

BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – June 17, 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: Oakley, Housel, Van Deursen, Higgins, Woykowski, – Present
Turner arrived at 8:40 p.m.
Cioni - Absent

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

Mayor Van Deursen led everyone in the flag salute.

Mayor Van Deursen read the following Statement into the Record:

“The requirements of the ‘Open Public Meetings Law, 1975, Chapter 231 have been satisfied in that adequate notice of this meeting has been published in the Star Gazette and posted on the Bulletin Board of Borough Hall stating the time, place and purpose of the meeting as required by law.

COUNCIL APPEARANCE

Steve Hearl H2M

Mr. Hearl reviewed the scope of his project with Council regarding the Phase II Sanitary Sewer Project. He stated he reviewed contracts, available video tape, minutes of meetings, and any project files located in the office. He stated it seems that certain pieces of information are missing. Fax transmittals addressed to Council were not included in correspondence files and were not included in minutes. Mr. Hearl also stated that he did not find any project meeting minutes. The only project meeting minutes were of the pre-construction meeting.

Mr. Hearl reported that ten project modifications were presented to Council and eight were approved. The primary goal of the project has not yet been achieved based on a review of the data, especially in the years 2006 and 2007.

Mr. Hearl stated that one item not previously addressed was the lower portion of the invert. It should have a 1.2 foot difference; however it was joined close to the bottom. Councilman Higgins asked if that was a design flaw. Mr. Hearl stated the plans indicate a .48 difference. It does not meet the design criteria and was not an approved change order.

Councilwoman Oakley asked who has the responsibility of informing Council that it is within code. Mr. Hearl stated in this case it’s really not a change order. He explained that there is a letter from the engineer, Schoer DePalma concerning all the changes on the upstream end. Mr. Hearl stated if something changes during the project relating to the design, and if it isn’t costing the Borough anything the engineer may not have informed you. Mayor Van Deursen stated that it

sounds as if there was a change in actual work that didn't require a change order. Due to the fact there was no change in cost the engineers decided to do move ahead with it. The only reason we know about it now is because there was a problem.

Councilwoman Woykowski asked when the faxes were sent that were never presented to Council. Mr. Hearl stated they were received in 2005.

Councilwoman Woykowski stated that given the fact that we have documentation that the pitch was questionable in 2003, we now have proof it was done wrong.

Mr. Hearl also stated that the Borough has also not been able to confirm whether or not the pumps from homeowners flowing into the sewer system was completed. This could be another reason why the Borough is still experiencing peaks in the flow.

Mayor Van Deursen asked Council how they would like to handle this information. Councilman Housel asked Mr. Hearl what his recommendations are. Mr. Hearl stated that one option is to eliminate the illegal discharge from property owners.

A motion was made by Woykowski, seconded by Higgins to enter Executive Session for the discussion of possible litigation on contractual matters regarding the sanitary sewer phase II project.

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

Ayes: 6, Nays: 0

Motion Carried

RESOLUTION AUTHORIZING EXECUTIVE SESSION

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

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

WHEREAS, the Mayor and Council find it necessary to conduct an executive session closed to the public as permitted by the *N.J.S.A. 40:4-12*; and

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

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

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

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

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

_____A collective bargaining agreement, or the terms and conditions thereof (Specify contract: _____);

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

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

_____Investigations of violations or possible violations of the law;

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

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

_____Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is _____

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

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

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

_____;

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

Council re-entered regular session at 9:00 p.m.

James Coe and Gerry Philkill - Hatch Mott MacDonald

Manager Corica stated that there were some concerns over deliverables and billing charges that Council wanted an opportunity to discuss with Hatch Mott.

Councilman Turner inquired about the punch list for the Downtown Streetscape. Did the Borough meet the completion deadline. Mr. Coe stated there are a few items that the contractor has stated in his response to our letter that he is not responsible for. Manager Corica stated that Council should make a decision as to how to move forward; this could be discussed in executive session.

Councilman Turner noted that the Borough has spent a lot of money on the downtown parking lot and the only thing the Borough has right now is a conceptual plan. Councilman Turner stated that there were also many oversight problems that he was not satisfied with.

Councilman Higgins asked about the sidewalk at Kid Care. The Borough Manager received a letter from you stating that the concrete was not poured at the right pitch; however it was signed off on. Mr. Philkill stated that he is aware of the problems at Kid Care. The contractor did not follow the direction he was given. Councilman Turner stated that this could have been by stricter oversight. He stated when Hatch Mott oversees a project it ends up costing the municipality more money. Mr. Koe stated there is some reason for the pitch being installed the way it was done. The cellar entrance has an existing concrete ring around it. This creates a tripping hazard in the sidewalk, which is a worse scenario. Councilman Higgins noted that something should have been engineered so that it works and Kid Care is not getting water in the basement every time it rains. Councilwoman Woykowski asked what can be done to repair the basement. These people cannot continue to have these conditions. Councilman Housel stated the bottom line is, there are some problems downtown, who will fix the problems and pay for the

repairs. Councilman Housel also noted that a resolution needs to be made regarding the clog in the line as well. Mr. Philkill stated that there is a meeting scheduled with Berto to go over these two drainage issues that have been identified. Councilman Higgins asked if there is still a drainage problem at the Midtown building and the camera store. Manager Corica indicated that the Midtown issue is a result of the drainage issue and once that condition has been eliminated the problem at Midtown should correct itself. Regarding the camera store we have not been able to come up with an iron clad solution to problem. It appears from the video there is a sag in the pipe. Mr. Philkill stated that these are contractor problems; Berto is receptive to resolving the issue, Marvec is not.

Manager Corica stated that the performance bond has not been released. Mayor Van Deursen stated these were not preexisting conditions on these buildings; we created the problem and now it must be rectified at the contractor's expense.

Councilman Turner made a motion to enter Executive Session to discuss contractual obligations and potential litigation, seconded by Oakley.

RESOLUTION

RESOLUTION AUTHORIZING EXECUTIVE SESSION

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

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

WHEREAS, the Mayor and Council find it necessary to conduct an executive session closed to the public as permitted by the *N.J.S.A. 40:4-12*; and

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

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

_____A collective bargaining agreement, or the terms and conditions thereof (Specify contract: _____);

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

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

_____Investigations of violations or possible violations of the law;

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

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_____Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is _____

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

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

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

_____;

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

Council reentered regular session at 10:00 p.m.

A motion was made by Housel, seconded by Turner to release the payments on invoices that were previously on the bill list.

After council discussion it was concluded that the check to Hatch Mott in the amount of \$11,000 will be released, and the invoices totaling \$2,687 will be processed and on the next bill list for Council's consideration.

Councilman Housel amended his motion to release the check in the amount of \$11,000 to Hatch Mott and have the invoices waiting to be processed presented to Council at the next meeting, seconded by Higgins.

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

Motion made by Councilman Higgins, seconded by Woykowski for a five minute recess.

Ayes: 5
Nays: 1 (Oakley)
Motion Carried

Council reconvened at 10:20 p.m. Councilman Housel excused himself from the remainder of the meeting.

MINUTES:

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

Hearing comments it was moved by Oakley, seconded by Turner that the minutes be approved.

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

Ayes: 5, Nays: 0
Motion Carried

COMMUNICATIONS:

The following communications were entered into the record:

1. T & M Associates Re: Pool Improvement Project (in packets)
2. Act (in packets)
3. Assembly Bill Numbers 2788, 2785, 2786 (in packets) (AT)

Councilman Higgins asked Manager Corica if he had received any further contact with T & M Associates since receiving their letter. Manager Corica stated no. Councilman Higgins asked if they had been paid in full. Manager Corica stated close, but not completely.

Councilwoman Oakley stated T&M should not be paid the remainder until they have discussed the issues with Council as requested. Councilman Higgins inquired as to when the last project meeting was held. Manager Corica stated it was three weeks ago to review the issues with the fence and filtration system. Councilman Higgins noted that T & M was also supposed to provide bi-weekly reports which they have not done either.

Motion was made by Turner, seconded by Oakley to not pay the remainder of the T & M charges until such time as T & M attends a Council meeting as previously requested to discuss any outstanding issues.

Ayes: 5, Nays: 0
Motion Carried

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

Ayes: 5, Nays: 0.
Motion carried.

AUDIENCE:

Grace McGinnis 57 Grand Avenue

Ms. McGinnis inquired about the status of the Ordinance allowing yard sale signs in other locations in addition to your own property. Manager Corica stated an Ordinance is being prepared to allow this and will be considered by Council at an upcoming meeting.

ORDINANCES:

Ordinance 5-2008 “A BOND ORDINANCE APPROPRIATING \$414,000 AND AUTHORIZING THE ISSUANCE OF \$393,000 BONDS OR NOTES OF THE BOROUGH, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE

**UNDERTAKEN BY THE BOROUGH OF WASHINGTON COUNTY OF WARREN
STATE OF NEW JERSEY” (Final Adoption)**

Mayor Van Deursen entertained a motion to introduce Ordinance #5-2008.

Ordinance 5-2008 was moved by Councilwoman Oakley, seconded by Councilman Turner.

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

The Clerk read Ordinance #5-2008 by title only and stated that this ordinance had been published in the Star Gazette as required by law; a copy was posted on the bulletin board and copies available upon request from the Clerk’s office.

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

Ayes: 5, Nays: 0.
Motion carried.

Public Hearing:

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

Ayes: 5, Nays: 0
Motion Carried

Council Discussion:

Councilman Higgins stated he recently asked for an accounting of bond ordinances and it appears there is money left in a few of them. Councilman Higgins suggested that Council table the final adoption until the other bond ordinances can be reviewed. Manager Corica suggested Councilman Higgins meet with him to review the ordinances in question.

Councilman Turner asked why the items in group D and E are in separate groups in the text of the bond ordinance. Manager Corica stated that the items are grouped based on the useful life of the items purchased, and are grouped that way by the Bond Attorney.

Councilman Higgins motioned to table Bond Ordinance 5-2008 until the next Council meeting, seconded Oakley.

Roll Call: Woykowski, Turner, Higgins, Oakley, Van Deursen - Yes
Motion Carried – Ordinance Tabled

BID BUDGET PUBLIC HEARING:

Resolution 142-2008 Approving the Budget of the Washington Business Improvement District

Mayor Van Deursen opened the public hearing on the Budget for the Washington Business Improvement District.

Hearing no comments a motion was made by Woykowski, seconded by Oakley to close the public hearing.

Ayes: 5, Nays: 0
Motion Carried

Motion was made by Higgins, seconded by Woykowski to approve Resolution 142-2008 Approving the Budget of the Washington Business Improvement District.

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

Ayes: 5, Nays: 0
Motion Carried

RESOLUTION # 142-2008

**APPROVING THE BUDGET OF
THE WASHINGTON BOROUGH SPECIAL IMPROVEMENT DISTRICT**

WHEREAS, at its meeting of May 20, 2008, the governing body of the Borough of Washington introduced and approved the Washington Borough Special Improvement District budget for the period January 1, 2008 – December 31, 2008, which budget is annexed hereto; and

WHEREAS, after notice and advertisement in a newspaper of general circulation, the governing body of Washington Borough conducted a public hearing on June 17, 2008; and

WHEREAS, the governing body of Washington Borough has determined that at least one (1) week prior to the hearing a complete copy of the proposed budgets were (a) advertised; (b) posted in the Borough Clerk's office; and (c) made available to each person requesting the same before and during the public hearing; and

WHEREAS, all persons having interest in the budget were given the opportunity to present objections; and

WHEREAS, the governing body of Borough of Washington having considered the comments at the public hearing is of the opinion that it is appropriate and desirable to ratify and adopt the budget without amendment as advertised; and

WHEREAS, pursuant to N.J.S.A. 40:56-80 and N.J.S.A. 40:56-84, the governing body of Borough of Washington is required to adopt the budget by resolution after closing the hearing; NOW, THEREFORE, BE IT RESOLVED the governing body of the Borough of Washington that:

- (1) The Washington Borough Special Improvement District budget is approved by the governing body of the Borough of Washington and it is approved for the period of January 1, 2008 – December 31, 2008 in the amount of \$236,175.00 to the Washington Borough Business Improvement District Management Corporation
- (2) This special assessment is hereby imposed and shall be collected with either the regular tax payment (or payment in lieu of taxes), in the amount of \$165,000, on properties located within the Borough of Washington as set forth within Ordinance # 7-2003 as amended; and
- (3) Payments the District received by the Borough of Washington shall be transferred to the Washington Borough Business Improvement District Management Corporation to be expended in accordance with the approved budget; and
- (4) The Borough Clerk is hereby authorized to forward a certified copy of this resolution to Washington Borough Business Improvement District Management Corporation, the Warren County Board of Taxation, and the Director of the Division of Local Government Services in the State of New Jersey Department of Community Affairs.

REPORTS:

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

1. Highway Department May 2008
2. Fire Prevention May 2008

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

Ayes: 5, Nays: 0
Motion Carried

COMMITTEE REPORTS:

Redevelopment Committee: No Report

DPW Garage: No Report

Sewer Committee: No Report

Streets Committee: No Report

Finance Committee: No Report

Shared Services Committee: No Report

Senior Services: No Report

Website Committee:

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.

Councilman Higgins commented on the \$43.91 spent on items for a street hockey party. He stated he does not believe we have done that in the past. Manager Corica stated that due to some confusion in the transition of the Recreation Committee; he authorized the party.

Councilman Higgins also asked Manager Corica to review the library phone bills; they seem high this month.

Hearing no further comments or questions the vouchers and claims were approved for payment in the amount of \$ 351,662.41

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

Ayes: 5, Nays: 0

Motion carried.

OLD BUSINESS:

NEW BUSINESS

Discussion – Accepting Dedication of Streets in or Adjacent to “Woolf Estates”

Councilwoman Woykowski stated that she would like to review a map prior to accepting the streets; the Borough does not want to inadvertently take ownership of Washington Township property. Councilman Turner stated that the Planning Board secretary has left all of the maps and documentation in the conference room for Council to review.

Council will review information in the conference room.

Resolution 138-2008 Citizen Participation Plan ARC

Resolution 138-2008 was moved on a motion made by Higgins, seconded by Oakley and adopted.

Councilwoman Woykowski noted that there seems to be a lot of involvement on the Borough’s part.

Roll Call: Higgins, Van Deursen, Woykowski, Turner and Oakley.
Ayes: 5, Nays: 0
Motion Carried

RESOLUTION # 138 -2008
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
WASHINGTON, WARREN COUNTY, NJ ADOPTING
CITIZEN PARTICIPATION PLAN

WHEREAS, the Borough of Washington has applied for a Small Cities Community Development Block Grant from the New Jersey Department of Community Affairs for a public facilities project to benefit the ARC of Warren County; and

WHEREAS, that Grant Agreement requires the Borough of Washington to comply with all federal regulations with respect to citizen participation; and

WHEREAS, the Borough of Washington has reviewed the Citizen Participation Plan prepared for Small Cities Community Development Block Grant grantees;

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

The Citizen Participation Plan developed by the New Jersey Department of Community Affairs, Small Cities CDBG Program, is adopted the Borough of Washington; and

The Borough of Washington will follow all regulations set forth in that document throughout the term of the Grant Agreement cited above.

Resolution 139-2008 CDBG Fair Housing Officer

Resolution 139-2008 was moved by Higgins, seconded by Oakley and adopted.

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

Ayes: 5, Nays: 0

Motion Carried

RESOLUTION # 139 - 2008
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
WASHINGTON, WARREN COUNTY, NJ IDENTIFYING
CDBG FAIR HOUSING OFFICER

WHEREAS, the Borough of Washington has applied for a Small Cities Community Development Block Grant from the New Jersey Department of Community Affairs (hereinafter DCA) for a public facilities project for the ARC of Warren County within the Borough of Washington; and

WHEREAS, the public facilities project will correct substandard structural conditions in the building located at 319 W. Washington Avenue, Washington, New Jersey; and, the project will service 170 clients, and

WHEREAS, the Borough of Washington must make efforts to affirmatively further fair housing; and

WHEREAS, The Borough of Washington has reviewed various actions that would be acceptable to the New Jersey State Department of Community Affairs and the U.S. Department of Housing and Urban Development; and

WHEREAS, the Borough of Washington has made assurances in the grant agreement that:

- (1) It will comply with the Housing and Community Development Act of 1974, as amended, and regulations issued thereto; and
- (2) It will comply with the Civil Rights Act of 1964, and the regulations issued thereto it; and
- (3) It will comply with the Fair Housing Act of 1968 and will affirmatively further fair housing; and
- (4) It will comply with the Age Discrimination Act of 1975 and with the Rehabilitation Act of 1973.

NOW, THEREFORE, BE IT RESOLVED that the Borough Manager, John Corica, shall be designated as the Fair Housing Officer for the Borough of Washington.

BE IT FURTHER RESOLVED that the Fair Housing Officer shall contact the US HUD Regional Office of Housing and Equal Opportunity and the NJ Division on Civil Rights, inform those agencies of his appointment as Fair Housing Officer and request Fair Housing Information; and

BE IT FURTHER RESOLVED that the Fair Housing Officer shall provide fair housing advisory services and assistance and referral advice to persons requesting such assistance from the Borough of Washington; and

BE IT FURTHER RESOLVED that the Borough of Washington will publish in the local newspaper of record and post at the Municipal Building a public notice announcing the appointment of the Fair Housing Officer and the availability of local fair housing advisory services.

Resolution 141-2008 Approval of Temporary Budget

Resolution 141-2008 was moved on a motion made by Higgins, seconded by Oakley and adopted.

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

Ayes: 5, Nays: 0
Motion Carried

RESOLUTION #141-2008

A RESOLUTION PROVIDING FOR AMENDING TEMPORARY CURRENT FUND APPROPRIATIONS

WHEREAS, N.J.S.A.40A:4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the 2008 Budget, temporary appropriations should be made for the purpose and amount required in the manner and time therein provided; and

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

TEMPORARY APPROPRIATIONS – 2008 BUDGET

Land Use Administration:

Shade Tree Commission

Other Expenses 6,300

Insurance:

Insurances

Group Medical 75,000

TOTAL ALL TEMPORARY APPROPRIATIONS: \$81,300

Resolution 143-2008 Renewal of ABC License for Warren County Discount Liquor and Grocery

Resolution 143-2008 was moved on a motion made by Higgins, seconded by Oakley and adopted.

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

Ayes: 5, Nays: 0

Motion Carried

RESOLUTION #143-2008

RETAIL DISTRIBUTION LICENSE

WHEREAS, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Distribution License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

WHEREAS, the following applicant has paid a fee of **\$720.00**.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Distribution License** be issued by the Borough Clerk and granted to:

Warren County Discount Liquor & Grocery, Inc.
260 W. Washington Ave
Washington, NJ 07882

From July 1, 2008 – June 30, 2009, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

BE IT FURTHER RESOLVED, that the following conditions be imposed on the licensee:

- A. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Borough of Washington Police Department for assistance.
- B. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have had an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times.

Resolution 145-2008 Renewal of ABC License for LINSKO INC. t/a Scotty's

Resolution 145-2008 was moved on a motion made by Higgins, seconded by Oakley and adopted.

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

Ayes: 5, Nays: 0

Motion Carried

RESOLUTION #145-2008

RETAIL CONSUMPTION LICENSE

WHEREAS, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Consumption License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

WHEREAS, the following applicant has paid a fee of **\$720.00**.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Consumption License** be issued by the Borough Clerk and granted to:

LINSKO, INC.;
t/a Scotty's Stadium Club
15 Belvidere Ave.

Washington NJ 07882

From July 1, 2008 – June 30, 2009, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

BE IT FURTHER RESOLVED, that the following conditions be imposed on the licensee:

- C. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Borough of Washington Police Department for assistance.
- D. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have had an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times.

Resolution 146-2008 Renewal of ABC License for JO BO Corp, t/a R Place

Resolution 146-2008 was moved on a motion made by Higgins, seconded by Oakley and adopted.

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

Ayes: 5, Nays: 0

Motion Carried

RESOLUTION #146-2008

RETAIL CONSUMPTION LICENSE

WHEREAS, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Consumption License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

WHEREAS, the following applicant has paid a fee of **\$720.00**.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Consumption License** be issued by the Borough Clerk and granted to:

JO BO CORPORATION
t/a R Bar
39 W. Washington Ave

Washington, NJ 07882

From July 1, 2008 – June 30, 2009, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

BE IT FURTHER RESOLVED, that the following conditions be imposed on the licensee:

- E. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Borough of Washington Police Department for assistance.
- F. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have had an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times.

Resolution 147 – 2008 Void and Replace Check

Resolution 147-2008 was moved on a motion made by Higgins, seconded by Oakley and adopted.

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

Ayes: 5, Nays: 0
Motion Carried

RESOLUTION #147-2008

RETAIL CONSUMPTION LICENSE

WHEREAS, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Consumption License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

WHEREAS, the following applicant has paid a fee of **\$720.00**.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Consumption License** be issued by the Borough Clerk and granted to:

VMI of Washington, Inc.
t/a Enzo's Restaurant & Pizzeria
328 W. Washington Ave.
Washington, NJ 07882

From July 1, 2008 – June 30, 2009, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

BE IT FURTHER RESOLVED, that the following conditions be imposed on the licensee:

- G. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Borough of Washington Police Department for assistance.
- H. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have had an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times.

Resolution 148-2008 Renewal of ABC License for GRAMA Inc. t/a Mediterranean Bistro

Resolution 148-2008 was moved on a motion made by Higgins, seconded by Oakley and adopted.

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

Ayes: 5, Nays: 0

Motion Carried

RESOLUTION #148-2008

RETAIL CONSUMPTION LICENSE

WHEREAS, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Consumption License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

WHEREAS, the following applicant has paid a fee of **\$720.00**.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Consumption License** be issued by the Borough Clerk and granted to:

GRAMA, Inc
t/a Mediterranean Bistro
301 W. Washington Ave

Washington, NJ 07882

From July 1, 2008 – June 30, 2009, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

BE IT FURTHER RESOLVED, that the following conditions be imposed on the licensee:

- I. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Borough of Washington Police Department for assistance.
- J. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have had an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times

Resolution 149-2008 Renewal of ABC License for Washington Inn, Inc. t/a Felix's Tavern

Resolution 149-2008 was moved on a motion made by Higgins, seconded by Oakley and adopted.

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

Ayes: 5, Nays: 0

Motion Carried

RESOLUTION #149-2008

RETAIL CONSUMPTION LICENSE

WHEREAS, an application has been made in apparent conformity with the requirements and conditions relative to the issuance of a **Plenary Retail Consumption License** and in accord with an Act of Legislature concerning Alcoholic Beverages and the Amendments and Supplements thereto; and

WHEREAS, the following applicant has paid a fee of **\$720.00**.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Washington, County of Warren, and State of New Jersey that a **Plenary Retail Consumption License** be issued by the Borough Clerk and granted to:

Washington Inn, Inc.
t/a Felix's Tavern
101 East Washington Ave.

Washington, NJ 07882

From July 1, 2008 – June 30, 2009, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

BE IT FURTHER RESOLVED, that the following conditions be imposed on the licensee:

- K. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Borough of Washington Police Department for assistance.
- L. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have had an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times

Resolution 150-2008 Granting a Military Leave of Absence to Kendall Collins

Resolution 150-2008 was moved on a motion made by Higgins, seconded by Turner and adopted.

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

Ayes: 5, Nays: 0

Motion Carried

RESOLUTION # 150 -2008
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
WASHINGTON, WARREN COUNTY, NJ TO GRANT A
MILITARY LEAVE OF ABSENCE TO KENDALL
COLLINS

WHEREAS, ; Police Officer Kendall J. Collins has been called to active duty by the New Jersey Army National Guard commencing on 18 June 2008 for a period not to exceed 398 days; and

WHEREAS, ; N.J.S.A. 38A: 4-4 provides for full pay for municipal employees who are activated for duty for a period of 90 work days; and

WHEREAS, the contract with PBA Local 280 requires that in addition to any benefits provided under federal or state law that the officer is entitled to up to 3 months leave of absence with pay in any one calendar year.

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 Officer Ken Collins is hereby granted a military leave of absence for the extent of his activation with full pay for a period of 3 months and an additional 90 work days.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the Division of Pension and Benefits in order to allow the employee to retain his benefits during the Leave of Absence With Pay due to being ordered to report for active military duty.

Resolution 151-2008 Request of Restoration of State Aid

Resolution 151-2008 was moved on a motion made by Higgins, seconded by Oakley and adopted.

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

Ayes: 5, Nays: 0

Motion Carried

RESOLUTION # 151 -2008
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
WASHINGTON, WARREN COUNTY, NJ

WHEREAS, ; the Governor of the State of New Jersey had pledged during his campaign that property tax relief would be a major goal of his administration; and

WHEREAS, ; the Governor of the State of New Jersey has proposed to cut \$223,524 in state aid from the Borough with out providing any warning that these cuts would be made to allow municipalities to begin to anticipate such cuts; and

WHEREAS, , these cuts have required the Borough to increase its budget by over 5 cents which further exacerbates the property tax problems in the Borough our ability to provide services to our residents in a cost effective manner.

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 if the Governor and the Legislature are sincere in their desire to curb property tax increases that they restore the state aid that was taken from the municipalities in the state without warning.

BE IT FURTHER RESOLVED, that the Governor and Legislature seeks ways to reduce the cost of State Government as a means of balancing the state budget.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Office of the Governor, the New Jersey Senate and Assembly, the New Jersey League of Municipalities

and all municipalities in Warren County.

RECAP

Manager Corica will send a seven and fifteen day letter to Marvec. He will meet with Councilman Higgins and Councilman Turner to review the Bond Ordinances. He will also review the library telephone bill.

COUNCIL REMARKS

Councilwoman Woykowski stated she would like to see a monthly report from the Recreation Department. The report should include accomplishments, any issues, and future projects. She would also like to see an explanation on overtime; there seems to be more employees than last year so there should not be any overtime. She stated she would also like an employee list and an explanation on two position, the Assistant Recreation Supervisor and the Swim Team Supervisor. Councilwoman Woykowski also commended the Washington Fire Department on their 125th year anniversary and creating a feeling of community at the parade.

Councilman Turner stated he was disappointed that Clay Maceldowney from Hatch Mott MacDonald did not attend this evenings meeting.

Councilwoman Oakley congratulated the Fire Department on 125 years and wished Officer Collins good luck.

Councilman Higgins noted that there has been vandalism at the park. He inquired as to where the Borough stands on doing an audit of the capital accounts. Manager Corica stated the two proposals were in Council's packet. He asked if they would like to have the auditors at the July meeting. Council agreed. Mayor Van Deursen asked where the money would come from to pay for the Capital Ordinance Audit.

Mayor Van Deursen said the Fireman's Parade was wonderful and the Fire Department did a great job. She asked Councilman Higgins to tell the Fire Department that they did a great job cleaning up the park.

Manager Corica asked if the Borough is responsible for the maintenance of Catelle Court. Council suggested Manager Corica take a look at the deeds to see if there is an easement located there. Councilman Turner stated if we have done the maintenance in the past, we should continue to do it.

Hearing no further business to come before Council, it was moved by Turner, seconded by Oakley that the meeting be adjourned at 12:00 a.m.

Ayes: 5, Nays: 0.
Motion carried.

Mayor Marianne Van Deursen

Kristine Blanchard, RMC Borough Clerk