

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – November 5, 2008**

The Regular Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 7:55 P.M.

Roll Call: Cioni, Higgins, Woykowski, Turner, Oakley - Present
Van Deursen – 10:00 p.m.
Housel - 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

Kevin Shoudt – Veolia Water

Mr. Shoudt presented the plant performance to Council over the past year. There is a noticeable difference in flow from last year. He stated flow is about 20,000 or less a month from last year considering rain fall for 2008 is about the same as 2007. The closing up of the pipe in April of last year probably helped in reducing flow. Mr. Shoudt reported that annual maintenance was performed in April. The plant has not had any lost time or OSHA reportables either. The DEP was on site for an inspection on September 11; per DEP everything was in compliance.

Mr. Shoudt reported there were twenty one back up calls so far this year. Odor complaints consist of the Port Colden Mall area and Belvidere Avenue. They are currently working to resolve the issue. There was a manhole inventory done and as a result Manager Corica is ordering one hundred manhole inserts. The collection systems and pump stations were also cleaned as per the attached schedule.

Mr. Shoudt stated that the report regarding the I and I flow meters may be something the Borough should look into. He explained they would go out in dry weather and again in rainy weather to do the readings. Mr. Shoudt will obtain a price on the flow meters for Council.

Paramount Properties

Richard Dunn

Mr. Dunn stated that this is a follow up from their presentation in June of this year. Paramount has made some progress. Star Plaza's structural deficiency has been repaired. The tenant seems to be pleased with the repairs. Twenty eight East Washington had structural problems as well and has been corrected. There were many hurdles that needed to be overcome and unfortunately this was a 10 -12 week process. Mr. Dunn stated that regarding the short term plans; most of them have been implemented successfully. The properties are cared for and occupancy has risen even though we are in a real estate crunch right now. Star Plaza is 97% rented and on 41 East Washington Avenue a polish delicatessen has just moved in. Mr. Dunn stated he is in the Borough every three to four weeks. He thanked the Governing Body for agreeing to work with Paramount. The main issue Paramount is having is with 6 East Washington Avenue. Paramount is working hard to keep the vacancy rates low however; the credit crisis is making it hard to get financing right now. Mr. Dunn suggested letting the town utilize the facility as a youth center. Councilwoman Woykowski asked for specifics. Mr. Dunn stated that they would be willing to give the Borough or a non profit agency free rent for six months to bring activity to the downtown area. Several non profits were discussed by Council. Deputy Mayor Higgins cautioned Council of the liability cost of establishing a program. Deputy Mayor Higgins stated that back in June you told Council you were going to make improvements by July 1, 2008. There has been no improvement in curb appeal. Deputy Mayor Higgins stated when you presented to us in June you gave us a timeline we have not received any update to date.

Mr. Dunn stated regarding curb appeal the windows were cleaned up and the signage removed. The fire escape cannot be removed. Councilman Turner stated that the fire escape should be cleaned up. It's in such glaring contrast to the rest of the building. It could be made to blend in better with the building and still be acceptable to the DCA. Councilman Cioni agreed and stated the fire escape should be cleaned up. He also stated that the short term goals included replacement windows, and painting the fire escape. None of those goals have been met. Maurice stated that five out of six goals have been completed. Six East Washington is the only property that is not completed at this time. He also stated that Paramount is moving in the right direction with the Borough. There will be a follow up email to everyone on Friday. Deputy Mayor Higgins stated the bottom line is if you are successful then the Borough is successful. Communication needs to improve. Mr. Dunn stated that he will begin to send out emails regarding progress. He will send a summary of tonight's meeting in a week to ten days with more detail. Councilman Cioni requested some kind of plan by Friday.

Abandoned Properties/Stacking Ordinance

The State of New Jersey was unable to attend tonight's meeting. Councilman Cioni explained that this is the group that came up with the brochure on the abandoned properties law. They would like to touch base with Attorney Cushing. Attorney Cushing will follow up with them. They may be able to attend the next Council meeting.

MINUTES:

Deputy Mayor Higgins entertained additions or corrections to the minutes of the Workshop Meeting of September 30, 2008, Planning Board/Council Meeting September 8, 2008, Regular Meeting October 21, 2008.

Hearing no comments it was moved by Turner, seconded by Oakley that the minutes of September 20, September 8, and October 21, 2008 be approved.

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

Ayes: 5
Nays: 0
Motion Carried

COMMUNICATIONS:

The following communications were entered into the record:

1. JCP&L Proposed New Demand Response Program
2. Washington Township Land Use Board Re: Hearing Rt. 350 Rt. 57
3. Patriots Path Council Inc.

Councilman Turner stated he called the Patriots Path Council to inquire about them attending a Council meeting. He noted that they are not from this area and they may have had us confused with another Washington. Patriots Path Council will follow up.

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

Ayes: 5, Nays: 0.
Motion carried.

AUDIENCE:

Julia Quelly - 4 Cleveland Street

Ms. Quelly stated that she received a bill for the overage that occurred with her sewer line back in February. She stated Council agreed to waive the overage when she attended the Council meeting in February. Council agreed. The overage charges will be waived.

Ray Little 82 South Lincoln Avenue

Mr. Little questioned the new overnight parking Ordinance and whether or not it applies to South Lincoln Avenue. He stated Council agreed back in 2005 that they would not charge the residents of South Lincoln Avenue for overnight parking stickers. Manager Corica stated the reason the Parking Ordinance was amended was to implement more regulation to control overnight parking. The goal is to get cars off of the street and into public parking lots. Council agreed that the previously adopted Ordinance was overlooked and thanked Mr. Little for bringing it to their attention. The Ordinance 17-2005 will be reviewed. Documents will be provided to Council. Mr. Little also requested that letters be sent to everyone in the area who is utilizing on-street parking.

Hearing no further comments from the audience a motion was made by Oakley, seconded by Cioni to close the audience portion of the meeting.

Ayes: 5, Nays: 0
Motion Carried

ORDINANCES:

Deputy Mayor Higgins entertained a motion to introduce Ordinance #12-2008.

Ordinance 12-2008 was introduced by Councilman Turner, seconded by Councilwoman Oakley.

It was further moved by Turner, seconded by Oakley that the Clerk read Ordinance #12-2008 by title only.

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

Ayes: 5, Nays: 0
Motion Carried

The Clerk read Ordinance #12-2008 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.

Public Hearing:

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

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

Ayes: 5, Nays: 0
Motion Carried

Council Discussion:

Councilman Turner asked who the backup personnel is for Betty and Gary Wysocki. Manager Corica stated that because there are two Animal Control Officers there is no need for backup.

Motion made by Councilwoman Oakley, seconded by Councilman Turner to adopt Ordinance 12-2008 on final passage.

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

Ayes: 5, Nays: 0
Motion Carried

Ordinance 12-2008 An Ordinance Deleting Chapter 33 and Amending Chapter 35 to Fully Cover the Licensing of Cats and Dogs (Public Hearing/Adoption)

ORDINANCE # 12-2008
AN ORDINANCE DELETING CHAPTER 33 AND AMENDING
CHAPTER 35 TO FULLY COVER THE LICENSING OF CATS
AND DOGS

WHEREAS, Chapter 33 of the Borough Code entitled “Cats” and Chapter 35 of the Borough Code entitled “Dogs and Cats” have duplicative and sometimes inconsistent provisions for the licensing of cats; and

WHEREAS, having a single chapter that addresses animal control issues will facilitate efficient administration of animal licensing and control; and

WHEREAS, since the Borough’s most comprehensive animal control provisions are contained in Chapter 35, consolidating the provisions of Chapter 33 into Chapter 35 and deleting Chapter 33 will accomplish an appropriate reorganization of the Borough’s animal control ordinances; and

WHEREAS, as part of a comprehensive review of Borough fees, the Mayor and Council received a recommendation to increase animal licensing fees; and

WHEREAS, the Mayor and Council have reviewed and approved the recommended changes;

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

Section 1. Chapter 33 of the Code of the Borough of Washington is deleted.

Section 2. Section 35-1.A. of Chapter 35 of the Code of the Borough of Washington is amended as follows:

- A. Definitions. The words hereinafter defined shall have the meanings herein indicated for the purposes of this chapter, as follows:

ANIMAL – A dog or cat, unless otherwise specified.

BOROUGH – The Borough of Washington, in the County of Warren.

CAT – Any member of the domestic feline species; male, female or neutered.

DOG – Any ~~dog, bitch or spayed bitch~~ member of the domestic canine species; male, female or neutered.

~~DOG-ANIMAL~~ OF LICENSING AGE – Any ~~dog-animal~~ which has attained the age of seven months or which possesses a set of permanent teeth.

KENNEL – Any establishment wherein or whereon the business of boarding or selling dogs or breeding dogs for sale is carried on, except a pet shop.

LICENSING AUTHORITY – The Clerk of the Borough of Washington is charged with administering the issuance and/or revocation of permits and licenses under the provisions of this Chapter.

NEUTERED – Rendered permanently incapable of reproduction as certified by a licensed veterinarian.

OWNER – When applied to the proprietorship of a dog or cat, means and includes every person having a right of property in such dog or cat and every person who has such a dog or cat in his keeping.

PERSON – An individual, firm, partnership, corporation or association of persons.

PET SHOP – Any place of business which is not part of a kennel, wherein animals, including but not limited to dogs, cats, birds, fish, reptiles, rabbits, hamsters or gerbils are kept or displayed chiefly for the purpose of sale to individuals for personal appreciation and companionship rather than for business or research purposes.

POUND – An establishment for the confinement of dogs, cats, or other animals seized either under the provision of this chapter or otherwise.

POUNDKEEPER – The Animal Control Officer appointed pursuant to Chapter 3, Article IX, §3-59, of the Code of the Borough of Washington shall be the Poundkeeper.

SHELTER – Any establishment where dogs, cats, or other animals are received and distributed.

Section 3. Section 35-2 of Chapter 35 is amended by replacing the word dog wherever it appears with the words “dog or cat.”

Section 4. Section 35-4 of Chapter 35 is amended as follows:

§35-4. Licensing fees; proof of sterilization and rabies inoculation; exception; penalty for late payment.

A. The person applying for the license and registration tag shall pay a fee or fees which shall be in accordance with P.L. 1983, c. 181, also known as “A-1472,” signed into law by the Governor on May 10, 1983, and in compliance with P.L. 1983, c. 172, also known as “A-1917,” or any laws supplementary or amendatory thereto, as follows:

(1) Dog, ~~municipal fee~~neutered: \$610.

(2) Dog, unneutered: \$13.

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~~(2)~~(3) Cat, ~~municipal fee~~neutered: \$~~6~~10.

~~(3)~~(4) Cat, unneutered fee: \$~~9~~15.

B. Effective immediately upon adoption hereof, when applying for renewal of the dog or cat license or applying for the licensing of a new dog or cat, the owner thereof must provide proof of sterilization of the dog or cat, along with proof of valid rabies inoculation. Said proof of sterilization may be by affidavit, in lieu of certificate of a veterinarian as proof of sterilization, or by certificate of a licensed veterinarian; however, said proof of inoculation for rabies shall be provided by a certified veterinarian licensed to do business in the State of New Jersey.

C. Dogs ~~or cats~~ used as guides for blind persons and commonly known as “Seeing Eye” dogs shall be licensed and registered as other dogs hereinabove provided for, except that the owner or keeper of such dog shall not be required to pay any fee therefore.

D. Any person who violates or who fails or refuses to comply with §35-3 of this chapter shall be liable to a late charge fee of \$~~2-3~~ per month in addition to being required to obtain a registration tag and license for said dog or cat.

E. Loss of license. If a license tag or sleeve has been misplaced or lost, the Borough Clerk may issue a duplicate license and/or registration sleeve for that particular dog or cat at a fee of one dollar (\$1.).

F. Proof of licensing. Proof of licensing shall be produced by any person owning, keeping, maintaining or harboring a dog or cat, upon the request of any health official, police officer, animal control officer or other authorized person.

G. Exemptions. Any dog or cat may be exempted from the requirements of the rabies vaccination for a specified period of time upon presentation of a veterinarian’s certificate stating that because of an infirmity or other physical condition, or regimen of therapy, the inoculation of such dog or cat shall be deemed inadvisable.

Section 5. Section 35-7 is amended so that the title reads “Licensing of dogs or cats brought into Borough.”

Section 6. Subsection A(1) of Section 35-10 is amended to insert the words “or cats” after the word “dog.”

Section 7. Section 35-12 of Chapter 35 is amended as follows:

§35-12. Canvass of all dogs and cats.

The Poundkeeper of the Borough shall, promptly after February 1 and before September 1 of any given year, cause a canvass to be made of all dogs and cats owned, kept or harbored within the limits of the Borough and shall report the results thereof to the Clerk of the Borough and to the State Department of Health and the Board of Health of the Borough, setting forth in separate columns the names and addresses of persons owning, keeping or harboring such dogs and/or cats, the number of licensed dogs and/or cats owned, kept or harbored by each of said persons, together with the registration number of each of said dogs and/or cats, and the number of unlicensed dogs and/or cats owned, kept or harbored by each of said persons, together with a complete description of each of said unlicensed dogs and/or cats.

Section 8. Section 35-13 of Chapter 35 is amended as follows:

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§35-13. Poundkeeper.

A. The Borough Manager shall have the power to appoint an Animal Control Officer who shall serve as Poundkeeper and whose duty shall be to enforce the provisions of this chapter. The borough shall also have the power to appoint one or more persons, to be known as “Assistant Animal Control Officers,” who may impound unlicensed dogs or cats or any dogs running at large in violation of this chapter and perform such other duties as may be prescribed by law.

~~A.B.~~ Nothing contained in this section shall be construed as limiting the authority of the Health Officer or Chief of Police or members of the Police Department to enforce the provisions of this chapter, when, in the interest of health and safety, they deem it necessary.

Section 9. Section 35-14 of Chapter 35 is amended as follows:

§35-14. Seizure and impoundment; disposition.

A. The Poundkeeper of the Borough shall take into custody and impound, or cause to be taken into custody and impounded, and thereafter destroyed or disposed of as provided in this section:

- (1) Any dog or cat off the premises of the owner or of the person keeping or harboring said dog which said official or his agent or agents have reason to believe is a stray or abandoned dog or cat.
- (2) Any dog or cat off the premises of the owner or of the person keeping or harboring said dog or cat without a current registration tag on his collar.
- (3) Any female dog in season off the premises of the owner or of the person keeping or harboring said dog.
- (4) Any dog cat, or other animal which is suspected to be rabid.
- (5) Any dog cat, or other animal off the premises of the owner reported to, or observed by, a certified Animal Control Officer to be ill, injured or creating a threat to public health, safety or welfare, or otherwise interfering with the enjoyment of property. After observation, any animal seized under this section suspected of being rabid shall be immediately reported to the executive officer of the local Board of Health and to the Department of Health.

B. If any dog or cat so seized wears a collar or harness having inscribed thereon or attached thereto the name and address of any person or a registration tag, or the owner or the person keeping or harboring said dog or cat is known, the Poundkeeper shall forthwith serve on the person whose address is given on the collar, or on the owner or the person keeping or harboring said dog or cat, if known, a notice in writing stating that the dog or cat has been seized and will be liable to be disposed of or destroyed if not claimed within seven days after the service of the notice.

C. A notice under this section may be served either by delivering it to the person on whom it is to be served or by leaving it at the person’s usual or last known place of abode or at the address given on the collar or by forwarding it by post in a prepaid letter addressed to that person at his usual or last known place of abode or to the address given on the collar.

D. Whenever a dog or cat so seized has been detained for seven days after notice when notice can be given as above set forth or has been detained for seven days after

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seizure when notice has not been and cannot be given as above set forth and if the owner or persons keeping or harboring said dog or cat has not claimed said dog or cat and paid all expenses incurred by reason of detention, including maintenance and any costs associated with the apprehension of the animal, and if the dog or cat is unlicensed at the time of the seizure and the owner or person keeping or harboring said dog or cat has not produced a license and registration tag for said dog or cat, the Poundkeeper may cause the dog or cat to be destroyed in a manner consistent with state laws and regulations.

- E. Reclaiming an impounded ~~pet~~dog or cat. Owners reclaiming their ~~pets~~dog or cat shall be liable to the Borough of Washington for maintenance fees of \$4 per day, in addition to which such owner shall be liable to the Borough of Washington for costs incurred by the Borough for the round-trip transportation of said dog or cat to the impoundment facility. Such costs shall be at the rate of \$0.26 per mile.

Comment [LCS1]:

Section 10. Section 35-15 of Chapter 35 is amended as follows:

§35-15. Entry upon premises for seizure.

Any officer or agent authorized or empowered to perform any duty under this chapter is hereby authorized to go upon any premises to seize for impounding any ~~dog or~~ ~~dogs~~animal which he may lawfully seize and impound when such officer is in immediate pursuit of such ~~dog or dogs~~animal, except upon the premises of the owner of the ~~dog~~ animal if said owner is present and forbids the same.

Section 11. Section 35-20 of Chapter 35 is amended as follows:

§35-20. Cruelty and abandonment.

- A. No person shall be cruel or inhumane to a dog or cat, said cruelty and inhumanity consisting of beating, torturing, mutilating, cruelly killing or failing to provide food, water and shelter for a ~~dog~~the dog or cat. Any outdoor shelter for a dog shall be raised at least three inches off the ground, with a sturdy floor and be large enough to allow the dog to stand, turn around and recline. Any such outdoor dog shelter shall be constructed so as to keep the dog dry and contain bedding to afford some warmth for the dog in cold weather. If any dog is chained or tethered, such tether shall be at least eight feet long.
- B. No person shall abandon a dog or cat of which he or she has charge, either as owner or otherwise.

Section 12. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.

Section 13. If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.

Section 14. In accordance with Chapter 3, Article II, Section 15, Subsection E of the Code of the Borough of Washington, this Ordinance shall become effective 20 days after final passage unless the Council, by an affirmative vote of five (5) Council Members, shall adopt a resolution declaring the Ordinance to be an emergency upon which said Ordinance will take effect upon final passage.

ORDINANCE 15-2008 AN ORDINANCE FIXING THE SALARY AND WAGES OF CERTAIN MUNICIPAL OFFICIALS AND REPEALING PORTIONS OF PRIOR INCONSISTENT SALARY AND WAGE ORDINANCES FOR THE YEARS BEGINNING 2009 (Introduction)

Deputy Mayor Higgins entertained a motion to introduce Ordinance #15-2008.

Ordinance 15-2008 was introduced by Councilwoman Oakley, seconded by Councilman Turner.

It was further moved by Oakley, seconded by Turner that the Clerk read Ordinance #15-2008 by title only.

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

Ayes: 5, Nays: 0
Motion Carried

The Clerk read Ordinance #15-2008 entitled, "AN ORDINANCE FIXING THE SALARY AND WAGES OF CERTAIN MUNICIPAL OFFICIALS AND REPEALING PORTIONS OF PRIOR INCONSISTENT SALARY AND WAGE ORDINANCES FOR THE YEARS BEGINNING 2009"

Council Discussion: Deputy Mayor Higgins asked if the CFO position will remain the same as in the past. Manager Corica stated that range for the CFO position will cover part time or full time. Deputy Mayor Higgins stated Council needs to decide if they want a full time CFO or a part time CFO. Councilwoman Woykowski asked if the CFO position is outside of the Union. Manager Corica stated that it was. Councilwoman Woykowski indicated Council could decide during the budget hearings whether or not they want a full or part time CFO.

Deputy Mayor Higgins entertained a motion to introduce Ordinance 15-2008 on first reading.

Ordinance 15-2008 was moved by Councilman Oakley, seconded by Councilman Turner to be introduced on first reading.

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

Ayes: 5, Nays: 1
Motion Carried

It was further moved by Oakley, seconded by Turner that Ordinance #15-2008 be published in the Star Gazette on November 13, 2008 as required by law and that the public hearing be scheduled for December 5, 2008.

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

Ayes: 5, Nays: 0
Motion Carried

REPORTS:

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

Councilman Cioni asked Manager Corica if any follow up had been done with the Zoning Officer regarding the abandoned properties draft ordinance. Manager Corica will discuss with him and get back to Council.

Roll Call: Higgins, Turner, Cioni, Oakley, 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: Councilman Cioni stated the Governing Body may want to do a request for proposals for website administration. A copy of Morris's agreement will be located in the Clerks' office.

Curfew Committee: No Report

Pedophile Ordinance Committee: No Report

BID: No Report

Recreation Report – No Report

Parking Lot Committee – Councilman Cioni reported that five sets of plans for the municipal parking lot were delivered to the Bid and Borough Hall today. Councilman Cioni asked if the Ordinance could be done at the same time as the agreement. Attorney Cushing stated the Ordinance could be contingent upon the agreement being finalized. Councilman Turner stated it was his understanding that the Borough would begin working prior to handing it over to the BID. Manager Corica stated that we need to wait until the BID is ready to bring a contractor in. He also stated that the Borough Engineer recommended the contractor doing all of the work as there would be a savings. Councilman Turner stated he would like to see those numbers. Attorney Cushing Dick stated he will need to check and see if the BID can receive the property without consideration. Councilwoman Woykowski noted that the agreement does need to include the financing and conditions which the Borough is taking back the property.

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. Motion made by Oakley, seconded by Turner to pay the vouchers and claims in the amount of \$ 1,055,054.81.

Council Discussion: None

Ayes: 5, Nays: 0
Motion Carried

OLD BUSINESS:

NEW BUSINESS

Resolution 213-2008 Energy Audit

Council discussed the need to spend up to \$13,000.00 on an energy audit when the state or Jersey Central Power and Light could do the same for a fraction of the cost. Manager Corica will check with Hannah from JCP&L to see if this is a service they could provide for the Borough.

Resolution 213-2008 was not adopted.

Resolution 219-2008 Void Stale Dated Check

Resolution 219-2008 was moved on a motion made by Oakley, seconded by Turner and adopted.

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

Ayes: 5, Nays: 0

Motion Carried

RESOLUTION #219-2008

A RESOLUTION TO VOID A STALE DATED CHECK

WHEREAS, check #052370 was written 2/20/08 on Washington Borough's Operating Fund # 8102360230 in the amount of \$135.00 and made payable to 13 Broad, LLC at PO Box 92 Bayonne, NJ 07002; and

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

WHEREAS, a written notification was sent from the Treasurer's office to the recipient of the check and received no response; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Borough Treasurer is authorized to void check #052370.

Resolution 220-2008 Pool Sign Lease Agreement

Resolution 220-2008 was moved on a motion made by Turner, seconded by Cioni and adopted.

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

Ayes: 5, Nays: 0

Motion Carried

Councilman Turner congratulated Councilman Cioni for moving this along and making it a reality.

RESOLUTION # 220 -2008
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
WASHINGTON, WARREN COUNTY, NJ

WHEREAS, the Borough wishes to erect a sign designating the entrance to the Borough Park and Pool; and

WHEREAS, Alan Lowcher, 19 Rymon Road, Washington, New Jersey has offered to pay for the cost of the sign in exchange for permission to lease space on the sign in the form of a sponsor sign under the terms and conditions described in the attached Lease Agreement.

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 Mr. Lowcher's offer is accepted and that the Mayor and Clerk are hereby authorized to execute the attached Lease Agreement

Resolution 222-2008 Cancel 2008 Taxes

Resolution 222-2008 was moved on a motion made by Oakley, seconded by Turner and adopted.

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

Resolution 223-2008 Combe Landfill South

Manager Corica stated that Mr. Coffee was unable to attend tonight's Council meeting.

Motion made by Turner, seconded by Oakley to table Resolution 223-2008.

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

Ayes: 5, Nays: 0
Motion Carried

Resolution 224-2008 Transfer of Appropriations

Resolution 224-2008 was moved on a motion made by Oakley, seconded by Woykowski and adopted.

Council Discussion: Councilman Higgins questioned by the library's reduction in hours did not offset the salaries. Councilman Turner noted that Council's reduction in their budget may have shorted the library.

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

Ayes: 4, Nays: 1
Motion

RESOLUTION # 224-2008

A RESOLUTION AUTHORIZING THE TRANSFER OF APPROPRIATIONS

WHEREAS, N.J.S.A. 40A: 4-58 provides for the transfer of excess appropriations by not less than 2/3 vote of the full membership of the governing body during the last two months of the fiscal year; and

WHEREAS, the Borough Manager and the Chief Financial Officer have determined that excess appropriations do exist in some accounts and there is a need for supplemental appropriations in other accounts.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey, that the following appropriation transfers are hereby approved:

<u>Transfer From</u>	<u>Transfer To</u>	<u>Amount</u>
Library Other Expenses	Library Salary and Wages	\$9,105
Revenue Administration	Financial Administration	
Salary and Wage	Other Expenses	\$5,000
Insurance General Liability	Water	\$1,500
Insurance General Liability	Heating Oil	\$2,500
TOTALS OF ALL TRANSFERS		\$13,605

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

Resolution 225-2008 Extend Approval of Sewer Lines

Resolution 225-2008 was moved on a motion made by Cioni, seconded by Oakley and adopted.

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

Ayes: 5, Nays: 0
Motion Carried

Petition of Flower Avenue Residents

The Petition of the Flower Avenue residents was passed along to the Borough Manager for discussion with the Police Chief.

COUNCIL REMARKS

Councilwoman Oakley – congratulated the winners of yesterday’s election.

Councilwoman Woykowski – noted that a meeting needs to be planned with the interim CFO and the Finance Committee to discuss project planning.

Councilman Cioni – noted that the sign Ordinance may need to be amended. He will discuss with the Borough Manager.

Councilman Turner – noted his boy scout troop will clean out the grates in the Borough prior to year end.

Councilman Higgins – asked if the leaves on the roadway could be picked up with the sweeper. Manager Corica indicated he believes they could. He will check with the road supervisor. He asked for an update on the lights for the downtown crosswalk. Manager Corica stated the engineer is still reviewing. Councilman Higgins asked for an update on the CFO position. Manager Corica stated resumes are due back on November 15.

Mayor Van Deursen arrived at 9:50 p.m.

Manager Corica stated the Veolia Water will be doing the dye tests in homes. He requested permission for a Resolution to be placed on the next Council agenda for \$13,100 out of sewer utility.

Motion made by Mayor Van Deursen, seconded by Oakley for a Resolution to be done for the next Council meeting.

Ayes: 6, Nays: 0
Motion Carried

Manager Corica explained that there was a property damage claim for a Borough tree that fell on a property owners land. The Borough's insurance company denied the claim. The claim is only for \$500.00. Manager Corica requested permission to reimburse the landowner. Council agreed to allow Manager Corica reimburse the homeowner.

Manager Corica also requested permission to council the balance of a capital ordinance for the acquisition of the Railroad Ave Park. Council concurred.

At this time, Deputy Mayor Higgins entertained a motion to enter executive session to discuss personnel.

Motion made by Turner, seconded by Cioni and adopted.

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

Ayes: 6, Nays: 0
Motion Carried

RESOLUTION 221-2008

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;

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

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

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

Investigations of violations or possible violations of the law;

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

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

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: Personnel

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 returned from Executive Session at 10:40 p.m.

Hearing no further business to come before Council, it was moved by Turner, seconded by Cioni that the meeting be adjourned at 10:45 p.m.

It was motioned by Turner seconded by Oakley to reluctantly accept the Borough Manager's notice of retirement effective February 1, 2008.

Ayes: 6, Nays: 0
Motion Carried

Deputy Mayor David Higgins

Kristine Blanchard, RMC Borough Clerk