

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – June 16, 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: Higgins, Cioni, Boyle, McDonald, Woykowski, Housel, Valentine
- Present

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

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.

EXECUTIVE SESSION

Motion made by Higgins, seconded by Woykowski and approved.

Ayes: 6, Nays: 1 (Boyle)
Motion Carried

Resolution 127-2009

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: Contract Negotiations _____ 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 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: **___Approx. 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 APPEARANCE

None

MINUTES:

Mayor McDonald entertained additions or corrections to the minutes of the Meetings of Regular Meeting April 21, 2009, and May 5, 2009.

Councilwoman Woykowski noted a change on the minutes of April 21.

It was moved by Cioni, seconded by Higgins that the minutes be approved.

Ayes: 7, Nays: 0
Housel Abstain from 5/5/09
Boyle Abstain from 4/21/09
Motion Carried

COMMUNICATIONS:

Motion made by Cioni, seconded by Woykowski to receive and file the following communications.

Washington Township Land Use Board – Notice of Hearing 2009 Master Plan

Ayes: 7, Nays: 0
Motion Carried

AUDIENCE:

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

Ayes: 7, Nays: 0
Motion Carried

ORDINANCES

Ordinance 7-2009 An Ordinance Adding New Chapter 30 Entitled, “Buildings, Abandoned” to the Code of the Borough of Washington to Establish an Abandoned Property List with Authorization for the Borough Manager to Designate Qualified Rehabilitation Entities and Amending Chapter 31 of the Code of the Borough of Washington.” (Introduction)

Mayor McDonald entertained a motion to introduce Ordinance #7-2009.

Ordinance 7-2009 was introduced by Councilman Housel, seconded by Councilman Valentine.

It was further moved by Housel, seconded by Valentine that the Clerk read Ordinance #7-2009 by title only.

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

Ayes: 6, Nays: 1
Motion Carried

The Clerk read Ordinance #7-2009 entitled, “An Ordinance Adding New Chapter 30 Entitled, “Buildings, Abandoned” to the Code of the Borough of Washington to Establish an Abandoned Property List with Authorization for the Borough Manager to Designate Qualified Rehabilitation Entities and Amending Chapter 31 of the Code of the Borough of Washington.”

Council Discussion: Councilman Boyle stated he is not in support of this Ordinance. He is not comfortable with some of the wording. He asked why the responsibility is not being designated to the Zoning Officer. Mayor McDonald stated that Council decided to place the responsibility with the Borough Manager to alleviate some of the Zoning Officer's workload. Attorney Cushing explained that the Ordinance states the Manager can designate someone to do the work; this will give the manager flexibility.

Councilwoman Woykowski stated that section twelve of the Ordinance seems to complicate matters. Attorney Cushing explained that the Governing Body can eliminate section twelve but that may give more power to the code enforcement officer than is appropriate.

The Governing Body concurred that section twelve be changed to read, "the Borough Manager or his designee."

Ordinance 7-2009 was moved by Councilman Cioni, seconded by Councilman Housel be introduced on first reading.

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

Ayes: 5, Nays: 2
Motion Carried

It was further moved by Cioni, seconded by Housel that Ordinance #7-2009 be published in the Star Gazette on June 25, 2009 as required by law and that the public hearing be scheduled for July 21, 2009.

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

Ayes: 6, Nays: 2
Motion Carried

ORDINANCE # 7 -2009

AN ORDINANCE ADDING NEW CHAPTER 30 ENTITLED "BUILDINGS, ABANDONED" TO THE CODE OF THE BOROUGH OF WASHINGTON TO ESTABLISH AN ABANDONED PROPERTY LIST WITH AUTHORIZATION FOR THE BOROUGH MANAGER TO DESIGNATE QUALIFIED REHABILITATION ENTITIES AND AMENDING CHAPTER 31 OF THE CODE OF THE BOROUGH OF WASHINGTON

WHEREAS, the Borough of Washington contains a number of vacant buildings that have been abandoned by their owners and that are in a state of disrepair and neglect; and

WHEREAS, these buildings, by virtue of their condition and their proximity to other buildings, are diminishing the value of neighboring properties and have a negative affect on the quality of life of adjacent residents and property owners, increasing the risk of property damage through arson and vandalism and discouraging neighborhood stability and revitalization; and

WHEREAS, many of these buildings, or the land on which they are situated, can be used for productive purposes, which will further the revitalization of the Borough and improve its economic and social condition; and

WHEREAS, the Borough desires to use the powers granted local governments under the laws of the State of New Jersey to address the conditions created by these buildings, and further their reuse for productive purposes; and

WHEREAS, by creating an abandoned property list the Borough will be better able to address the conditions created by these buildings, and further their reuse for productive purposes;

WHEREAS, *N.J.S.A. 55:19-55* authorizes a municipality that has designated a public officer to deal with unsafe buildings pursuant to *N.J.S.A. 40:48-2.5* to adopt an ordinance directing that public officer to undertake an inventory of abandoned properties within the municipality; and

WHEREAS, Section 31-4 of the Code of the Borough of Washington designates the Zoning Officer as the public officer to exercise the powers set forth in Chapter 31 of the Code related to unfit buildings as authorized by *N.J.S.A. 40:48-2.5*; and

WHEREAS, the Mayor and Council have determined that it would be more efficient for the Borough if the Borough Manager or his designee ~~serve~~ **serves** as the public officer pursuant to both *N.J.S.A. 40:48-2.5* and *N.J.S.A. 55:19-55*;

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

Section 1. A new chapter 30 entitled “Buildings, Abandoned” is hereby added to the code of the Borough of Washington to read as follows:

§30-1. Legislative Declaration.

It is hereby found and declared that vacant buildings in the Borough of Washington abandoned by their owners, by virtue of their disrepair and neglect and their proximity to other buildings, diminish the value of neighboring properties, have a negative affect on the quality of life of adjacent residents and

property owners, increase the risk of property damage through arson and vandalism, and discourage neighborhood stability and revitalization. It is further found and declared that the use by the Borough of the powers granted to local governments by State law to address the conditions created by abandoned buildings will further the revitalization of the Borough and improve its economic and social condition.

§30-2. General Definitions.

“Lienholder” or “mortgage holder” means any person or entity holding a note, mortgage or other interest secured by the building or any part thereof.

“Owner” means the holder or holders of title to an abandoned property.

“Property” means any building or structure and the land appurtenant thereto.

“Qualified rehabilitation entity” means an entity organized or authorized to do business under the New Jersey statutes which shall have as one of its purposes the construction or rehabilitation of residential or non-residential buildings, the provision of affordable, housing, the restoration of abandoned property, the revitalization and improvement of urban neighborhoods, or similar purpose, and which shall be well qualified by virtue of its staff, professional consultants, financial resources, and prior activities set for in *N.J.S.A. 55:19-78 et seq.* to carry out the rehabilitation of vacant buildings in urban areas.

“Utility” means any electric or natural gas public utility that is regulated under the jurisdiction of the Board of Public Utilities.

§30-3. Abandoned Property Criteria

A. Except as provided in §30-4 below, any property that has not been legally occupied for a period of six months and which meets any one of the following additional criteria may be deemed to be abandoned property upon a determination by the Public Officer that:

(1) The property is in need of rehabilitation in the reasonable judgment of the Public Officer, and no rehabilitation has taken place during that six-month period;

(2) Construction was initiated on the property and was discontinued prior to completion, leaving the building unsuitable for occupancy, and no construction has taken place for at least six months as of the date of a determination by the Public Officer pursuant to this section;

(3) At least one installment of property tax remains unpaid and delinquent on that property in accordance with chapter 4 of Title 54 of the Revised Statutes as of the date of a determination by the Public Officer pursuant to this section; or

(4) The property has been determined to be a nuisance by the Public Officer in accordance with *N.J.S.A. 55:19-82.*

B. A property which contains both residential and non-residential space may be considered abandoned so long as two-thirds or more of the total net square

footage of the building was previously legally occupied as residential space and none of the residential space has been legally occupied for at least six months at the time of the determination of abandonment by the Public Officer and the property meets the criteria of either subsection A.1. or A.4. above.

§30-4. Abandoned Property Exceptions

A. If an entity other than the municipality has purchased or taken assignment from the municipality of a tax sale certificate on a property that has not been legally occupied for a period of six months, that property shall not be placed on the abandoned property list if (1) the owner of the certificate has continued to pay all municipal taxes and liens on the property in the tax year when due; and (2) the owner of the certificate takes action to initiate foreclosure proceedings within six months after the property is eligible for foreclosure pursuant to either subsection a. or subsection b. of *N.J.S.A. 54:5-86*, as appropriate, and diligently pursues foreclosure proceedings in a timely fashion thereafter.

B. A property which is used on a seasonal basis shall be deemed to be abandoned only if the property meets any two of the additional criteria set forth in §30-3.A. above.

C. A determination that a property is abandoned property shall not constitute a finding that the use of the property has been abandoned for purposes of municipal zoning or land use regulation.

D. Upon the request of a purchaser or assignee of a tax sale certificate seeking to bar the right of redemption on an abandoned property pursuant to subsection b. of *N.J.S.A. 54:5-86*, the public officer or the tax collector shall, in a timely fashion, provide the requester with a certification that the property fulfills the definition of abandoned.

E. An abandoned property shall not be included on the abandoned property list if rehabilitation is being performed in a timely manner, as evidenced by building permits issued and diligent pursuit of rehabilitation work authorized by those permits.

~~§30-4.~~ §30-5. Designation of Public Officer

The Borough Manager or his designee is hereby designated as the Public Officer for the purpose of carrying out the responsibilities set forth in this Chapter and shall have all the responsibilities and powers provided by law.

~~§30-5.~~ §30-6. Identification of Abandoned Properties

The Public Officer is hereby directed to identify abandoned properties throughout the Borough for the purpose of establishing an abandoned property list. Each property so identified shall include the tax block and lot number, the name of the owner of record, if known, and the street address of the lot. Following the identification of abandoned properties, the Public Officer shall establish and maintain an “abandoned property list.” The Borough may add properties to the

abandoned property list at any time or delete properties from the abandoned property list when the Public Officer finds that the property no longer meets the definition of abandoned property.

~~§30-6.~~ **§30-7. Request for Property to be Placed on Abandoned Property List.**

Any interested party may submit a written request to the Public Officer that a property be included on the abandoned property list, specifying the street address and block and lot number of the property to be included, and the grounds for its inclusion. Within 30 days of receipt of any such request, the Public Officer shall provide a written response to the party, either indicating that the property will be added to the list of abandoned properties or, if not, the reasons for not adding the property to the list. For purposes of the section, “interested party” shall mean any resident of the Borough, any owner or operator of a business within the Borough or any organization representing the interests of residents or engaged in furthering the revitalization and improvement of the neighborhood in which the potential abandoned property is located.

~~§30-7.~~ **§30-8. Establishment of Abandoned Property List; Notification of Property Owners.**

The Public Officer shall establish the abandoned property list or any additions thereto by publication in the official newspaper of the Borough, which publication shall constitute public notice and, within 10 days after publication, shall send a notice by certified mail, return receipt requested, and by regular mail, to the owner of record of every property included on the list. The published and mailed notices shall identify property determined to be abandoned setting forth the owner of record, if known, the tax lot and block number and street address. The Public Officer, in consultation with the tax collector, shall also send out a notice by regular mail to any mortgagee, servicing organization, or property tax processing organization that receives a duplicate copy of the tax bill pursuant to *N.J.S.A. 54:4-64(d)*. When the owner of record is not known for a particular property and cannot be ascertained by the exercise of reasonable diligence by the tax collector, notice shall not be mailed out but shall be posted on the property in the manner provided in *N.J.S.A. 40:48-2.7*. The mailed notice shall indicate the factual basis for the Public Officer’s finding that the property is abandoned property, specifying the information relied upon in making such finding. A copy of the mailed or posted notice shall also be filed by the Public Officer in the office of the county clerk or register of deeds and mortgages, as the case may be, of the county wherein the property is situate. This filing shall have the same force and effect as a notice of *lis pendens* under *N.J.S.A. 2A:15-6*.

~~§30-8.~~ **§30-9. Notice to Electric and Gas Utilities.**

Within ten days of the establishment of the abandoned property list, or any additions thereto, the Public Officer shall send by regular mail, facsimile or electronic mail, a copy of the abandoned property list to the electric and gas utilities serving the Borough.

~~§30-9.~~ **§30-10. Challenge by Owner to Inclusion of Property on Abandoned Property List.**

An owner or lienholder may challenge the inclusion of his property on the abandoned property list by appealing that determination to the Public Officer within 30 days of the owner's receipt of the certified notice or 40 days from the date upon which the notice was sent. An owner whose identify was not known to the Public Officer shall have 40 days from the date upon which notice was published or posted, whichever is later, to challenge the inclusion of a property on the abandoned property list. For good cause shown, the Public Officer shall accept a late filing of an appeal. Within 30 days of receipt of a request for an appeal of the findings contained in the notice pursuant to §30-7 above, the Public Officer shall schedule a hearing for redetermination of the matter. Any property included on the list shall be presumed to be abandoned property unless the owner, through the submission of an affidavit or certification by the property owner averring that the property is not abandoned and stating the reasons for such averment, can demonstrate that the property was erroneously included on the list. The affidavit or certifications shall be accompanied by supporting documentation, such as but not limited to photographs, repair invoices, bills and construction contracts. The sole ground for appeal shall be that the property in question is not abandoned property. The Public Officer shall decide any timely filed appeal within 10 days of the hearing on the appeal and shall promptly, by certified mail, return receipt requested, and by regular mail, notify the property owner of the decision and the reasons therefor.

~~§30-10.~~ **§30-11. Owner's Appeal of Adverse Determination by Public Officer**

The property owner may challenge an adverse determination of an appeal with the Public Officer pursuant to §30-9 above by instituting, in accordance with the New Jersey Court Rules, a summary proceeding in the Superior Court, Law Division, sitting in the county in which the property is located, which action shall be tried de novo. Such action shall be instituted within 20 days of the date of the notice of decision mailed by the public officer pursuant to §30-9 above. The sole ground for appeal shall be that the property in question is not abandoned property. The failure to institute an action of appeal on a timely basis shall constitute a jurisdictional bar to challenging the adverse determination, except that, for good cause shown, the court may extend the deadline for instituting the action. The Public Office shall promptly remove any property from the abandoned property list that has been determined not to be abandoned property on appeal.

~~§30-11.~~ **§30-12. Effective Date of Abandoned Property List; Borough Rights and Remedies.**

The abandoned property list shall become effective, and the Borough shall have the right to pursue any legal remedy with respect to properties on the abandoned property list, at such time as any one property has been placed on the list in accordance with the provisions of this Chapter, upon the expiration of the

period for appeal with respect to that property or upon the denial of an appeal brought by the property owner.

~~§30-12.~~ **§30-13. Designation of Qualified Rehabilitation Entities.**

Pursuant to *N.J.S.A. 55:19-90*, the Borough Manager or his designee is hereby delegated the authority to designate qualified rehabilitation entities to act as the Borough's designee for the purpose of exercising the Borough's rights under the Abandoned Properties Rehabilitation Act, *N.J.S.A. 55:19-78 et seq.*

~~§30-13.~~ **§30-14. Reports**

The Borough Manager **or his designee** shall provide a report to the mayor and governing body every six months with respect to the number and location of properties on the abandoned property list, the status of those properties, and any actions taken by the Borough or by any qualified rehabilitation entity designated pursuant to the authority granted the Borough Manager with respect to any property on the abandoned property list or any other abandoned property within the Borough.

Section 2. Section 31-4 entitled "Designation of public officer" of Chapter 31 entitled "Buildings, Unfit" of the Code of the Borough of Washington is amended to read as follows (deleted text shown as strikethrough, new text shown as underlined):

The ~~Zoning Officer~~ Borough Manager or his designee is hereby designated and appointed as the public officer to exercise the powers set forth in this chapter. ~~The Mayor and Borough Council may, by resolution, designate any other person or persons to act in the place of the Zoning Officer.~~

Section 3. 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 4. 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 5. 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 10-2009 An Ordinance Repealing Chapter 71 of the Code of the Borough of Washington Regarding Sex Offender Residency Prohibition. (Introduction)

Mayor McDonald entertained a motion to introduce Ordinance #10-2009.

Ordinance 10-2009 was introduced by Councilman Housel, seconded by Councilman Cioni.

It was further moved by Housel, seconded by Cioni that the Clerk read Ordinance #10-2009 by title only.

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

Ayes: 6, Nays: 1
Motion Carried

The Clerk read Ordinance #10-2009 entitled, “ An Ordinance Repealing Chapter 71 of the Code of the Borough of Washington Regarding Sex Offender Residency Prohibition.”

Council Discussion:

Attorney Cushing explained unfortunately the Appellate Court ruled that municipal ordinances such as these are unconstitutional. The Borough’s ordinance must be repealed. State statute will regulate this area.

Ordinance 10-2009 was moved by Councilman Housel, seconded by Councilman Cioni be introduced on first reading.

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

Ayes: 5, Nays: 1
Motion Carried

It was further moved by Housel, seconded by Cioni that Ordinance #10-2009 be published in the Star Gazette on June 25, 2009 as required by law and that the public hearing be scheduled for July 21, 2009.

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

Ayes: 5, Nays: 1
Motion Carried

ORDINANCE # 10-2009

**AN ORDINANCE REPEALING CHAPTER 71 OF THE CODE
OF THE BOROUGH OF WASHINGTON, NEW JERSEY**

REGARDING SEX OFFENDER RESIDENCY PROHIBITION

WHEREAS, the Mayor and Council of the Borough of Washington adopted Chapter 71 of the Code of the Borough of Washington in order to limit the ability of pedophiles to prey on children in the Borough of Washington; and

WHEREAS, there have been numerous court challenges to ordinances similar to Chapter 71 and as a result of those legal challenges the Borough has not enforced Chapter 71 pending final decision by the New Jersey Supreme Court as to whether such ordinances are lawful; and

WHEREAS the New Jersey Supreme Court has recently ruled that municipalities do not have the authority to regulate where pedophiles may live within a particular municipality; and

WHEREAS, it is now necessary for the Borough of Washington to repeal Chapter 71 in order to be in compliance with the ruling by the New Jersey Supreme Court.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Washington, Warren County, New Jersey, that Chapter 71 of the Revised General Ordinances of the Borough of Washington is hereby repealed in its entirety.

This ordinance shall take effect upon passage in accordance with law.

REPORTS:

It was moved by Boyle, seconded by Woykowski, to receive and file the following reports.

1. Fire Prevention Report
2. Issues and Details
3. CFO Report January – April

Ayes: 7, Nays: 0
Motion Carried

COMMITTEE REPORTS:

Redevelopment Committee: No Report

DPW Garage: No Report

Sewer Committee: No Report

Streets Committee: No Report

Finance Committee: Councilwoman Woykowski reported that the finance committee submitted a report to Council for their review. They are currently working on a Council Policies Handbook. A rough draft will be submitted via email to Council members. Council members should review the draft handbook and submit comments and recommendations to the finance committee. The finance committee has also submitted a flow chart of the Municipal Accounting System for review as well.

Shared Services Committee: No Report

Senior Services: No Report

Website Committee: - No Report

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 Housel to pay the vouchers and claims in the amount of \$298,863.77.

Councilman Higgins questioned the invoice for Jersey Professional Management. Manager Phelan stated that this is the last invoice from them for the temporary CFO Position.

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

Ayes: 5, Nays: 2
Motion Carried

OLD BUSINESS:

Municipal Land Use Board

Planning Board Chair Marianne Van Deursen stated that her concern over combining the Planning Board and Board of Adjustment is that we would deter people in our community from being active on these boards. Unless someone can demonstrate the benefits of combining the boards, she is recommending that the boards remain separate.

Councilman Cioni asked if anyone had surveyed other municipalities in Warren County that had merged their boards. Councilman Boyle stated that he had spoken with Liberty Township who had recently merged and they are having success. He stated that he brought this up in order to promote streamlining government. There have been occasions in the past where an applicant has ended up in front of the wrong board; which delays the process and can cause frustration.

Planning Board Member Tina Truman stated her concern is regarding the length of the meeting. If a Land Use Board has many applicants; meetings can run long. There is even a possibility that an applicant could be moved to another meeting date.

Mayor McDonald polled Council regarding their feelings on merging the two boards. Council concurred that the Planning Board and Board of Adjustment will remain two separate boards.

NEW BUSINESS

Resolution 134-2009 – Update to Borough Purchasing Manual

Resolution 134-2009 was moved on a motion made by Housel, seconded by Woykowski and adopted.

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

Ayes: 7, Nays: 0

Motion Carried

RESOLUTION # 134-2009

**ADOPTING THE PURCHASING MANUAL
OF THE BOROUGH OF WASHINGTON**

WHEREAS, the Borough Council of the Borough of Washington is desirous of clarifying and codifying its procedures as it relates to procurement to ensure compliance

with the provisions of the Local Public Contracts Law, N.J.S.A. 40 A:11-1, et. seq. through the adoption of the attached purchasing manual; and

WHEREAS, the Purchasing Department has considered this matter and recommends that formal policies and procedures be implemented to ensure both State and local purchasing compliance.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey hereby adopts the attached purchasing manual for use in by Departments, Boards and Commissions.

Resolution 122-2009 through Resolution 129-2009

Resolution 122-2009 through Resolution 129-2009 was moved on a motion made by Housel, seconded by Woykowski and adopted.

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

Ayes: 7, Nays: 0

Motion Carried

RESOLUTION #122-2009

RETAIL CONSUMPTION LICENSE

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

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

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

LINSCO, INC.;
t/a Scotty's Stadium Club
15 Belvidere Ave.
Washington NJ 07882

From July 1, 2009 – June 30, 2010, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

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

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

RESOLUTION #123-2009

RETAIL CONSUMPTION LICENSE

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

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

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

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

From July 1, 2009 – June 30, 2010, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

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

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

device installed on the main entrance door to the establishment and the same shall be kept operational at all times

RESOLUTION 124-2009

RETAIL DISTRIBUTION LICENSE

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

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

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

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

From July 1, 2009 – June 30, 2010, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

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

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

RESOLUTION #125-2009

RETAIL CONSUMPTION LICENSE

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

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

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

Washington Inn, Inc.
t/a Felix's Tavern
101 East Washington Ave.
Washington, NJ 07882

From July 1, 2009 – June 30, 2010, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

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

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

RESOLUTION #126-2009

RETAIL DISTRIBUTION LICENSE

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

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

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

Washington Discount Liquors L.L.C.
Pocket License
9 Sherman Boulevard

Washington, NJ 07882

From July 1, 2009 – June 30, 2010, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

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

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

RESOLUTION #128-2009

RETAIL CONSUMPTION LICENSE

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

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

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

GRAMA, Inc
t/a Mediterranean Bistro
301 W. Washington Ave
Washington, NJ 07882

From July 1, 2009 – June 30, 2010, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

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

- K. Licensee will report all incidences of fighting and brawling in the licensed premises immediately to the Washington Police Department for assistance.

- L. Licensee agrees to keep the doors to the premises closed at all times (regardless of the weather) so as to control patrons on premises and to discourage patrons from disturbing or accosting persons on the adjoining streets and sidewalks. The licensee shall have had an automatic door closing device installed on the main entrance door to the establishment and the same shall be kept operational at all times

RESOLUTION #129-2009

RETAIL CONSUMPTION LICENSE

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

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

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

JO BO CORPORATION
t/a R Place
Pocket License
33 W. Washington Ave
Washington, NJ 07882

From July 1, 2009 – June 30, 2010, provided proof of compliance with Public Law 1970, Chapter 77, has been submitted by the Division of Alcoholic Beverage Control.

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

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

Resolutions 130-2009 and 131-2009 were removed from the Agenda.

Resolution 132-2009 Re-Appointment of Kristine Blanchard as Washington Borough Municipal Clerk

Resolution 132-2009 was moved on a motion made by Housel, seconded by Valentine and adopted.

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

Ayes: 7, Nays: 0

Motion Carried

**RESOLUTION 132-2009
RESOLUTION REAPPOINTING MUNICIPAL CLERK**

WHEREAS, Kristine Blanchard was duly appointed and confirmed to the position of Municipal Clerk on June 5, 2006 for a three year term in accordance with NJSA 40A:9-133 et seq; and

WHEREAS, Kristine Blanchard is and has been certified as a Registered Municipal Clerk since April 18, 2005 and has satisfied the continuing education requirements for said certification; and

WHEREAS, the appointing authority of the Borough of Washington is desirous of reappointing Kristine Blanchard, RMC as Municipal Clerk for the Borough of Washington; and

WHEREAS, this reappointment has occurred within sixty days of the expiration of the three year term identified above;

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

1. Kristine Blanchard, RMC is hereby reappointed to the position of Municipal Clerk in the Borough of Washington; and
2. Kristine Blanchard, RMC is and has upon this reappointment attained tenure pursuant to N.J.S.A 40A:9-133 et seq.

Resolution 133-2009 Appointment of Kristine Blanchard as Class II Planning Board Member

Resolution 133-2009 was moved on a motion made by Housel, seconded by Cioni and adopted.

Councilman Higgins noted for the record that this position should be held by the Borough Manager.

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

Ayes: 6, Nays: 1
Motion Carried

RESOLUTION 133-2009

PLANNING BOARD – EMPLOYEE MEMBER

CLASS II MEMBER

WHEREAS, the Borough of Washington, Warren County, New Jersey is now governed by Plan “E” of Municipal Charter Law; and

WHEREAS, under this plan the Mayor is directed and authorized to appoint certain members of the Planning Board.

BE IT RESOLVED, that a Borough Official, **Class II Member** hereby is appointed to serve.

Kristine Blanchard

Term to expire on **January 1, 2010.**

Resolution 136-2009 Amendment to Temporary Budget

Motion made by Housel, seconded by McDonald and adopted.

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

Ayes: 5, Nays: 2
Motion Carried

RESOLUTION # 136-2009

**A RESOLUTION PROVIDING FOR AMENDING
TEMPORARY FUND
APPROPRIATIONS**

WHEREAS, N.J.S.A. 40A: 4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the 2009 Sewer Budget, temporary appropriations should be made for the purpose and amount required in the manner and time therein provided; and

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

TOTAL ADDITIONAL APPROPRIATIONS – 2009 BUDGET

TO COVER ADDITIONAL OPERATIONS - \$629,364.39

RECAP

Manager Phelan stated he will reach out to Ms. Jorgenson the next day regarding the Rossi property. He will make amendments to the Ordinances as discussed this evening. He will also make sure the Treasurers report is provided to Council at the second meeting of every month.

COUNCIL REMARKS

Councilwoman Woykowski stated she wants to see the water company fix portions of Belvidere Avenue as soon as possible. She also wants to see a redevelopment meeting with the committee and manager as well as a sewer meeting scheduled as soon as possible.

Councilman Higgins reported that the lease agreement between the fire department and the borough states that the borough is responsible for all modifications to the building for the fire department to house their equipment. He also noted that in reviewing his budget documents for the last three years; the fire department has requested and informed council that these modifications would be necessary.

Councilman Boyle stated that there have been some reports of problems with the vending machines at the pool. Manager Phelan stated that the Recreation Director is aware of the issues and working towards resolving them.

Mayor McDonald informed the fire department that the borough has received a check from BASF in the amount of \$500.00 towards the modifications of the fire bays.

Fire Chief Klausfelder stated that he has concerns regarding the manager's memo surrounding these modifications. In the memo it states that the fire department will need to provide funding for the modifications. Mayor McDonald stated that the borough has not been able to find the funding to provide for these changes to the fire bays.

Council discussed various options in helping the fire department. Council agreed that Manager Phelan will discuss with the road crew supervisor as to whether or not they are capable of handling some of the work along with volunteers from the fire department.

Estimates will need to be received from a mason and an electrician and will be provided to council within the week so that the borough may move forward as soon as possible.

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

Ayes: 7, Nays: 0.
Motion carried.

Mayor Scott McDonald

Kristine Blanchard, RMC Borough Clerk