

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – July 15, 2008**

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

Roll Call: Cioni, Oakley, Housel, Higgins, Woykowski – Present
Van Deursen arrived at 8:45 p.m.
Turner - Absent

Also Present: John Corica, Borough Manager
Judy Kopen, 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

Tom Efstathiou - Tax Assessor

Mr. Efstathiou stated the assessment ratio for the year 2008 is 65%. This has been a bad year for tax appeals for the Borough. There were forty residential appeals, thirty six in the Washington Meadows subdivision alone. Toll Brothers (Regency) appealed ninety eight lots. Mr. Efstathiou reported that the County Board of Taxation can order the Assessor to do adjustments, in this case they may. There are several properties currently pending in tax court which include; Park Avenue Apts., 20 West Washington Avenue, and Wachovia Bank.

Councilwoman Woykowski asked Mr. Efstathiou for a brief report on the properties that have appealed their property taxes and what this will mean for the Borough’s 2009 budget. Mr. Efstathiou stated he will be able to complete this when the 2008 tax rate is struck.

Thomas Ferry – CPA, Ferraioli, Wielkocz, Cerullo, and Cuva

Mr. Ferry discussed his proposal for auditing the Borough’s Capital Ordinances. Mr. Ferry stated his firm is the auditor for Mansfield and Alpha in Warren County and Newton in Sussex County. The Borough’s request for forensic auditing of Capital Ordinances will consist of; reviewing the ordinances passed between 2000 and 2008, making sure advertising requirements have been met and the ordinances were approved in the minutes, and reviewing

every voucher charged to the ordinance to make sure items were properly charged. They will also look at cash disbursements cancelled checks, and match the information to the treasurer's records and the audit report. Mr. Ferry stated it will require one junior accountant and one manager. He expects the project will take approximately 35 hours per employee. The maximum audit fee is \$7,000 however; he anticipates it will be no more than \$5,000.

Councilman Higgins asked if the fee includes a report on the firm's findings and their recommendations. Mr. Ferry stated he would present his findings to Council. Councilwoman Woykowski stated that if the firm ran into problems she would like an additional scope of services. Mr. Ferry stated he would not proceed until he spoke to Mr. Corica.

Deputy Mayor Higgins thanked Mr. Ferry for his proposal.

Debbie Hirt – New Jersey Department of Transportation
Route 57 Scenic Byway Designation

Ms. Hirt introduced Karen Williamson of the Heritage Commission who will be making the presentation to Council. Ms. Hirt stated that the DOT has met with most of the municipalities along the Rt. 57 corridor. The DOT has received resolutions of support from these municipalities.

Ms. Williamson explained to Council that the definition of a scenic byway is a public road that handles everyday traffic and possesses certain characteristics. The byway needs to be scenic, recreational, historical, and archeological. The Heritage Commission feels that Rt. 57 has everything to be a scenic byway. The process of designating the scenic byway contains two steps. A submission of nomination application needs to be sent to the DOT. This allows the DOT to review the roadway. A Resolution of support from each of the municipalities needs to be obtained as well. To date, the Heritage Commission has received five Resolutions of support out of the seven communities. The Heritage Commission will be the sponsor of the program. Ms. Williams explained that once these two steps are completed, a five year corridor management plan is developed. The purpose of the plan is to look at any items that the communities want to consider. These improvements may include safety improvements, recreational improvements, historical structures or natural resources. The purpose is to have motorists passing through your community to contribute to the community economically. Additionally, the Borough will need to provide a representative to participate in the corridor management planning process. The plan can not include basic maintenance. The plan needs to include new items; such as something that would identify a point of interest. Additionally, this program targets billboards. New billboards and advertising signs would not be allowed along the corridor. Councilwoman Oakley asked how this would affect our ability to advertise activities at the park. The Borough would want to be able to advertise their own events even if it is off of the corridor. Ms. Williamson stated that a community event would be considered an on premise event. The general premise is to not have more billboards along the corridor. Councilman Higgins asked how long the Borough will be committed to this. Ms. Williamson stated it is permanent.

Deputy Mayor Higgins entertained a motion to prepare the Resolution of support for the next meeting.

Motion made by Cioni, seconded by Housel and approved.

Ayes: 5, Nays: 0
Motion Carried

Mayor Van Deursen arrived at 8:45 p.m.

Andrew Holt – Suburban Engineering

Mr. Holt reviewed several obstacles concerning the downtown parking lot. He stated that Suburban has held off on submitting the plans to the BID Board until we spoke with Council this evening. There are several environmental issues regarding lot 24.01. The site has undergone environmental investigations in the past because of contamination in the groundwater table. Two potential sources of the contamination are Modern Valet and L & L Cleaners. Mr. Holt stated that well monitoring and samples have revealed PCE which is typical with dry cleaning establishments. Mr. Holt reported that the EPA stated they do not have a plan of remediation in this location at this time. The Borough authorized Van Note Harvey to study the area. The data revealed soil contamination. During that time, a memo of agreement was filed. This agreement acknowledges contaminants at elevated levels in the area and states that the Borough did not contaminate the soil. Mr. Holt stated Suburban's proposal will outline the steps so the Borough can quantify how much contaminants exist in the soil. Suburban will identify sampling locations and evaluate the samples. Once this has been complete, we will be in a better position to tell you how to remediate the project.

Mr. Holt explained that they are recommending to remove the most problematic contaminants. This process can be done quickly however there will be a cost associated with the project. Records will be compiled so that the Borough will be able to report to the DEP that remediation is in process. The ultimate goal is to receive a no further action letter. Mayor Van Deursen asked how long the sampling process will take. Mr. Holt stated four to six weeks. Councilman Higgins asked why the Borough can't just cap the area. Mr. Holt stated that it would create an environmental liability. Mr. Holt stated that PCE is a problem and the Borough needs to make sure it does not go elsewhere. Metals are fine for capping however PCE is not. Councilwoman Woykowski stated that she has documents from the DEP stating that the Borough is not responsible as long as we do not upset the soil. She asked if the parking lot be done without upsetting the soil. Mr. Holt stated that the building the parking lot would require earth work. The Borough did its due diligence before taking ownership of property, now the environmental issues need to be addressed.

Mayor Van Deursen stated she was concerned about the time frame of 4 to 6 weeks. She asked if the preliminary work can be started during the evaluation. Council discussed the fact that the BID will not take ownership of the property until it is remediated.

Motion made by Councilman Housel to prepare a resolution for the July 22, 2008 Workshop Meeting to approve a professional services contract with Suburban Engineering to do the evaluation of the parking lot property, seconded by Councilman Cioni.

Ayes: 6, Nays: 0
Motion Carried.

MINUTES:

Mayor Van Deursen entertained additions or corrections to the minutes of the Budget Working Meeting June 11, 2008, Budget Workshop Executive Session June 11, 2008, Regular Meeting June 17, 2008, Executive Session June 17, 2008 with Steve Hearl, Executive Session June 17, 2008 with Hatch Mott MacDonald, Regular Meeting of July 1, 2008, and the Executive Session of July 1, 2008.

Two corrections were made by Councilwoman Woykowski and Councilman Housel and noted by the Clerk.

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

Roll Call: Van Deursen, Woykowski, Higgins, - Yes
Cioni Abstained from June 11 meeting minutes
Housel Abstained from June 11 meeting minutes
Oakley Abstained from July 1 meeting minutes

Ayes: 6, Nays: 0
Motion Carried

Council discussed receiving weekly updates from the Engineer and Borough Manager on the DPW Garage progress. A ground braking ceremony will be scheduled for August 19 at 7:30 p.m.

COMMUNICATIONS:

The following communications were entered into the record:

1. Warren County Planning Department Re: Water Quality Management
2. NJ Transit Re: Pennsylvania Lackawanna Cut Off Passenger Rail Service Restoration Project
3. DEP Re: Green Acres Program Land Offer

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

Ayes: 6, Nays: 0.
Motion carried.

AUDIENCE:

Mary Jordan stated she wanted to clear up her previous communication with Council. She stated she had spoken with the Police Chief and he was aware of what was going on. She stated that she is interested in starting a community center for the youth in the area. The Chief informed her that there was one already in existence but was not operating at the moment.

Mayor Van Deursen gave Ms. Jordan the name of the person who owns the community center and informed her that she could obtain his phone number from the clerk the next day.

ORDINANCES:

Ordinance 7-2008 – An Ordinance to Establish a CAP BANK for the Calendar Year 2008.
(Introduction)

Mayor Van Deursen entertained a motion to introduce Ordinance #7-2008.

Ordinance 7-2008 was introduced by Councilman Housel, seconded by Councilwoman Oakley.

It was further moved by Housel, seconded by Oakley that the Clerk read Ordinance #7-2008 by title only.

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

Ayes: 6, Nays: 0
Motion Carried

The Clerk read Ordinance #7-2008 entitled, “An Ordinance to Establish a Cap Bank for the Calendar Year 2008.”

Council Discussion: None

Mayor Van Deursen entertained a motion to introduce Ordinance 7-2008 on first reading.

Ordinance 7-2008 was moved by Councilman Housel, seconded by Councilwoman Oakley to be introduced on first reading.

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

Ayes: 6, Nays: 0
Motion Carried

It was further moved by Housel, seconded by Oakley that Ordinance #7-2008 be published in the Star Gazette on July 24, 2008 as required by law and that the public hearing be scheduled for August 19, 2008.

Ordinance 7-2008

**CALENDAR YEAR 2008
ORDINANCE TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J. S. 40A: 4-45.1 et.seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said final budget appropriations to 2.5% or the cost of living adjustment of 3.5% over the previous years final appropriations; and

WHEREAS, a municipality may, by ordinance, bank the difference between its final budget appropriations subject to the 2.5% cap and the 3.5% cost of living adjustment when said difference is not appropriated as part of the final budget; and

WHEREAS, the Borough Council of the Borough of Washington, County of Warren, hereby determines that this difference in the amount of \$46,719.69 that is not appropriated as part of the final budget shall be retained as an exception to the final appropriations in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED, that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

INTRODUCTION OF MUNICIPAL BUDGET

Resolution 159- 2008

Resolution 159-2008 was moved on a motion made by Housel, seconded by Oakley and adopted.

Council Discussion:

Councilman Higgins noted that as reflected in the minutes of July 1, 2008 there was a motion and a second to hold a meeting on the budget prior to the introduction of the budget. A vote was taken and passed. Council did not hold a meeting. There was no vote taken to reverse the original vote.

RESOLUTION #159-2008
INTRODUCTION OF 2008 PROPOSED MUNICIPAL BUDGET
OF THE BOROUGH OF WASHINGTON,
WARREN COUNTY, NEW JERSEY.

BE IT RESOLVED, that the statements and revenues and appropriations shall constitute the Municipal Budget for the year 2008.

BE IT RESOLVED, that said Budget be published in the Star Gazette in the Issue of July 24, 2008 and the governing body of the BOROUGH OF WASHINGTON does hereby approve the Budget for the year 2008.

BE IT FURTHER RESOLVED, that the hearing on the Budget will be held at Borough Hall, on August 19, 2008 at 8:00 o'clock (p.m.) at which time and place objections to said budget for the year 2008 may be presented by taxpayers or other interested persons.

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

Ayes: 5, Nays: 1
Motion Carried

REPORTS:

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

1. Municipal Court Report
2. Highway Department Report
3. Recreation Report
4. Issues and Details Report

Councilwoman Woykowski thanked the Manager and Recreation Director for the Recreation report. She stated that a few details are missing however. She is looking forward to

seeing those details in future reports. She stated she would like to see the following in future reports: past activities, and any problems that may occur, and future activities. She would like to see copies of the schedule for the month of June and July at the next meeting. This is a new department and this will enable Council to look at the budget and make policies for future years. She would also like to see a cash management plan and a policy on the keys. Mainly who has keys to the various recreation buildings?

Manager Corica stated that the entire facility is in the process of being re-keyed. He stated he is also working closely with the Recreation Director on the cash plan of the pool and will have one in place by 2009. Councilman Cioni asked if the Recreation Director could give Council an assessment on privatizing the refreshment stand for 2009.

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

Ayes: 5, Nays: 0
Motion Carried

COMMITTEE REPORTS:

Shared Services Committee: Mayor Van Deursen reported the Township/Borough Shared Services Committee will be meeting August 30, 2008. The Police Chiefs will be present.

Redevelopment Committee: No Report

DPW Garage: No Report

Sewer Committee: No Report

Streets Committee: No Report

Finance Committee: Councilwoman Woykowski stated that it has been the conclusion of the finance committee that the Borough is in need of a few basic financial planning tools that other municipalities have. They would like to incorporate a two year capital plan, and a 20 year financial plan.

Shared Services Committee: No Report

Senior Services: No Report

Website Committee: No Report

Curfew Committee: No Report

Pedophile Ordinance Committee: No Report

BID:

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.

Hearing no further comments or questions the vouchers and claims were approved for payment in the amount of \$ 252,227.90

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

Ayes: 6, Nays: 0
Motion carried.

OLD BUSINESS:

NEW BUSINESS

Off Site Signs for Garage Sales

Council discussed drafting an ordinance to allow for garage/yard sale signs off of personal property. Council concurred to allow off premise garage/yard sale signs with removal of signs by 7:00 p.m. the date of the sale. Attorney Cushing's office will draft the Ordinance changes.

Resolution 160-2008 Dedication of Revenues Received by the Borough for Developer's Escrow

Motion made by Housel, seconded by Oakley and adopted.

Councilman Higgins asked why the Borough needs to do this. Manager Corica stated it is an auditing requirement.

RESOLUTION #160-2008

**A RESOLUTION TO DEDICATE REVENUES
RECEIVED BY THE BOROUGH OF WASHINGTON
FOR DEVELOPERS' ESCROW**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance, and

WHEREAS, NJS 40:55D-53.1 allows municipalities to receive amounts for costs incurred for Developers' Escrow, and

WHEREAS, N.J.S.A.40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider,

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

1. The Mayor and Council hereby request permission of the Director of the Division of Local Government Services to pay expenditures for Developers' Escrow as per N.J.S.A. 40A:4-39.

2. The municipal clerk of the Borough of Washington is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

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

Ayes: 6, Nays: 0
Motion Carried

Resolution 161-2008

Motion made by Housel, seconded by Oakley and adopted.

RESOLUTION #161-2008

**A RESOLUTION TO DEDICATE REVENUES
RECEIVED BY THE BOROUGH OF WASHINGTON
FOR RECREATION DONATIONS**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance, and

WHEREAS, NJS 40A:50-29 allows municipalities to receive amounts for Recreation-Donations- Acceptance of Bequest and Gifts, and

WHEREAS, N.J.S.A.40A:4-39 provides that the Director of the Division of Local

Government Services may approve expenditures of monies by dedication by rider,

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

1. The Mayor and Council hereby request permission of the Director of the Division of Local Government Services to pay expenditures for Recreation-Donations-Acceptance of Bequest and Gifts as per N.J.S.A. 40A:4-39.

2. The municipal clerk of the Borough of Washington is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

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

Ayes: 6, Nays: 0

Motion Carried

Resolution 162-2008

Motion made by Housel, seconded by Oakley and adopted.

RESOLUTION #162-2008

**A RESOLUTION TO DEDICATE REVENUES
RECEIVED BY THE BOROUGH OF WASHINGTON
FOR POLICE DEPARTMENT TRUST**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance, and

WHEREAS, NJS 40A:50-29 allows municipalities to receive amounts for Police Department Trust-Donations- Acceptance of Bequest and Gifts, and

WHEREAS, N.J.S.A.40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider,

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

1. The Mayor and Council hereby request permission of the Director of the Division of Local Government Services to pay expenditures for Police Department Trust-Donations-Acceptance of Bequest and Gifts as per N.J.S.A. 40A:4-39.

2. The municipal clerk of the Borough of Washington is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

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

Ayes: 6, Nays: 0
Motion Carried

Resolution 163-2008

Motion made by Housel, seconded by Oakley and adopted.

RESOLUTION #163-2008

**A RESOLUTION TO DEDICATE REVENUES
RECEIVED BY THE BOROUGH OF WASHINGTON
FOR POLICE DONATIONS**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance, and

WHEREAS, NJS 40A:50-29 allows municipalities to receive amounts for Police-Donations-Acceptance of Bequest and Gifts, and

WHEREAS, N.J.S.A.40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider,

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

1. The Mayor and Council hereby request permission of the Director of the Division of Local Government Services to pay expenditures for Police-Donations-Acceptance of Bequest and Gifts as per N.J.S.A. 40A:4-39.

2. The municipal clerk of the Borough of Washington is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

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

Ayes: 6, Nays: 0
Motion Carried

Resolution 164-2008

Motion made by Housel, seconded by Oakley and adopted.

RESOLUTION #164-2008

**A RESOLUTION TO DEDICATE REVENUES
RECEIVED BY THE BOROUGH OF WASHINGTON
FOR C.O.A.H.-AFFORDABLE HOUSING TRUST**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance, and

WHEREAS, PL 1985, C222 and NJAC 5:92-18.1 et seq allows municipalities to receive amounts for Affordable Housing, and

WHEREAS, N.J.S.A.40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider,

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

1. The Mayor and Council hereby request permission of the Director of the Division of Local Government Services to pay expenditures for Affordable Housing Trust (C.O.A.H.) as per N.J.S.A. 40A:4-39.

2. The municipal clerk of the Borough of Washington is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

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

Ayes: 6, Nays: 0
Motion Carried

Resolution 165-2008

Motion made by Housel, seconded by Cioni and adopted.

Manager Corica stated it is necessary for the Borough to do estimated tax bills for the third quarter. It is necessary for the cash infusion due to the delay in the municipal aid numbers from the State of New Jersey.

RESOLUTION # 165-2008

A RESOLUTION AUTHORIZING THE BOROUGH OF WASHINGTON TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED TAX BILLS IN ACCORDANCE WITH P.L. 1994, c. 72

WHEREAS, due to the late adoption of the Borough of Washington's 2008 Municipal Budget, the Warren County Board of Taxation is unable to certify tax rates for the year of 2008: and

WHEREAS, without a 2008 certified tax rate the Tax Collector of the Borough of Washington will be unable to issue 2008 tax bills on a timely basis;

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

1. The Tax Collector of the Borough of Washington is hereby authorized and directed to prepare and issue estimated tax bills for the Borough of Washington for the third installment of 2008 taxes. The Tax Collector shall proceed and take such actions as are permitted and required by Chapter 72, Public Laws of 1994 and N.J.S.A. 54:66.2 and 54:4-66.3.
2. The entire estimated tax levy for 2008 is hereby set \$ 399,371,340.89.
 - a. The estimated tax rate for 2008 Regular Taxes is hereby set at \$4.121
 - b. The estimated tax rate for 2008 Special Improvement District I is hereby set at \$4.121 + .264=4.385.
 - c. The estimated tax rate for 2008 Special Improvement District II is hereby set at \$4.121 + .166=4.287.

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

Ayes: 6, Nays: 0
Motion Carried

Resolution 166-2008

Motion made by Housel, seconded by Cioni and adopted.

Manager Corica explained to Council that he would only do this if he felt it was necessary. He is currently working on delaying some of the larger payments that are currently due.

Councilman Houzel stated that this should only be done if necessary. Councilman Higgins noted that if this is not needed, Council should cancel this authorization by Resolution.

RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$3,000,000 TAX ANTICIPATION NOTES OF 2008 OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY.

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

In anticipation of the collection of taxes for the year 2008 levied or to be levied in such year or in anticipation of other revenue for such year, and for the purposes provided for in the budget or for which taxes are levied or to be levied for such year, Tax Anticipation Notes of 2008 of the Borough of Washington, in the County of Warren, are hereby authorized to be issued in the principal amount of \$3,000,000 pursuant to the Local Budget Law of the State of New Jersey.

The following matters in connection with said notes are hereby determined:

TITLE:	\$3,000,000 Tax Anticipation Notes of 2008
DATE, NUMBER, DENOMINATION AND PLACE OF PAYMENT:	As may be determined by the Chief Financial Officer.
MATURITY:	As may be determined by the Chief Financial Officer.
INTEREST RATE:	As may be determined by the Chief Financial Officer.
FORM:	As may be determined by the Chief Financial Officer.

The borrowing power of the Borough on Tax Anticipation Notes for the year 2008 is \$4,613,552 as determined by a certificate of the Chief Financial Officer filed in the office of the Borough Clerk, such certificate being as follows:

"CERTIFICATE

I, KAY F. STASYSHAN, Chief Financial Officer of the Borough of Washington, in the County of Warren, New Jersey, **HEREBY CERTIFY** as follows:

The gross borrowing power in respect to Tax Anticipation Notes of 2008, being 30% of the tax levy of the next preceding fiscal year for all purposes, plus 30% of the amount of miscellaneous revenues realized in cash during the next preceding fiscal year, is \$4,613,552.

The amount of notes outstanding in anticipation of the collection of the taxes of the 2008 fiscal year, except such notes as will be renewed by or paid from other proceeds of the notes to be issued is \$0.

The net borrowing power, being the excess of the first over the second of the two above amounts, is \$4,613,552.

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of July, 2008.

Kay F. Stasyshan
Chief Financial Officer"

The Chief Financial Officer signing such notes is hereby authorized and directed to determine all matters in connection therewith not determined by this or a subsequent resolution and the signature of the Chief Financial Officer upon said notes shall be conclusive evidence that all such matters have been so determined in manner and effect consistent with the form and substance of such notes. The Chief Financial Officer is hereby authorized to sell said Tax Anticipation Notes of 2008 at public or private sale at not less than par and to deliver the same to the purchasers thereof upon receipt of the purchase price plus accrued interest from the date of the notes to the date of delivery thereof and payment therefor.

Said notes shall be general obligations of the Borough and the full faith and credit

of the Borough are hereby pledged to the punctual payment of the principal of and interest on said obligations, and, unless otherwise paid or payment provided for, taxes shall be levied in an amount sufficient to pay the principal of and interest on said obligations as the same shall become due and payable.

The Chief Financial Officer is authorized and directed to report in writing to this Mayor and Common Council at the meeting next succeeding the date when the sale of any of said notes pursuant to this resolution is made, such report to include the amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser, and such report shall be entered in full in the minutes of such meeting.

The Chief Financial Officer is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of said notes to the purchasers thereof as promptly as possible, including (i) the preparation, execution and dissemination of a Preliminary Official Statement and Final Official Statement with respect to said notes, (ii) preparation, distribution and publication, if necessary, of a Notice of Sale with respect to said notes, (iii) execution of a Continuing Disclosure Undertaking, with respect to said notes in accordance with Rule 15c2-12 promulgated by the Securities and Exchange Commission and (iv) execution of an arbitrage and use of proceeds certificate certifying that, among other things, the local unit, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on said notes is not included in gross income under Section 103 of the Internal Revenue Code of 1986, as amended.

This resolution shall take effect immediately.

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

Ayes: 6, Nays: 0
Motion Carried

RECAP

Manager Corica stated he will prepare the Resolutions for the scenic byways. He will prepare a resolution for the Suburban Consulting proposal for the workshop meeting July 22. He will also follow up with Council if it is determined that the Tax Anticipation Notes are necessary.

COUNCIL REMARKS

Councilman Housel – None

Councilman Cioni – None

Councilwoman Woykowski – None

Councilman Higgins - None

Councilwoman Oakley requested to have the DPW look at the School Street yellow lines.

Mayor Van Deursen - None

MANAGER REMARKS

None

EXECUTIVE SESSION

RESOLUTION 158-2008

RESOLUTION AUTHORIZING EXECUTIVE SESSION

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

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

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

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

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

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

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

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

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

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

_____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 adjourned from Executive Session at 11:30 p.m.

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

Ayes: 6, Nays: 0.
Motion carried.

Mayor Marianne Van Deursen

Kristine Blanchard, RMC Borough Clerk