

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – March 3, 2009**

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: McDonald, Higgins, Woykowski, Boyle, Valentine - Present
Housel – 8:45 p.m.
Valentine – Absent

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

Mayor McDonald led everyone in the flag salute.

Mayor McDonald 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.

At this time, Mayor McDonald entertained a motion to enter executive session to discuss personnel, litigation.

Motion made by Boyle, seconded by Cioni and adopted.

Roll Call: McDonald, Higgins, Boyle, Cioni, Woykowski
Ayes: 5, Nays: 0
Motion Carried

RESOLUTION 65-2009

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.) Marvec

_____ 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.);

X 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 8:00 p.m.

COUNCIL APPEARANCE

Eileen Swann Executive Director Highlands Council

Ms. Swann summarized the Highlands region for the Governing Body. She stated that this is act is a protection of our vital resources. She also explained that the decision to conform to the plan is the Borough's decision. The Borough did submit a letter of intent.

Ms. Swann explained the Borough is entirely in the planning area. Due to the fact the Borough filed a notice of intent to conform; the Borough's COAH deadline has now been extended to December 8, 2009. The Highlands Conformance Grant will allow the Borough to perform a build out and land use resource capacity analysis with a housing element and fair share plan.

Councilman Higgins questioned whether or not the funding for the Plan Conformance Grant is available now and has the State committed to giving the Highlands Council the money. Ms. Swann stated that yes the money has been set aside. In addition the Highlands Council approved a 7.5 million budget for 2009 activities. Councilwoman Woykowski noted that Council needs to take a closer look at our resources this year. We have already accepted grants that we have to

appropriate the money for ourselves before we are reimbursed. This is a small municipality with low number of employees; it impacts us greatly. Councilman Cioni stated that the Borough is in the final stages of a redevelopment plan. Ms. Swann stated that she is aware of the Borough's redevelopment plans and they are currently in compliance. However; if there are inconsistencies we would address them early on and marry them together.

MINUTES:

Mayor McDonald entertained additions or corrections to the minutes of the regular meeting of January 20, 2009.

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

Roll Call: Woykowski, Higgins, Van Deursen, Boyle.
Cioni - Abstain

Ayes: 4, Nays: 0
Abstain: 1
Motion Carried.

COMMUNICATIONS:

The following communications were entered into the record:

1. Heritage Conservancy Proposed Rt. 57 Scenic Byway
2. Elizabethtown Gas Notice of Public Hearings

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

Ayes: 5, Nays: 0.
Motion carried.

AUDIENCE:

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

Ayes: 5, Nays: 0
Motion Carried

ORDINANCES:

Ordinance 1-2009 An Ordinance of the Municipal Council of the Borough of Washington, County of Warren, State of New Jersey Adopting the Redevelopment Plan Relating to the Downtown Redevelopment Area. (Introduction)

Mayor McDonald entertained a motion to introduce Ordinance #1-2009.

Ordinance 1-2009 was introduced by Councilman Cioni, seconded by Councilwoman Woykowski.

It was further moved by Cioni, seconded by Woykowski that the Clerk read Ordinance #1-2009 by title only.

Roll Call: Higgins, Woykowski, Valentine, Boyle and Cioni

Ayes: 5, Nays: 0
Motion Carried

The Clerk read Ordinance #1-2009 entitled, “An Ordinance of the Municipal Council of the Borough of Washington, County of Warren, State of New Jersey Adopting the Redevelopment Plan Relating to the Downtown Redevelopment Area.

Council Discussion: Councilwoman Woykowski noted a small typo in the fourth paragraph of the Ordinance. This will be corrected. Mayor McDonald entertained a motion to introduce Ordinance 1-2009 on first reading.

Ordinance 1-2009 was moved by Councilwoman Woykowski, seconded by Councilman Cioni to be introduced on first reading.

Roll Call: Higgins, Woykowski, Valentine, Boyle and Cioni

Ayes: 5, Nays: 0
Motion Carried

It was further moved by Higgins, seconded by Woykowski that Ordinance #1-2009 be published in the Star Gazette on March 12, 2009 as required by law and that the public hearing be scheduled for April 7, 2009.

Roll Call: Higgins, Woykowski, Valentine, Boyle and Cioni

Ayes: 5, Nays: 0
Motion Carried

ORDINANCE 1-2009

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE BOROUGH OF WASHINGTON, COUNTY OF WARREN, STATE OF NEW JERSEY ADOPTING THE REDEVELOPMENT PLAN RELATING TO THE DOWNTOWN REDEVELOPMENT AREA

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.*, authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

WHEREAS, on April 4, 2006 the Borough of Washington (the “**Borough**”) Municipal Council adopted a resolution authorizing and directing the Planning Board to conduct an investigation pursuant to *N.J.S.A. 40A:12A-6* to determine whether certain properties located within the Borough could be designated as an “area in need of redevelopment” (the “**Study Area**”); and

WHEREAS, after a public hearing on October 23, 2006 in accordance with *N.J.S.A. 40A:12A-6*, on December 11, 2006, the Planning Board adopted a resolution recommending to the Municipal Council that the Study Area be designated as an area in need of redevelopment pursuant to *N.J.S.A. 40A:12A-6*; and

WHEREAS, after a review of the Study Area and recommendations of the Planning Board on February 6, 2006, the Borough Council adopted a resolution designating the Study Area as an area in need of redevelopment pursuant to of *N.J.S.A. 40A:12A-5* (the “Downtown Redevelopment Area”); and

WHEREAS, the Heyer, Gruel & Associates (the “Consultant Planner”) has prepared and submitted to the Borough Council a redevelopment plan entitled, “WASHINGTON BOROUGH DOWNTOWN REDEVELOPMENT PLAN”, (the “Downtown Redevelopment Plan”), outlining the planning, development and redevelopment of the Downtown Redevelopment Area in accordance with the provisions of *N.J.S.A. 40A:12A-7*; and

WHEREAS, in accordance with the provisions of *N.J.S.A. 40A:12A-7* the Municipal Council referred the proposed Downtown Redevelopment Plan to the Planning Board to determine, among other things, its consistency with the Borough’s land use and redevelopment goals and objectives for the Downtown Redevelopment Area; and

WHEREAS, on February 9, 2009, the Planning Board passed a resolution recommending the adoption of the proposed Downtown Redevelopment Plan; and

WHEREAS, the Borough Council has further reviewed the Downtown Redevelopment Plan and in the interest to further clarify the provisions set forth therein, made several non-substantive changes;

WHEREAS, attached hereto as *Exhibit A* is a memo describing the changes made to the Downtown Redevelopment Plan subsequent to the recommendations of the Planning Board; and

WHEREAS, after a review of the Downtown Redevelopment Plan and the public comments made at the Planning Board public hearing, the Municipal Council has determined that the adoption of the Downtown Redevelopment Plan is in the best interest of the Borough.

NOW THEREFORE, BE IT ORDAINED by the Municipal Council of the Borough of Washington:

1. The Downtown Redevelopment Plan, attached hereto as *Exhibit B* and made a part hereof, is hereby approved pursuant to the terms of *N.J.S.A. 40A:12A-7*.

2. The zoning district map in the zoning ordinance of the Borough is hereby amended to include the Downtown Redevelopment Area per the boundaries described in the Downtown Redevelopment Plan and the provisions therein.

3. In case any one or more of the provisions of this Ordinance or the Downtown Redevelopment Plan shall, for any reason, be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Ordinance or the Downtown Redevelopment Plan and this Ordinance shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

4. This Ordinance shall take effect immediately upon final adoption and publication thereof according to law.

Ordinance 2-2009 Ordinance of the Municipal Council of the Borough of Washington Designating the Washington Borough Business Improvement District Management Corporation (BID) as the Redeveloper of Certain Property in the Borough, Providing for Sale of the Property to the BID and Authorizing the Execution of Certain Agreements in Connection Thereafter by the Borough and the BID (Introduction)

Mayor McDonald entertained a motion to introduce Ordinance #2-2009.

Ordinance 2-2009 was introduced by Councilman Cioni, seconded by Councilwoman Higgins.

It was further moved by Cioni, seconded by Higgins that the Clerk read Ordinance #2-2009 by title only.

Roll Call: Higgins, Woykowski, Valentine, Boyle and Cioni

Ayes: 5, Nays: 0

Motion Carried

The Clerk read Ordinance #2-2009 entitled, "An Ordinance of the Borough of Washington Designating the Washington Borough Business Improvement District Management Corporation (BID) as the Redeveloper of Certain Property in the Borough, Providing for the Sale of the Property to the BID and Authorizing the Execution of Certain Agreements in Connection Thereafter by the Borough and the BID.

Council Discussion: Councilwoman Woykowski requested all of the exhibits be provided to Council upon adoption. Council concurred. Mayor McDonald entertained a motion to introduce Ordinance 2-2009 on first reading.

Ordinance 2-2009 was moved by Councilwoman Woykowski, seconded by Councilman Cioni to be introduced on first reading.

Roll Call: Higgins, Woykowski, Valentine, Boyle and Cioni

Ayes: 5, Nays: 0

Motion Carried

It was further moved by Higgins, seconded by Woykowski that Ordinance #2-2009 be published in the Star Gazette on March 12, 2009 as required by law and that the public hearing be scheduled for April 7, 2009.

Roll Call: Higgins, Woykowski, Valentine, Boyle and Cioni

Ayes: 5, Nays: 0

Motion Carried

ORDINANCE NO. 2-2009

ORDINANCE OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY, DESIGNATING THE WASHINGTON BOROUGH BUSINESS IMPROVEMENT DISTRICT MANAGEMENT CORPORATION (BID) AS THE REDEVELOPER OF THE CERTAIN PROPERTY IN THE BOROUGH, PROVIDING FOR THE SALE OF PROPERTY TO THE BID AND AUTHORIZING THE EXECUTION OF CERTAIN AGREEMENTS IN CONNECTION THEREAFTER BY THE BOROUGH AND THE BID

WHEREAS, the Borough of Washington, Warren County, State of New Jersey (the “Borough”) is the owner or contract purchaser of those certain parcels of land and the improvements thereon located in the Borough known and designated Block 24, Lots 2, 3.01, 23, and 24.01 on the Borough Tax Map, being approximately 1.476 acres in area (the “Property”); and

WHEREAS, the Washington Borough Business Improvement District Management Corporation (the “BID”) is an independent district management corporation formed pursuant to Title 15A of the New Jersey statutes to provide administrative and other services within the Washington Borough Business Improvement District (the “District”) to benefit the businesses, employees, residents and consumers within Borough and to assist Borough in promoting economic growth and employment; and

WHEREAS, the BID is empowered by Chapter 74 of the Borough Code to undertake improvements, including but not limited to, those improvements related to parking; and

WHEREAS, the Borough’s Council has determined that the BID can most efficiently and expeditiously carry out the implementation of a crucially needed surface parking lot within the District; and

WHEREAS, the Borough Council has determined to designate BID as a “redeveloper” of the Property pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Law”); and

WHEREAS, the is located in an “area in need of redevelopment” as such phrase is defined in the Redevelopment Law; and

WHEREAS, the Parties wish to have the BID develop the Property, as a new parking facility (the “Project”); and

WHEREAS, the Borough has agreed to sell the Property for One Dollar (\$1.00) (the “Purchase Price”) and the BID has agreed to purchase the Property for said amount;

NOW THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF WASHINGTON, AS FOLLOWS:

Section 1. Redevelopment Designation. The Washington Borough Business Improvement District Management Corporation is hereby designated as the “redeveloper” of the Property pursuant to the Redevelopment Law.

Section 2. Authorization of Sale. The Borough hereby authorizes the sale of the Property to the BID for the Purchase Price pursuant to the Parking Facility Redevelopment

Agreement in a form substantially similar to the form attached hereto as **Exhibit "A"**, with such changes as may be approved by the Mayor and Council with the advice of counsel.

Section 3. Additional Acts. The Mayor and Borough Clerk are hereby authorized and directed to execute the Parking Facility Redevelopment Agreement and parking facility operations agreement (attached as an exhibit to such Parking Facility Redevelopment Agreement) and take all actions and execute all documents, certificates or agreements, which are necessary or which are convenient to effectuate the sale of the Property and the implementation of the terms of the Parking Facility Redevelopment Agreement.

Section 4. Effective Date. This ordinance shall take effect in accordance with applicable law.

REPORTS:

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

1. Highway Department Report – January 2009
2. Fire Prevention Report – February 2009
3. Zoning/Code Enforcement February 2009
4. Issues and Details

Roll Call:

Ayes: 5, Nays: 0
Motion Carried

COMMITTEE REPORTS:

Redevelopment Committee: No Report

DPW Garage: No Report

1Sewer 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 Recreation page now includes a community calendar.

Curfew Committee: No Report

Concession Stand Committee – No Report

Pedophile Ordinance Committee: No Report

BID: No Report

Recreation Report – No Report

Parking Lot Committee – No Report

VOUCHERS AND CLAIMS

Mayor McDonald entertained questions or additions to the vouchers and claims for payments that were not previously addressed before the meeting. Motion made by Valentine, seconded by Boyle to pay the vouchers and claims in the amount of \$ 875, 198.16.

Ayes: 5, Nays: 0
Motion Carried

OLD BUSINESS:

NEW BUSINESS

Vending Machines at Borough Park

Councilman Cioni requested approval from the Council to go out for proposals for vending machines at the park. If Council is in favor the request for proposals would be available on the website tomorrow. Councilman Boyle stated the Recreation Committee is not in favor of vending machines.

Council agreed to request proposals for the vending machines.

Unfit Buildings

Councilman Boyle requested input from Council regarding unfit buildings in the Borough and how the Council would like to proceed. He stated he is aware of two residents that have

complained about one home in particular. Councilman Boyle also stated he is aware of an Ordinance in the Borough's Codebook that specifically deals with unfit buildings. Council needs to decide whether or not they want to enforce this ordinance or not.

Council agreed to enforce the Ordinance and move forward. The Zoning Code Official will be notified.

Approval of NJ State Firemen's Association Applications – Jacob Gilby and Robert Harrington

Motion made by Higgins, seconded by Housel to approve Firemen's applications.

Ayes: 6, Nays: 0
Motion Carried

Approval of Raffle Application – Washington Emergency Squad

Motion made by Housel, seconded by Higgins and approved.

Ayes: 6, Nays: 0
Motion Carried

Authorization to Use the Borough Park by United Soccer Academy

The Borough Clerk stated the paperwork is in place and the insurance information is on file in the Clerk's office.

Motion made by Cioni, seconded by Housel and approved.

Ayes: 6, Nays: 0
Motion Carried

Approval of Addendum to the Agreement Between the Borough of Washington and the PBA Local 280

Motion made by Higgins, seconded by Housel and adopted.

Roll Call: Higgins, Housel, Woykowski, Cioni, McDonald, Boyle

Ayes: 6, Nays: 0
Motion Carried

Resolution 60-2009 Redemption of Tax Sale Certificate

Resolution 60-2009 was moved on a motion made by Housel, seconded by Woykowski and adopted.

RESOLUTION #60-2009

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

As per N.J.S.A.54:5

KNOW ALL MEN BY THESE PRESENTS, THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on December 4, 2008 to CCTS Capital LLC, 1415 Route 70 East, Suite 504, Cherry Hill, NJ 08034, in the amount of \$925.13 for taxes or other municipal liens assessed for the year 2007 in the name of France, Edward S, as supposed owners, and in said assessment and sale were described as 11 Vannatta Street, Block 81.01 Lot 4, which sale was evidenced by Certificate #08-00454; and

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 02-23-09 and before the right to redeem was cut off, as provided by law, Saxon Mortgage Services, Inc, claiming to have an interest in said lands, did redeem said lands claimed by CCTS Capital LLC, by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$996.80, which is the amount necessary to redeem Tax Sale Certificate #08-00454.

NOW THEREFORE BE IT RESOLVED, on this 3rd day of March, 2009 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to CCTS Capital LLC, 1415 Route 70 East, Suite 504, Cherry Hill, NJ 08034 in the amount of \$996.80.

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 81.01 Lot 4 from the tax office records.

Roll Call: Housel, Woykowski, Boyle, Higgins, Cioni, McDonald.

Ayes: 6, Nays: 0
Motion Carried

Resolution 61-2009 Girl Scout Week March 8 – 14 2009

Resolution 61-2009 was moved on a motion made by Higgins, seconded by Cioni and adopted.

Ayes: 6, Nays: 0
Motion Carried

RESOLUTION # 61-2009

**A RESOLUTION PROCLAIMING WEEK FROM MARCH 8-14, 2009 WITHIN THE
BOROUGH OF WASHINGTON, COUNTY OF WARREN, STATE OF NJ.**

WHEREAS, March 8-14, 2009 marks Girl Scout Week as designated by Girl Scouts of the USA, a movement founded in 1912 by Juliette Gordon Low in Savannah, Georgia; and

WHEREAS, throughout its long and distinguished history, Girl Scouting has inspired more than 50 million girls and women to strive for the highest ideals of courage, confidence and character; and

WHEREAS, through Girl Scouts, girls grow strong, gain self-confidence, develop leadership skills and learn the lifelong lesson of contributing back to their communities; and

WHEREAS, Girl Scouting helps girls achieve their potential by increasing awareness of opportunities which exist in the fields of math, science, sports, technology and other professional pursuits; and

WHEREAS, the Girls Scouts Hearts of New Jersey was formed in 2008 and is capably delivering the optimal Girl Scouts experience to over 28,000 young women and adults in Essex, Hudson, Hunterdon, Middlesex, Somerset, Union and Warren counties; and

WHEREAS, more than 3.8 million Girl Scouts nationwide, including in excess of 100,000 in the State of New Jersey, join in celebrating and rejoicing in this great American tradition.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey do hereby proclaim the week of March 8-14, 2009, as Girl Scout Week on the 3rd day of March, 2009 in recognition of the many hours of service, members of the Girl Scouts Heart of New Jersey have provided to this community and others.

BE IT FURTHER RESOLVED, that Girl Scout Week shall be observed with the Borough of Washington on March 8 – 14, 2009.

Resolution 62-2009 Refund Overpayment

Resolution 62-2009 was moved on a motion made by Housel, seconded by Higgins and adopted.

RESOLUTION # 62-2009

A RESOLUTION TO REFUND OVERPAYMENT ON 2008 PRIOR YEAR REAL ESTATE TAXES

WHEREAS, according to the Tax Collector's records, there is an overpayment of \$4,497.21 on 2008 3rd and 4th Quarter Regular Taxes paid on property located at 46 Alvin Sloan Avenue, also known as Block 2.08 Lot 4, and in the name of Andes, Jonathan P (formerly Siipola); and

WHEREAS, Mr. Jonathan Andes and First American Real Estate Tax Service had both paid the 3rd and 4th Quarter 2008 Taxes; with Mr. Andes always paying first and First American paying

by diskette for several properties which included the Andes property; and

WHEREAS, the Tax Collector has received a written request from Mr. Jonathan Andes requesting that the tax overpayment be refunded since his mortgage company is indeed making the payments that were escrowed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey, to hereby authorize the Tax Collector and Treasurer to refund the amount of \$4,497.21 payable to:

Jonathan P Andes
46 Alvin Sloan Avenue
Washington, NJ 07882

Roll Call: Housel, Higgins, Boyle, Woykowski, Cioni, McDonald

Ayes: 6, Nays: 0
Motion Carried

Resolution 63-2009 Reduction in EDU's

Resolution 63-2009 was moved on a motion made by Housel, seconded by Cioni and adopted.

Roll Call: Housel, Higgins, Boyle, Woykowski, Cioni, McDonald

Ayes: 6, Nays: 0
Motion Carried

RESOLUTION # 63-2009
A RESOLUTION TO ADJUST SEWER BILLINGS IN
ACCORDANCE WITH CHAPTER 70, SECTION 28B OF
THE CODE OF THE BOROUGH OF WASHINGTON.

WHEREAS, the Borough of Washington commenced operations of a municipal sewer utility in January of 1999; and

WHEREAS, certain facts have come to the attention of the Borough to justify modification of sewer service charges which have been reviewed by the Borough Manager; and

WHEREAS, notice has been provided to the owner(s) of the property or properties listed below of the action proposed to be taken with the date, time and place where the Mayor and Council will meet to consider change(s) in the E.D.U.'s assigned to the property or properties listed below; and

WHEREAS, all parties affected by this resolution will be notified of the action taken, in

writing, and notified of an opportunity to appear, in person, at a formal hearing of the governing body, if dissatisfied with the decisions made herein.

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 following changes in the sewer service charge(s) are approved:

| BLOCK/LOT | NAME/ADDRESS | REASON/ADJUSTMENT |
|------------------|---|--|
| 22.04/5 | Robert & Ann Steinreich 105 Belvidere Avenue Washington, NJ 07882 | Change in Use (1.5) to (1) E.D.U. Effective: Mar. 2009 |

BE IT FURTHER RESOLVED that the Borough Clerk be directed to send a certified copy of this resolution to all parties affected by this resolution and advise them of their right to protest the decision and request a formal hearing before the governing body, as provided in Chapter 70, Section 13. If no protest is filed, the decisions contained herein shall be considered final.

Resolution 64-2009 Redemption of Tax Sale Certificate

Resolution 64-2009 was moved on a motion made by Higgins, seconded by Cioni and adopted.

Roll Call: Higgins, Cioni, Housel, Woykowski, McDonald, Boyle

Ayes: 6, Nays: 0

Motion Carried

RESOLUTION #64-2009

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

As per N.J.S.A.54:5

KNOW ALL MEN BY THESE PRESENTS, THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 8, 2002 to American Tax Funding, LLC, in the amount of \$4,516.45 for taxes or other municipal liens assessed for the year 2001 in the name of Symonds, Jess, as supposed owners, and in said assessment and sale were described as 113-115 E Washington Avenue, Block 94 Lot 14, which sale was evidenced by Certificate #02-00371; and

WHEREAS, I, Kay F. Stasyshan, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 01-27-09 and before the right to redeem was cut off, as provided by law, Trans-County Title Agency, claiming to have an interest in said lands, did redeem said lands claimed by American Tax Funding, LLC, by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$57,289.02, which is the amount necessary to redeem Tax Sale Certificate #02-00371.

NOW THEREFORE BE IT RESOLVED, on this 3rd day of March, 2009 by the Mayor and Council of

the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to American Tax Funding, LLC, PO Box 862658, Orlando, FL 32886-2658 in the amount of \$62,589.02 (this amount consists of \$57,289.02 Certificate + \$5,300.00 Premium).

Resolution 66-2009 Authorizing Professional Service Agreement

Resolution 66-2009 was moved on a motion made by Cioni, seconded by Woykowski and adopted.

Roll Call: Cioni, Woykowski, Higgins, Housel, McDonald – Yes
Boyle – No

Ayes: 5, Nays: 1
Motion Carried

RESOLUTION # 66-2009

A RESOLUTION APPOINTING AN ENGINEER AS A PROFESSIONAL SERVICE WITHOUT SEEKING COMPETITIVE BIDS.

WHEREAS, there exists a need for professional engineering services to renew the NJDES Permit for the Wastewater Treatment Facility in the Borough of Washington, and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A: 11-1 et. seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids must be publicly advertised; and

WHEREAS, Suburban Consulting Engineers of Mount Arlington, New Jersey serves as the Borough Sewer Engineer and has agreed to perform professional engineering services, as outlined in their proposal to renew the NJPDES permit # NJ0021113 set to expire on November 30, 2009 and renewal application due on June 3, 2009 in an amount not to exceed \$5,000; and

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

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

1. The Manager is hereby authorized and directed to enter into a contract with Suburban Consulting Engineers to renew NJPDES Permit # NJ0021113 and annexed hereto in an amount not to exceed \$5,000;
2. That said contract is awarded without competitive bidding as professional services in accordance with N.J.S.A. 40A: 11-5; and

3. A certification of funds by the Chief Financial Officer is attached hereto;
4. Notification of the contract award shall be printed in the Star Gazette.
5. That an executed copy of the contract between the parties be on file with the Office of the Clerk and be available for public inspection in accordance with the law.

COUNCIL REMARKS

Councilman Cioni asked if Council would be interested in considering a graffiti ordinance. McDonald stated that a draft could be provided to Council at the next meeting.

Councilman Housel stated that he is going to meet with Mr. Holt regarding the status of the Borough DPW garage. He will report back to Council.

Councilman Boyle stated that he has a concern regarding Ordinance 1-2008 regarding the Recreation Committee. He stated he does not see listed in the Ordinance where Council has the right to set up a fee schedule for recreation programs. Councilman Higgins asked if the recreation fees should be done by Resolution of the Governing Body. Attorney Cushing agreed and stated a Resolution would be appropriate. A Resolution setting the Recreation Fee Schedule for 2009 will be prepared for the next meeting.

Councilman Boyle asked if the Recreation Committee could be given a set of keys to the park as well. Council discussed and decided that a list be kept of who has keys to the field and the keys must be turned in at the end of the season.

Councilman Higgins asked if the Fire Hall rental information could be included on the website. Councilman Cioni stated it can be on the website and requested a picture and a fee schedule for rentals.

Councilman Higgins also commented that there is a letter from the fire chief regarding the modifications to be made to the fire bays to accommodate the new fire truck; also included is the Borough Engineer's response. Councilman Higgins motioned for the Borough Engineer to be given permission to meet with the Fire Department to review the design for the bays and what needs to be done. A recommendation should be brought back to Council. Councilman Boyle seconded.

Ayes: 6, Nays: 0
Motion Carried

Hearing no further business to come before Council, it was moved by Higgins, seconded by Cioni that the meeting be adjourned at 11:00 p.m.

Ayes: 7, Nays: 0.

Motion carried.

Mayor Marianne Van Deursen

Kristine Blanchard, RMC Borough Clerk