded by Turner.

Ayes: 6, Nays: 0
Motioned Carried.

Councilman Turner asked for clarification on the downtown streetscape. He noted that the streetscape project is complete with the exception of the lights at the crosswalk. Manager Corica stated that this money is a cushion in order to complete the project as they are uncertain how the negotiations with Marvec will proceed. The bond law requires that the original wording in a Bond Ordinance carry forward. Council Turner stated he does not want the money to be used to pay Hatch Mott MacDonald. Manager Corica stated that it will not.

Councilman Cioni stated that he is not sure the basketball courts are really necessary. Manager Corica suggested leaving the wording in the Bond Ordinance and have Suburban Engineering do an evaluation of the courts.

Councilman Housel asked if any relocation of duct work needs to be done during the installation of the new air conditioning system. Manager Corica stated he told the contractor to extend the duct work to the offices upstairs and it would be possible to relocate the unit if necessary.

Councilman Turner noted that it is in poor taste to re-carpet the building and raise taxes. Manager Corica stated that it is just the hallway. Manager Corica stated that the amount going into the 2008 budget to finance these bonds is \$21,600.00. There will be no need for another Bond Ordinance this year. The only item that still needs to be addressed is whether or not we need a sewer capital ordinance this year.

Councilman Housel motioned to accept the amended Bond Ordinance by removing the Recreation Department Truck, seconded by Councilman Turner.

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

Ayes: 6, Nays: 0

Motion Carried

It was further moved by Housel, seconded by Turner that Ordinance #5-2008 be published in the Star Gazette on May 15, 2008 as required by law and that the public hearing be scheduled for June 3, 2008.

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

Ayes: 6, Nays: 0
Motion Carried

REPORTS:

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

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

Ayes: 6, Nays: 0
Motion Carried

Council Discussion:

Councilman Cioni asked if it is possible to do a smaller project on Belvidere Avenue in order to take advantage of the grant money and not jeopardize any future grant money. Manager Corica stated the D.O.T. has told the Borough that we have until July of 2009 to award a contract.

Councilman Turner inquired about the meter at the Port Colden Mall. They agreed to put this meter in over a year ago. Attorney Cushing stated that there may have been discussion on this last year; however Manager Corica has finally gotten the owners to agree to install the meter and it is moving along well.

Deputy Mayor Higgins noted in the Managers Report of April 21 the comment regarding the Capital Ordinances. He stated it is bothersome that the funding that is combined from three different Bond Ordinances is not obvious from the data in the system. He stated that we should not pay \$10,000 for our current auditor to do an audit on the Capital Ordinances when our own staff will need to pull all of the bills.

Councilwoman Woykowski stated she agrees with Deputy Mayor Higgins. An auditor should not audit themselves. We should also be looking to start the audit in the year 1999 or 2000; the year before the problem happened. Manager Corica suggested that he reach out to three auditing firms for an estimate.

A motion was made by Turner, seconded by Woykowski for the manager to obtain three estimates for a capital audit.

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

Ayes: 6, Nays: 0

Motion Carried

Deputy Mayor Higgins commented that the newly formed Recreation Committee had its first meeting on April 30th. There was a report read to the committee members regarding the conditions at the Borough Park. Deputy Mayor Higgins asked if there was a police report regarding the break in at the shed. He stated that if we are going to say that there were deplorable conditions at the park; Council should have all of the information including the police report. The former Recreation Commission is being blamed for the conditions at the park that was not their fault. Councilman Cioni suggested the Recreation Director meet with Council at the next meeting for a report on the Recreation Committee. Manager Corica stated that the Recreation Director will be at the next Council meeting.

COMMITTEE REPORTS:

Redevelopment Committee: No Report

DPW Garage: No Report

Sewer Committee: No Report

Streets Committee: No Report

Finance Committee: No Report

Shared Services Committee: Councilwoman Woykowski reported there is a Shared Service Report given to Council this evening. She would like input from Council to see if that is the kind of detail Council would like to see regarding future reports. Deputy Mayor Higgins stated he would like to know what kind of information is being discussed at the Warren Morris Council of Governments Meetings. Councilman Turner explained that the meetings consist of discussion by peers on topics that may or may not be feasible for shared services. Councilwoman Woykowski stated that the pace will begin to pick up with the Council of Governments. The Council is applying for a COUNT grant for someone to begin handling the administrative work. Deputy Mayor Higgins asked if the Borough Council can have a copy of the Council of Governments meeting minutes. Councilwoman Woykowski stated she will discuss that at the next Council of Governments meeting.

Senior Services: No Report

Website Committee: Councilman Cioni reported there will be a new home page on the website next week.

Curfew Committee: No Report

Pedophile Ordinance Committee: No Report

A motion was made by Turner, seconded by Oakley to recess for a five minute break.

Ayes: 6, Nays: 0
Motion Carried

Council reconvened. Councilman Housel excused himself from the remainder of the meeting.

BID: Councilman Cioni stated that there is a term sheet in front of Council regarding the parking lot agreement. This agreement was provided to the BID Committee last week. It was drafted by the Bid Attorney with input from Joe Baumann. He asked Council to review the agreement and provide comments by the next Council meeting.

Councilman Cioni inquired about the design specs for the parking lot. Is it possible to turn those over to the Bid? Manager Corica indicated that the Engineer does not feel the specs are good enough to go out to bid with. Manager Corica stated he can have a professional service agreement by May 20th for Mr. Holt to prepare the specs.

Councilman Turner motioned for the manager to contact Mr. Holt to prepare the bid specs with a four week completion date. A professional service agreement should be prepared by May 20th. This motion was seconded by Councilman Cioni.

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

Ayes: 5, Nays: 0
Motion Carried

The discussion to determine committee chairs, scopes, and timelines for the various council sub-committees was tabled to the May 20th meeting.

VOUCHERS AND CLAIMS

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

Turner suggested to Council that the Hatch Mott MacDonald bills should be held until the streetscape is completed. He also noted that the DPW is still using quite a bit of oil.

Manager Corica noted correspondence received from Kid Care regarding the water still leaking into their building. Councilman Turner asked who is responsible for this issue. Manager

Corica stated ultimately the contractor is responsible; however it is the responsibility of the engineer to address any concerns.

Deputy Mayor Higgins suggested this item be added to the punch list for the downtown. This should be added to the list so that the oversight goes back on to Hatch Mott MacDonald. Council agreed. Manager Corica will follow up with Kid Care.

Hearing no further comments or questions the vouchers and claims were approved for payment with the exception of the Hatch Mott MacDonald bills in the amount of \$10,278,665.64.

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

Ayes: 5, Nays: 0
Motion carried.

OLD BUSINESS:

Councilman Turner stated that most of the items he wanted to discuss have been touched upon during the evening. He asked if the Borough can adopt the Bid budget prior to adopting their budget. Manager Corica stated that Council can adopt the Bid budget, however he thought Council was waiting for a business plan from the Bid.

Motion made by Turner to introduce the Bid budget in its current form at the next meeting, seconded by Cioni.

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

Ayes: 5, Nays: 0
Motion Carried

NEW BUSINESS

Letter from Attorney John Paff

Attorney Cushing gave a brief synopsis of Mr. Paff's concerns. Attorney Cushing stated that his firm has looked at Mr. Paff's concerns regarding the resolution for Executive Session. He stated that they agree there should be some more detail given. This more detailed resolution has been forwarded to the Borough Clerk. Attorney Cushing also stated that Mr. Paff pointed out that some of our professional service resolutions were also deficient. Attorney Cushing said a new professional service resolution has also been forwarded to the Borough Clerk.

Motion made by Oakley, seconded by Woykowski to direct the Borough Clerk to use the new form of resolutions provided by Attorney Cushing's office.

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

Ayes: 5, Nays: 0

Motion Carried

COAH Housing Liaison

Deputy Mayor Higgins nominated the Borough Manager to be the COAH Housing Liaison. This was seconded by Councilman Turner

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

Ayes: 5, Nays: 0
Motion Carried

Letter in Support of Small Cities Housing Rehabilitation

Motion made by Turner, seconded by Oakley to send the letter in support of small cities housing rehabilitation.

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

Ayes: 5, Nays: 0
Motion Carried

Resolution 107-2008 Refund of Sewer Charge

Resolution 107-2008 was moved on a motion made by Oakley, seconded by Woykowski and adopted.

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

Ayes: 5, Nays: 0
Motion Carried

RESOLUTION #107-2008

A RESOLUTION AUTHORIZING THE REFUNDING OF AN OVERPAYMENT OF THE BOROUGH'S SEWER SERVICE CHARGE

WHEREAS, according to the Treasurer's records, there is an overpayment showing on the following property; and

<u>BLOCK/LOT</u>	<u>PROPERTY OWNER/ PROPERTY LOCATION</u>	<u>AMOUNT TO BE REFUNDED</u>
82/12	Martha & Jairo DeGerardino	\$ 30.00

90 Youmans Avenue

The former owner made an overpayment during the closing procedures on the above property location. A refund of \$30.00 should be mailed to:

Martha & Jairo DeGerardino
152 Route 46
Columbia, NJ 07832

WHEREAS, the Borough Treasurer's office has received a written request that the above amount be refunded.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Borough Treasurer is authorized to refund the above overpayment amount.

Resolution 108-2008 Refund of Sewer Charge

Resolution 108-2008 was moved by Oakley, seconded by Woykowski and adopted.

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

Ayes: 5, Nays: 0
Motion Carried

RESOLUTION #108-2008

A RESOLUTION AUTHORIZING THE REFUNDING OF AN OVERPAYMENT OF THE BOROUGH'S SEWER SERVICE CHARGE

WHEREAS, according to the Treasurer's records, there is an overpayment showing on the following property; and

<u>BLOCK/LOT</u>	<u>PROPERTY OWNER/ PROPERTY LOCATION</u>	<u>AMOUNT TO BE REFUNDED</u>
97.02/7	Alexander Spagnuolo 24 Nunn Avenue	\$ 45.09

The former owner made an overpayment during the closing procedures on the above property location. A refund of \$45.09 should be mailed to:

Alexander Spagnuolo
194 Smithtown Road
Hackettstown, NJ 07840

WHEREAS, the Borough Treasurer's office has received a written request that the above amount be refunded.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Borough Treasurer is authorized to refund the above overpayment amount.

Resolution 110-2008 Appointing Heyer, Gruel, & Associates as a Professional Service – Redevelopment

Resolution 110-2008 was moved on a motion made by Turner, seconded by Woykowski and adopted.

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

Ayes: 4 Nays: 1
Motion Carried

RESOLUTION # 110 - 2008

**A RESOLUTION APPOINTING A HEYER, GRUEL & ASSOCIATES AS
A PROFESSIONAL SERVICE WITHOUT SEEKING COMPETITIVE
BIDS.**

WHEREAS, there exists a need for professional planning services to assist in the preparation of a Redevelopment Plan; 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, Heyer, Gruel & Associates of New Brunswick, New Jersey has agreed to perform professional planning services, as outlined in their proposal for Preparation of a Redevelopment Plan for the main Street Redevelopment Area dated 28 March 2008 in an amount not to exceed \$57,000; and

WHEREAS, Heyer, Gruel & Associates is the Planner for the Planning Board; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of

Washington, in the County of Warren, State of New Jersey as follows:

1. The Mayor and Clerk are hereby authorized and directed to enter into a contract with Heyer, Gruel and Associates to provide professional planning services for the Preparation of a Redevelopment Plan for the main Street Redevelopment Area per the proposal submitted on 28 March 2008 and annexed hereto in an amount not to exceed \$57,000;
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. An signed copy of the proposal be on file with the Office of the Clerk and be available for public inspection in accordance with the law.

Resolution 111-2008 Appointing McManimom & Scotland, LLC as a Professional Service – Redevelopment/Development Projects

Resolution 111-2008 was moved on a motion made by Turner, seconded by Oakley and adopted.

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

Ayes: 4, Nays: 1
Motion Carried

RESOLUTION # 111 - 2008

**A RESOLUTION APPOINTING McMANIMON & SCOTLAND, LLC AS
A PROFESSIONAL SERVICE WITHOUT SEEKING COMPETITIVE
BIDS.**

WHEREAS, there exists a need for professional legal services to develop a redevelopment plan in the Borough; 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, McManimon & Scotland of Newark, New Jersey has agreed to perform professional legal services, as outlined in their proposal for Initial Redevelopment/Development Projects dated 17 January 2008 in an amount not to exceed \$40,000; and

WHEREAS, McManimon & Scotland has been appointed special counsel for redevelopment by the Borough; and

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

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

1. The Mayor and Clerk are hereby authorized and directed to enter into a contract with McManimon & Scotland to provide legal counsel to prepare a redevelopment plan per the proposal submitted on 17 January and annexed hereto in an amount not to exceed \$40,000;
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 a copy of the proposal be on file with the Office of the Clerk and be available for public inspection in accordance with the law.

Resolution 112-2008 Temporary Budget Amendment

Resolution 112-2008 was moved on a motion made by Oakley, seconded by Turner and adopted.

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

Ayes: 5, Nays: 0
Motion Carried

**RESOLUTION #112-2008
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 member ship 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 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 following amounts:

General Administration

Municipal Clerk, Other Expenses 2,000

Insurance:

Workmen's Compensation 18,678

Public Safety:

Fire Department, Other Expenses 22,000

Utilities

Heating Oil, Other Expenses 1,925

Resolution 113-2008 Release of Special Police Escrow – Kevco Electric

Resolution 113-2008 was moved on a motion made by Turner, seconded by Oakley and adopted.

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

Ayes: 5, Nays: 0

Motion Carried

RESOLUTION # 113-2008

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

WHEREAS, Kevco Electric ,Inc. has posted fees to cover anticipated costs of special police services with the Borough of Washington

WHEREAS, these funds were posted in the Kevco Electric Inc. 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: Kevco Electric, Inc., PO Box 2360, Bloomfield, NJ, 07003 for the actual account balance in the Special Police Services Escrow account.

Resolution 115-2008 Change Order Pool – CFM Construction

Resolution 115-2008 was moved on a motion made by Turner, seconded by Oakley and adopted.

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

Ayes: 4, Nays: 1
Motion Carried

Manager Corica explained that the contractor must be paid. Councilman Turner agreed however the payment to the contractor should be taken out of the payment to T&M. Council agreed to have T&M Associates appear before Council at the next meeting to discuss.

RESOLUTION # 115 - 2008
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
WASHINGTON, WARREN COUNTY,

WHEREAS, the Borough of Washington is making improvements to the municipal pool; and

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

WHEREAS, The project engineer, T & M Associates has recommended the following Change Order # 4, which is attached hereto:

1. Repair pool floor, joint between gutter and wall, repair tile in lane targets in the amount of \$3,700
2. Replace multiport valve on wading pool filter in the amount of \$300

3. Replace chlorination system for wading pool in the amount of \$4,850
4. Install wading pool fence in the amount of \$8,250

Total cost of changes	\$17,100
Less contractual allowance	\$15,000
Net result of change order	\$2,100

WHEREAS, the original contract was issued in the amount of \$348,000 to CFM Construction; and

WHEREAS, previous change orders and this change order total \$37,748.05, 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 Change Order # 4 is approved and the Borough Manager is authorized to execute the change orders on behalf of Washington Borough

Resolution 116-2008 Warren Morris Council of Government's – Resolution to Apply for a Count Grant

Resolution 116-2008 was moved on a motion made by Oakley, seconded by Turner and adopted.

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

Ayes: 5, Nays: 0
Motion Carried

RESOLUTION # 116 -2008
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
WASHINGTON, WARREN COUNTY,
TO APPLY FOR A COUNT GRANT

WHEREAS, the members of the Warren-Morris Council of Governments - the Township of Allamuchy, Town of Belvidere, Township of Bethlehem, Township of Greenwich, Township of Hardwick, Town of Hackettstown, Township of Independence, Township of Knowlton, Township of Mansfield, Township of Mount Olive, Township of Oxford, Borough of Washington, Township of Washington (Morris), Township of Washington (Warren) and Township of White - have agreed to apply for a *COUNT* Grant through the State of New Jersey Local *SHARE* Program in the amount of \$300,000; and,

WHEREAS, the Warren-Morris Council of Governments has agreed to be the lead agency in this endeavor; and

WHEREAS, the State of New Jersey has made *SHARE* grants available to assist local units study, develop and implement new shared and regional services; and

WHEREAS, the purpose of this grant is to coordinate shared services through the Warren-Morris Council of Governments as well as between our local units as well as through the Warren-Morris Council of Governments.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of Washington Borough that the Borough of Washington does hereby join with the Township of Allamuchy, Town of Belvidere, Township of Bethlehem, Township of Greenwich, Township of Hardwick, Town of Hackettstown, Township of Independence, Township of Knowlton, Township of Mansfield, Township of Mount Olive, Township of Oxford, Borough of Washington, Township of Washington (Morris), Township of Washington (Warren) and Township of White in applying for a grant for the purposes of shared service coordination including but not limited coordination of meetings of member municipalities, shared service subcommittees, meetings with liaisons and other staff, meetings between municipalities and school representatives; maintaining records of the aforementioned and the members' website; conducting shared service surveys; corresponding on behalf of the membership and writing Requests for Proposals for joint purchases on a regular basis as well as conducting feasibility studies and writing shared service grant applications with the approval of 60% of the membership; and

BE IT FURTHER RESOLVED, that the COUNT grant does not require any matching funds.

RECAP

COUNCIL REMARKS

Councilwoman Oakley – wished all the mom's a happy Mothers Day.

Councilman Turner - stated he was disappointed in T & M Associates and reported that there was a productive meeting with Paramount. They will be making changes within 30 days and will be at the June 4, 2008 Council meeting.

Councilwoman Woykowski – No comments

Councilman Cioni – stated that the BID meetings regarding the parking lot were very good with the Bid and Council being willing partners; working together as a team on the project.

Deputy Mayor Higgins – suggested adding the Van Cleef parking lot money on the next agenda. Councilman Turner stated that we just need to give Mr. Van Cleef the parking medallions so that he will be in compliance with the DCA.

Councilman Cioni also noted that Joe Baumann stated the BID Ordinance needs to be revised amending the length of a project that they would be allowed to undertake. Council agreed to amend the Ordinance as soon as possible. Council directed Manager Corica to contact Mr. Baumann to draft the amended Ordinance.

EXECUTIVE SESSION

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

Ayes: 5, Nays: 0
Motion Carried

RESOLUTION 117 -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:**

Property Acquisition – Tilley property

Hearing no further business to come before Council, it was moved by Turner, seconded by Oakley that the meeting be adjourned at 11:30 p.m.

Ayes: 5, Nays: 0.
Motion carried.

Deputy Mayor Higgins

Kristine Blanchard, RMC Borough Clerk

