

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – September 19, 2006**

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

Roll Call: Van Deursen, Woykowski, Turner, Buoye, Oakley, Housel and Glaser – Present

Also Present: Richard J. Sheola, Borough Manager
Steven D. Farsiou Esq., Borough Attorney
Robert Miller, C.M.E., Borough Engineer
Kristine D. Blanchard, RMC, Borough Clerk

The flag salute was led by Mayor Van Deursen.

A moment of silence was held in remembrance of September 11, 2001.

Mayor Van Deursen read the following Statement into the Record:

“The requirements of the ‘Open Public Meetings Law of 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.

Presentation - Proclamation of POW/MIA Recognition Day

Mayor Van Deursen presented a Proclamation to Douglas A. Koeppen A.U.S. retired Chaplain and Past Commander Washington Post 103 to proclaim September 15, 2006 as POW/MIA Recognition Day.

***POW/MIA RECOGNITION DAY PROCLAMATION
SEPTEMBER 15, 2006***

WHEREAS, 1,805 Americans are still missing and unaccounted for from the Vietnam War, plus approximately 8,100 unaccounted for from the Korean War, 120 from the Cold War and over 78, 000 from WWII, one still missing from the 1991 Gulf War and two from Operation Iraqi Freedom, and their families, friends and other concerned citizens, as well as their fellow veterans, still endure uncertainty concerning their fate; and

WHEREAS, The Bush Administration had stated a strengthened and renewed POW/MIA accounting priority with the governments of Vietnam, Laos, Cambodia, Russia, the People’s Republic of China, North Korea and other nations to account for

these American's, but recent budget shortfalls and mixed political signals are hampering the effort and corrective actions needed to occur; and

WHEREAS, U.S. Government intelligence and other evidence indicate that Vietnam could provide greater assistance to account for hundreds of missing Americans, including many of the 364 still missing in Laos and the 54 still unaccounted for in Cambodia, by unilaterally locating and returning identifiable remains and providing archival records to answer other discrepancies; therefore be it

RESOLVED, that the Borough of Washington New Jersey commends President George W. Bush for his principled commitment to U.S. efforts to account as fully as possible for Americans still missing from our nation's past wars; and be it further

RESOLVED, that the Borough of Washington New Jersey calls on the President to raise with foreign counterparts the need for greater responsiveness to help account for our missing-alive and dead- and return them to the United States; and be it further

RESOLVED, that the Borough of Washington New Jersey specifically calls on the President to ask the Vietnamese Prime Minister during his visit in November to authorize unilateral actions that would help to account for hundreds of America's POW/MIA's; and be it further

RESOLVED, that the Borough of Washington New Jersey specifically calls on the President to ask the President of the Russian Republic to authorize declassification of all records of the former Soviet Union that could help clarify the fate of America's missing veterans from the Vietnam War, Korean War, Cold War, and WWII; and be it finally

RESOLVED, that I, as Mayor of the Borough of Washington New Jersey, do hereby proclaim September 15, 2006 as POW/MIA Recognition Day in honor of all returned American POW's and all American's still captured, missing and unaccounted for from the Vietnam War, Korean War, Cold War and WWII as well as the two U.S. personnel missing and captured in Iraq and during the 1991 Gulf War and Operation Iraqi freedom, and ask all citizens to observe this day with appropriate ceremonies.

Council Appearance

Dawn Higgins/Rick Feldman Recreation Commission

Dawn Higgins updated Council on the recent activities of the Recreation Commission. The height of the Recreation Commission's busiest season has just ended. The summer season was extremely successful and all of the summer programs were well attended. She also informed Council that the fall programs are in full swing despite the lack of fields.

Ms. Higgins was glad to report that the filtration system at the pool did not fail this year.

Ms. Higgins stated that the recently paved pavilion area did not meet the requirements of handicap accessibility. It was far short in reaching the pavilion and was not backfilled. There was about a 5 inch drop off from the end of the handicap ramp and was dangerous if a person was in a wheelchair. Ms. Higgins stated that the Recreation Commission did have an architects drawing for the project; however the drawing was not used.

Ms. Higgins reported that the new tables at the park have been vandalized within weeks of receiving them. Other instances of vandalism this summer include swings being broken and items being thrown into the pool.

Ms. Higgins stated that the pool project was advertised for bidding in August and the Borough received bids on August 29, 2006. The one bid that the Borough received was over budget. She voiced concerns over paying on the green acres loan and not having a new pool in the Borough. The Council needs to give this issue some serious thought.

Ms. Higgins informed Council that the Railroad Avenue - Green Acres application was denied. The good news is that the Borough will move to the top of the list for next year.

Ms. Higgins reported that the award of the bid for the new ball field lights was granted. At the preconstruction meeting she stated that she had stressed her concerns over having large trucks on the field during soccer and field hockey seasons. She was assured that the field would be left in playing condition at the end of each day. Unfortunately, the contractor did not leave the field in a playable condition. The Recreation Commission has discussed the situation with the Borough Manager and Borough Engineer and they will be informing the contractor that this cannot happen again. The Recreation Commission is also requesting that no more work takes place on the field until November when the season concludes.

Ms. Higgins updated Council on the status of Vara Field. Unfortunately, the only item that cannot be agreed upon between the Recreation Commission and Centex Homes is the sod. The Recreation Commission asked Council to pursue this to the furthest extent that the Borough is able to. This is has been the fourth season that the community has been unable to utilize this field.

Councilman Turner suggested speaking with Great Meadows Sod Farm for either a discounted price or a donation of sod.

Councilwoman Glaser thanked Ms. Higgins for an extremely thorough and informative report. Councilwoman Glaser stated that the pavilion driveway needs to be remedied as soon as possible. Manager Sheola informed the Recreation Commission and Council that the contractor who is paving School Street will be going to the pavilion to fix the paving. Councilwoman Glaser stated that when the contractor goes to the park to repave; someone from Studer McEldowney needs to be present to supervise.

Councilwoman Glaser also voiced her concerns over the vandalism at the parks. She requested that the Manager send a letter to the Chief of Police and request that he increase patrols in that area.

Mayor Van Deursen asked if the Borough could report the vandalism to the Insurance Company. Ms. Higgins replied that there is a deductible of \$1,000.00. Councilwoman Glaser asked the Recreation Commission to put together a detailed cost of the damage and repairs so that it may be submitted to the Insurance Company.

Councilman Turner also requested that the Council hear about vandalism incidents right away.

Councilwoman Woykowski voiced her displeasure with the work at the pavilion and the work should not have been accepted.

Mayor Van Deursen thanked the Ms. Higgins and the members of Recreation for everything they do for the community.

MINUTES:

Regular Meeting – September 5, 2006

Mayor Van Deursen entertained additions or corrections to the minutes of the regular meeting of September 5, 2006.

A change on page five was noted by Councilwoman Woykowski.

Hearing no further corrections or changes, it was moved by Glaser, seconded by Oakley that the minutes of September 5, 2006 be approved.

Roll Call: Woykowski, Buoye, Glaser, Turner, Oakley, Housel and Van Deursen.

Ayes: 7, Nays: 0.

Motion Carried

COMMUNICATIONS:

The following communications were entered into the Record:

1. Letter from Anthony Kramer Re: Resignation from the Board of Adjustment. (in packet)
2. NJLM Re: Public Hearing on Public Employee Benefits Reform.
3. NJLM Re: Anti-Gang Programs
4. NJLM Re: Municipal Issues 2006 – Race for U.S. Senator
5. NJLM Re: Notice of Proposed Dues Increase
6. NJLM Re: CAP Exception Urgently Requested
7. NJLM Re: Update of Deer Carcass Removal
8. NJLM Re: National Brownfield's Association General Meeting Oct. 17, 2006.
9. NJLM Re: Joint Committee on Consolidation and Shared Services.

Councilman Turner asked if any Council member will be attending the National Brownfield's Meeting on October 17, 2006 and suggested that the BID director attend the meeting.

Hearing no further comments it was moved by Glaser, seconded by Oakley that the communications numbered #1 thru #9 be acknowledged, received and filed.

Ayes: 7, Nays: 0.

Motion carried.

AUDIENCE:

Mayor Van Deursen entertained remarks from the audience on items that do not appear on the meeting agenda.

Gary Pohorely 115 Wayne Street - Mr. Pohorely discussed with Council the increase in property taxes over the years. He feels that the services from the Borough have declined while his property taxes have increased significantly.

Mr. Pohorely requested that Council be more proactive to help the taxpayers within the Borough. He requested that Council take a look at the Borough Library and possibly consider merging with Warren County Library. He wants to see Council exhausting all possibilities in order to share services with other municipalities. Mr. Pohorely requested Council reach out to the Boards of Education so that they are more proactive in keeping their costs down as well.

Councilwoman Glaser addressed Mr. Pohorely's concern regarding property taxes. She stated that the Council spends a minimum of four days looking over the budget and cutting the municipal portion any way they can. It is difficult with a rising cost of living and stagnant dollars coming from Trenton.

Councilwoman Glaser also stated that when the school budgets are voted down she is one of the Council members that goes and discusses the budget with both Boards of Education. It is difficult for the elementary schools in the Borough to keep some costs down; especially tuition costs for disabled children that must be sent to other districts. She assured Mr. Pohorely that she agrees that the school districts could be doing more to cut costs.

Councilwoman Glaser explained that she and Councilwoman Woykowski, along with the Borough Manager sit on the Warren Morris Council of Governments. The goal of this group is to look into sharing services and to share ideas specifically with cutting property taxes in mind.

Mr. Pohorely also commented that he served on the Recreation Commission for five years. Every project mentioned this evening during the recreation report was in the planning stages when he was serving as a commissioner. The Borough is running out of space for the activities going on in the Borough. The Vara Field project is long overdue. Mr. Pohorely also voiced his concern over Railroad Avenue field and the Borough Pool. The pool will continue to be more and more expensive to maintain if the Borough continues to just patch it. The Railroad Ave fields were purchased by the Borough many years ago and still nothing has been done with them. These two projects are long overdue as well.

Ken Snover President Washington Community Center - Mr. Snover questioned why the refund from the 2002 appeal of property taxes has not been returned to the Community Center. Manager Sheola explained that Mr. Snover did not appeal his 2002 property taxes, therefore no refund was warranted. Councilwoman Glaser asked Mr. Snover if the 2003 and 2004 property taxes had been returned to him. Mr. Snover stated that they had not been returned. Councilwoman Glaser asked Mr. Sheola to follow up with the finance department in regards to Mr. Stover's refund and provide a copy of the cancelled checks.

Lori Finnegan 23 Yeomans Ave - Mrs. Finnegan remarked that the crosswalk painting took place in September just after school started. She requested that next year the Department of Public Works complete the crosswalk painting in August prior to the beginning of school.

She also commented that the Crossing Guards are still waiting in their cars. The crossing guards are visible to children or motorists when sitting in their cars.

Mrs. Finnegan also expressed concern over the fact that the unsafe play structure was removed only after she wrote a letter to Council. Councilman Turner and Manager Sheola stated that their may have been a miscommunication with the original request to remove the play structure. From now on, a Recreation Commissioner needs to be present to supervise the removal of equipment from the playground.

Councilwoman Glaser clarified that the Recreation Commission is directly responsible for their projects. The Recreation Commission has the ability to make requests directly to the Department of Public Works.

Mrs. Finnegan also commented on the increase in property taxes. She stated their has been a 23% increase in property taxes over the last three years.

Rich Maguire 234 W. Washington Ave - Mr. Maguire gave the Mayor and Council some background information on an application he made to the Planning Board to build a garage on a vacant lot behind his home. Mr. Maguire explained that after having been to the Planning Board four times, on February 9, 2006, he received final approval from the Planning Board and a Resolution letter with minor corrections to be made to the final print. Mr. Maguire turned the corrections back in to the Planning Board in July 2006. Mr. Maguire was informed that the Borough Engineer, Bob Miller had received the print on August 14, 2006. Mr. Maguire stated that he has heard nothing from Mr. Miller as to the status.

Mr. Maguire also commented that in November of 2005, he had attended another Planning Board meeting in reference to the above subject. He explained that in order to go before the Planning Board, all applicants must have their paperwork in to the Planning Board Secretary twenty one days prior to the meeting. The professionals are required to give the applicant and the Planning Board a review letter seven days prior to the meeting. Mr. Maguire stated that he has never received a letter prior to any Planning Board meeting. He noted that on that particular evening he did not receive any review letter, and the Planning Board received the review letter as they were walking into the meeting. Mr. Maguire expressed concern over the lack of respect given to the applicants by the professionals. If the applicants are required to have all paperwork completed twenty one days prior to the meeting, the professionals should be held to having a review letter

completed seven days prior to the meeting as well. The Planning Board can not be expected to make an educated decision on an application if they are receiving the review letter minutes before the meeting.

Mr. Maguire explained that he receives a bill from the Borough Engineer every time he makes a recommendation on his plan. On this particular occasion, the cost of the Borough Engineers recommendations exceeded the original architect's drawing of the garage. Mr. Maguire tried to contact the Borough Engineer throughout the first two weeks of December to discuss the charges and was unsuccessful. Mr. Maguire explained that he took Borough Engineer, Bob Miller to small claims court over these charges. Manager Sheola did finally rectify the situation. Mr. Maguire stated that his complaint is with the professionalism of the professionals.

Mr. Maguire requested to see a copy of the bill for Borough Engineer, Bob Miller and Stuart Ours, Esq. for their appearance in Hunterdon County Court.

Borough Engineer, Bob Miller stated that Mr. Maguire still has two minor corrections to make to the print. Mr. Miller was under the impression that this was going to be on the agenda for the September Planning Board meeting but it was not.

Mayor Van Deursen commented that protocol has been tightened with the Planning Board as a result of this situation.

Mr. Barends – 44 Willow Street Mr. Barends reported on the meeting with Manager Sheola and the Department of Environmental Protection.

Mayor Van Deursen inquired as to the outcome of the meeting and whether or not the application has gone to the D.E.P. for approval to clean drainage are out behind Mr. Barends home. Borough Engineer, Bob Miller stated that the application has been completed; but not yet mailed.

Manager Sheola stated that Mr. Bulka from the D.E.P. indicated that it may be possible to get permission from the D.E.P. if the municipality files a letter in lieu of an application. The municipality will only be able to clean the area by hand if a letter is filed.

Councilman Turner questioned the height of the pipe being about six inches to high for the water to effectively drain. Manager Sheola agreed that the pipe is an issue; however the main focus right now is to clean some of the overgrown vegetation from the area.

Mayor Van Deursen requested that Manager Sheola write and fax a letter to the D.E.P. and give a copy to Mr. Barends.

Councilman Turner asked if the Borough needs a permit to alter that area so that vegetation will not grow. Borough Engineer, Bob Miller stated that you can not alter the area without a permit.

Paul Terick 72 Lenape Trail - Mr. Terick discussed with Council the issue of a 12 foot pipe for a sewer easement on his property. Mr. Terick explained he asked Manager Sheola if the pipe could be removed. Manager Sheola explained that the pipe is a permanent fixture and can not be removed. Mr. Terick is concerned about what is coming out of the pipe and the diminishing property value of his home.

Councilman Housel explained that the pipe is a vent pipe and all that comes out of the pipe is air.

Mr. Terick asked why the pipe is 12 feet tall. Councilman Housel explained that was according to the design plan of Schoer DePalma. Councilman Turner requested to see the plans.

Mr. Terick also stated that he has been waiting for his new trees due to the fact that the ones on his property are in poor shape.

Mayor Van Deursen requested from Manager Sheola a report back to Council two meetings from now on the status of the situation.

Hearing no further remarks from the audience, it was moved by Glaser, seconded by Oakley that the audience portion of the meeting be closed.

Ayes: 7, Nays: 0.
Motion carried.

ORDINANCES:

Ordinance 16-2006 – An Ordinance Establishing Procedures for the Administration of Government and Amending Various Sections of the Borough Code. (Final Reading)

An Ordinance Establishing Procedures for the Administration of Government and Amending Various Sections of the Borough Code was introduced by Councilwoman Glaser.

It was further moved by Glaser, seconded by Oakley that the Clerk read Ordinance 16-2006 by title only.

Roll Call: Woykowski, Buoye, Housel, Oakley, Turner, Glaser, and Van Deursen.

Ayes: 7, Nays 0
Motion Carried.

The Clerk read Ordinance #16-2006 by title only and stated that this ordinance was published in the Star Gazette as required by law, a copy was posted on the bulletin board and copies available upon request in the Clerk's office.

Mayor Van Deursen opened up the public hearing portion of the ordinance for their questions or comments.

Hearing none, it was moved by Housel, seconded by Glaser that the public hearing portion of the ordinance be closed.

Ayes: 7, Nays: 0.
Motion carried.

Council Discussion: None

Hearing no Council discussion, it was moved by Housel, seconded by Oakley that Ordinance #16-2006 be adopted on final passage and that final publication be made as prescribed by law.

Roll Call: Woykowski, Glaser, Housel, Oakley, Buoye, Turner, and Van Deursen.

Ayes: 7, Nays: 0
Motion Carried.

Ordinance 16-2006

An Ordinance of the Borough of Washington Establishing Procedures for the Administration of Government and Amending Various Sections of the Borough Code.

WHEREAS, the Code of the Borough of Washington establishes the Order of Business with respect to the Council Meeting Agenda and the Order of Business of the Council Meetings; and

WHEREAS, over time, changes in the operation of the government necessitate changes to the agenda and general order of business during Borough Council Meetings, that will make an improvement to the operation of the government; and

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Washington, Warren County that Chapter 3 of the Code of the Borough of Washington is hereby amended as follows:

3-12. Order of business and agenda.

A. The business of the Council at its meetings shall be taken up for the consideration of Council and disposed of in the following order:

- (5) Reports of staff, boards, committees.
- (6) Approval of Claims.
- (7) Old business.
- (8) New business.
- (9) Council remarks and discussions.
- (10) Meeting Re-cap.
- (11) Adjournment.

B. The agenda for each regular meeting shall be prepared under the direction of the Manager. Except for emergency matters, which may be added at any time with approval of the Mayor and Council members, the agenda shall include only such matters of Council business as have been presented or delivered to the Clerk by the Manager or by a Council member not later than the close of business Thursday preceding the meeting.

3-15. Ordinances and Resolutions.

D. Ordinances shall be drafted by the Municipal Attorney or Borough Manager only upon request of a majority of the Council present at the regular or special meeting of the Borough Council or at the request of the Municipal Manager.

E. Ordinances may be adopted by the Council only by an affirmative vote by the majority of the Council by roll call vote. Each ordinance adopted by Council shall be signed by the Mayor and Clerk and entered into the Ordinance Book as kept on file in the office of the Clerk. No ordinance, except a local budget ordinance, shall take effect less than twenty (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 and resolution shall be in a manner prescribed by law. In matters requiring a roll call vote, the Clerk shall enter into the minutes the vote of each member present. No member present should refuse to vote unless he has, prior to discussion on the question, announced his intention of not voting, and he shall not enter into the discussion or debate.

SECTION II. 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 17-2006 – An Ordinance to Amend the Code of the Borough of Washington Chapter 57 – Stormwater Management. (First Reading)

An Ordinance Amending the Code of the Borough of Washington Chapter 57 Stormwater Management was introduced by Councilwoman Glaser.

It was further moved by Glaser, seconded by Oakley that the Clerk read Ordinance 17-2006 by title only.

Roll Call: Woykowski, Turner, Glaser, Oakley, Buoye, Housel, and Van Deursen.

Ayes: 7, Nays: 0
Motion Carried.

The Clerk read “Ordinance 17-2006 An Ordinance to Amend the Code of the Borough of Washington Chapter 57 of the Washington Borough Ordinances – Stormwater Management.

Council Discussion:

Borough Engineer, Bob Miller explained the purpose of this Ordinance is to comply with the Department of Environmental Protection stormwater management regulations.

Councilman Turner asked if this Ordinance applies only to new construction. The Borough Engineer explained that it will apply to anything over ¼ acre of an impervious area.

Councilwoman Glaser stated that the Shade Tree Commission will probably have some interest in this Ordinance. Manager Sheola directed the Municipal Clerk to provide a copy to the Shade Tree Commission.

It was therefore moved by Housel, seconded by Oakley that Ordinance 17-2006 be passed on first reading.

Roll Call: Woykowski, Turner, Oakley, Buoye, Housel, Glaser, and Van Deursen.

Ayes: 7, Nays: 0

Motion Carried.

It was further moved by Glaser, seconded by Oakley that Ordinance 17- 2006 be published in the Star Gazette on September 28, 2006 and a public hearing be scheduled for October 17, 2006.

Roll Call: Turner, Glaser, Oakley, Van Deursen, Buoye, Housel, and Woykowski.

Ayes: 7, Nays: 0

Motion Carried.

REPORTS

It was moved by Glaser, seconded by Turner that the Borough Engineer's Report, Collector Treasurers Report, Fire Prevention Report, Recreation Commission Report, Municipal Court, Police Department, and Highway Department Report be accepted as presented and filed.

Council Discussion:

Councilman Buoye questioned the contracts for the downtown reconstruction. Mayor Van Deursen stated that she had just signed the contract for Berto Construction and the contracts would be sent to the engineer. Mayor Van Deursen also reminded Manager Sheola to notify Council when the preconstruction meeting will take place for the Downtown Streetscape Project.

Councilman Buoye inquired as to the status of South Lincoln Traffic issues on the Engineer's report. Borough Engineer, Bob Miller explained that his office is currently looking into the possibility of making Willow Avenue a one-way street. Borough Engineer, Bob Miller suggested that prior to Council taking official action on this topic he would like to receive input from the property owners in that general vicinity.

Mayor Van Deursen asked Council if anyone had an objection to the committee conducting a meeting with the residents and business owners in the area. Council did not

object. Councilman Buoye will coordinate a meeting with the committee and property owners.

Councilwoman Glaser stated that the committee needs to make sure to request input from Emergency Services.

Councilman Turner asked for clarification on the speeding issue on N. Prospect Street. Councilman Turner stated that he was under the impression that based on the survey results; speed bumps were not a preferred option to the residents. More police enforcement would be a preferable method.

Borough Engineer, Bob Miller that the survey results did indicate that residents felt there was a speeding problem on N. Prospect Street and the results were split as to a possible solution to the problem.

Councilman Turner asked Manager Sheola to direct the Chief of Police to step up enforcement in the area of N. Prospect Street. Councilman Turner also stated that the Mayor of Washington Township had indicated that the Borough could borrow the speed machine. Manager Sheola stated that the Chief had been informed of that.

Councilwoman Woykowski asked for a target date on obtaining the speed machine. Manager Sheola said he would need to inquire as to its availability. Mayor Van Deursen suggested calling the Washington Township and obtaining a date that the machine would be available for the Borough's use.

Manager Sheola informed Council that the Borough Engineer's request to the Department of Transportation for sectionalizing the Belvidere Avenue project had been approved. The approval was for the area of Route 57 just past Carlton Ave.

Councilman Housel asked the Borough Engineer for an update on the traffic light at North and South Lincoln Ave. Borough Engineer, Bob Miller stated that he has not heard anything from the state on that issue. Mayor Van Deursen asked Mr. Miller to follow up with the state and e-mail Council as to the status.

Councilwoman Glaser requested that the Borough Manager inform the Department of Public works that she would like to see a more detailed report of the operations in the DPW department.

Councilwoman Glaser also asked for a status of the General Ledger reports. Manager Sheola explained that all of the information has been turned over to Mr. Coppola and the reports should be available the first meeting in October.

Councilman Turner stated that the 116 hours reported on the Department of Public Works report to install a catch basin seems a bit excessive and recommended streamlining processes in the future.

Roll Call: Woykowski, Turner, Housel, Oakley, Buoye, Glaser, Van Deursen.

Ayes: 7, Nays: 0

Motion Carried.

VOUCHERS:

Mayor Van Deursen entertained additions or questions of the vouchers and claims for payment.

Hearing no comments or questions it was moved by Glaser, seconded by Housel that the vouchers and claims be approved for payment in the amount of \$500,056.54 as reflected in the debit/credit memorandum on file in the collector/Treasurer's office.

Roll Call: Woykowski, Glaser, Housel, Buoye, Turner, Oakley and Van Deursen.

Ayes: 7, Nays: 0.
Motion Carried.

OLD BUSINESS

It was moved by Councilwoman Glaser, seconded by Turner that the Council Goals and Borough Manager Goals under old business be tabled until the October 3, 2006 Meeting.

Ayes: 7, Nays: 0
Motion Carried.

Discussion:

Councilwoman Woykowski asked Manager Sheola to change the short and long term goals completion dates from ongoing to specific dates.

At this time Councilwoman Woykowski motioned for the Manager to have the following reports ready for the October 3, 2006 meeting. The detailed short term plan, the long term plan, and the budget analysis report, this motion was seconded by Councilman Turner.

Manager Sheola asked for clarification on what Council is looking for in regards to short term plan vs. long term plan. Mayor Van Deursen suggested placing the topic of short and long term plans on the agenda for the next meeting for discussion. The budget analysis will be prepared for the October 3, 2006 meeting. Councilwoman Oakley suggested to Manager Sheola to compile a list of his objectives and goals for the next one, three, five, and ten years. Councilwoman Oakley would like to see Manager Sheola's "wish list" for Council review for the next meeting.

Ayes: 7, Nays: 0
Motion Carried.

NEW BUSINESS

Off-Site Stormwater Management Contribution – Midtown at Washington

Borough Engineer, Bob Miller explained that he has provided Council with a cost estimate prepared by his office, and another cost estimate prepared by the developer's engineer for Council review. The estimates are for the proposed, off-site stormwater management facilities, and the need to establish a dollar amount to be contributed by the developer.

The estimates differ in projected cost of approximately \$17,000.00.

Councilman Turner stated he was under the impression that the Borough and the developer would meet half way on the contribution. Mayor Van Deursen concurred.

Mr. Miller explained that if you are looking realistically at incentives to bring developers into town the Borough will need a regional plan as to how stormwater will be handled and how it will be handled with D.E.P. as well. Overall that will be a cheaper and faster way to handle the stormwater management issue in the long run.

Councilwoman Glaser does not want the taxpayers of the Borough subsidizing the developer's portion for any one developer.

Councilman Turner motioned that Council propose to the developer \$46,500.00 as the developers portion of the contribution, this motion was seconded by Councilman Housel.

Roll Call: Woykowski, Turner, Housel, Buoye, Oakley, Glaser, and Van Deursen.

Ayes: 3 – Buoye, Van Deursen, Turner

Nays: 4 – Woykowski, Oakley, Housel, Glaser

Motion Defeated.

Councilwoman Glaser motioned that the Borough accept the Borough Engineer's estimate of \$54,971.80, this motion was seconded by Councilwoman Oakley.

Roll Call: Woykowski, Turner, Housel, Buoye, Oakley, Glaser, and Van Deursen.

Ayes: 4 – Housel, Woykowski, Glaser, Oakley.

Nays: 3 – Buoye, Turner, Van Deursen.

Motion Carried.

Resolution 212-2006

Discussion:

Manager Sheola stated the amount appropriated for the new Department of Public Works Garbage was \$700,000.00; all three bidders were well over that figure.

Councilman Turner asked if this year was the only year that money has been appropriated for the garage. Manager Sheola stated he believed that in previous years money has been appropriated for site and design work. Councilman Turner asked Manager Sheola to

confirm that. Manager Sheola stated he would look at the appropriations ledger and inform Council what the balances are on the existing capital accounts.

Councilwoman Glaser voiced her concern in regard to the Borough consistently under budgeting for these projects. Councilman Turner concurred and stated that it seems like the numbers the Borough is receiving is not coinciding with today's market.

Councilman Turner suggested re-examining the project and possibly going back to the old Morton style building.

Mayor Van Deursen suggested the committee work with the Manager, Engineer, and Road Department and re-define the scope of the project and have it ready to go out to bid by January, 2007.

Councilman Turner requested that Manager Sheola contact Hampton, Mansfield and Independence Township. These municipalities have all had D.P.W. garages built within the last two years and may offer some insight. Councilman Turner also gave the Borough Manager and Borough Engineer some Morton information that the Borough should look into.

Councilman Glaser made a motion to accept Resolution 212-2006 Rejecting the Bids for the D.P.W. Garage, seconded by Councilman Turner.

Roll Call: Turner, Buoye, Oakley, Woykowski, Glaser, Housel, and Van Deursen.

Ayes: 7, Nays: 0

Motion Carried.

RESOLUTION # 212-2006

**A RESOLUTION REJECTING THE BIDS FOR
WASHINGTON BOROUGH DPW GARAGE
CONSTRUCTION**

WHEREAS, the Borough of Washington advertised in the Star-Gazette for qualified bidders for the above project; and

WHEREAS, the Borough received three (3) bids from qualified contractors at the Bid Opening on September 14, 2006 for the DPW Garage.

WHEREAS, the bids received were:

Hajdu Group Inc. Alpha, NJ	\$2,189,890.00 - Garage 398,853.00 – Salt Shed
De Sapio Const. Inc. Rahway, NJ	\$2,290,195.00 - Garage 288,840.00 – Salt Shed
Brockwell & Carrington	\$3,402,000.00 - Garage

Towaco NJ

WHEREAS, the Mayor and Council of the Borough of Washington wish to reject the bid for this work as the prices bid are substantially higher than the Borough Engineer's estimate for the work; 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, to reject the bids for the Department of Public Works Garage as noted and so advise the Borough Manager and Borough Engineer; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to Robert Miller, CME, Borough Engineer.

Raffle Application Approval Washington Fire Department

Approval for a raffle for the Washington Fire Department was moved on a motion by Councilman Housel, seconded by Councilman Turner and approved.

Roll Call: Woykowski, Housel, Turner, Buoye, Glaser, Oakley, and Van Deursen.

Ayes: 7, Nays: 0
Motion Carried.

Resolution 199-2006

The following Resolution was moved on a motion made by Councilwoman Glaser, seconded by Councilman Housel and approved.

Roll Call: Woykowski, Housel, Glaser, Turner, Oakley, Buoye, and Van Deursen.

Ayes: 7, Nays: 0
Motion Carried.

RESOLUTION #199-2006

A RESOLUTION TO VOID AND REPLACE A CHECK

WHEREAS, check #049526 was written August 16, 2006 in the amount of \$523.70 on Washington Borough's Operating Fund #8102360230 and payable to Cristal Associates, LLC; and

WHEREAS, the vendor contacted the Finance office stating that payment had already been received in the amount of \$425.90 on invoices duplicated on this check and

returned the check to have a replacement check issued in the amount of \$97.80.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington that the Treasurer be authorized to void check #049526 and issue a check in the amount of \$97.80 to Cristal Associates, LLC.

Resolution 200-2006

The following Resolution was moved on a motion made by Councilwoman Glaser, seconded by Councilman Housel and approved.

Roll Call: Woykowski, Housel, Buoye, Turner, Glaser, Oakley, and Van Deursen.

RESOLUTION # 200-2006

**A RESOLUTION AUTHORIZING THE RELEASE OF FUNDS FROM
STREET OPENING ESCROW ACCOUNT HELD IN
TRUST BY THE BOROUGH OF WASHINGTON**

WHEREAS, L.J. Associates, LLC, has posted review and/or inspection fees in the amount of \$1000.00 with the Borough of Washington prior to a street opening; and

WHEREAS, these funds were posted in the Street Opening Account to cover the cost of review and/or inspection services; and

WHEREAS, Municipal Engineer Robert Miller, C.M.E., P.E. has determined that all outstanding bills have been paid for review and inspection services.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey, that the Municipal Treasurer is hereby authorized to issue a check to L J Associates, LLC, PO Box 1217, Alpine, NJ 07620 in the amount of \$1000.00 from the Street Opening Account.

Resolution 201-2006

The following Resolution was moved on a motion made by Councilman Housel, seconded by Councilwoman Glaser and approved.

Roll Call: Woykowski, Housel, Buoye, Turner, Glaser, Oakley, and Van Deursen.

Ayes: 7, Nays: 0
Motion Carried.

RESOLUTION 201-2006

**A RESOLUTION AUTHORIZING THE RELEASE OF FUNDS FROM STREET
OPENING ESCROW ACCOUNT HELD IN TRUST BY THE BOROUGH OF
WASHINGTON**

WHEREAS, Hawk Drilling, has posted review and/or inspection fees in the amount of \$1,000.00 with the Borough of Washington prior to a street opening; and

WHEREAS, these funds were posted in the Street Opening Account to cover the cost of review and/or inspection services; and

WHEREAS, Municipal Engineer, Robert Miller has determined that all outstanding bills have been paid for the review and inspection services.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, County of Warren, State of NJ, that the Municipal Treasurer is hereby authorized to issue a check to Hawk Drilling, 93 Cemetery Hill Road Washington NJ 07882 in the amount of \$1,000.00 from the Street Opening Account.

Resolution 202-2006

The following Resolution was moved on a motion made by Turner, seconded by Glaser and approved.

Roll Call: Woykowski, Turner, Housel, Buoye, Oakley, Glaser, and Van Deursen.

Ayes: 7, Nays: 0

Motion Carried.

RESOLUTION # 202-2006

**A RESOLUTION AUTHORIZING THE RELEASE OF FUNDS FROM
DEVELOPER'S ESCROW ACCOUNT HELD IN TRUST BY THE
BOROUGH OF WASHINGTON**

WHEREAS, Washington Shammy Shine has posted review and/or inspection fees with the Borough of Washington prior to work beginning on this project; and

WHEREAS, these funds were posted in the Developer's Escrow account to cover the cost of review and/or inspection services; and

Whereas, Municipal Engineer Robert Miller, C.M.E., P.E. has determined that all outstanding bills have been paid for inspection and review services.

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

Treasure is hereby authorized to issue a check to Washington Shammy Shine, PO Box T, Milford, N.J. 08848 for the actual account balance in the review/inspection account.

Resolution 203-2006

The following Resolution was moved on a motion made by Turner, seconded by Glaser and approved.

Roll Call: Woykowski, Turner, Housel, Oakley, Glaser, Buoye, and Van Deursen.

Ayes: 7, Nays: 0
Motion Carried.

RESOLUTION # 203-2006

**A RESOLUTION AUTHORIZING THE RELEASE OF FUNDS FROM
STREET OPENING ESCROW ACCOUNT HELD IN
TRUST BY THE BOROUGH OF WASHINGTON**

WHEREAS, Wendy Waterman, on behalf of Jamie and Danny Cals, has posted review and/or inspection fees in the amount of \$1000.00 with the Borough of Washington prior to a street opening; and

WHEREAS, these funds were posted in the Street Opening Account to cover the cost of review and/or inspection services; and

WHEREAS, Municipal Engineer Robert Miller, C.M.E., P.E. has determined that all outstanding bills have been paid for review and inspection services.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey, that the Municipal Treasurer is hereby authorized to issue a check to Wendy Waterman, 44 Buttzville Road, Oxford, NJ 07863, in the amount of \$1000.00 from the Street Opening Account.

Resolution 205-2006

The following Resolution was moved on a motion made by Councilman Housel, seconded by Councilwoman Glaser and approved.

Roll Call: Woykowski, Housel, Buoye, Glaser, Oakley, Turner, and Van Deursen.

Ayes: 7, Nays: 0
Motion Carried.

RESOLUTION 205-2006

A RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE BOND FUNDS FROM THE DEVELOPER'S ESCROW ACCOUNT HELD IN TRUST BY THE BOROUGH OF WASHINGTON

WHEREAS, ABD Washington Inc., has posted a Performance Bond with the Borough of Washington prior to work beginning on this project; and

WHEREAS, these funds were posted in the Developer's Performance Bond Account to cover the performance of the contract specifications.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey, that the Municipal Treasurer is hereby authorized to issue a check to ABD Washington PO BOX 219 Jamesburg NJ 08831 in the amount of \$12,700.65 as per the agreement dated August 11, 2006.

Resolution 207-2006

The following Resolution was moved on a motion made by Councilwoman Glaser, seconded by Oakley and approved.

Discussion:

Attorney Farsiou and Manager Sheola explained the minor changes that were made to Resolution 207-2006 prior to the meeting. The phrase "subject to security" was added at the end of paragraph two in reference to access of property. The insurance policy has also been changed to a 1.5 million dollar policy which is the EPA standard and includes the Borough as additional insured.

Roll Call: Housel, Buoye, Woykowski, Turner, Glaser, Oakley, and Van Deursen.

Ayes: 7, Nays: 0
Motion Carried.

RESOLUTION # 207-2006

RESOLUTION TO AUTHORIZE EPA ACCESS FOR SUPERFUND INVESTIGATION

WHEREAS, the Borough of Washington ("Borough") is the owner of property known as Block 101, Lot 8 on the Tax Map of the Borough, also known as 313 Washington Avenue, Washington, New Jersey ("Property"), which is the location of the Borough's wastewater treatment plant; and

WHEREAS, the United States Environmental Protection Agency (“EPA”) is conducting an investigation of the Pohatcong Valley Superfund site pursuant to its response and enforcement responsibilities under CERCLA; and

WHEREAS, the EPA requires access to the Property in order to conduct its superfund investigation; and

WHEREAS, the Borough Manager and Borough Attorney are negotiating with the EPA for a consent for access to the Property;

NOW THEREFORE, it is hereby resolved that Borough Manager, Richard Sheola, is authorized to execute, on behalf of the Borough of Washington, a consent for access to property agreement in the form approved by the Borough Attorney.

Resolution 209-2006

The following Resolution was moved on a motion made by Buoye, seconded by Glaser and approved.

Roll Call: Woykowski, Glaser, Oakley, Buoye, Housel, Turner, and Van Deursen.
Ayes: 7, Nays: 0
Motion Carried.

Resolution 209-2006

**A RESOLUTION AUTHORIZING THE RELEASE OF FUNDS FROM
STREET OPENING ESCROW ACCOUNT HELD IN
TRUST BY THE BOROUGH OF WASHINGTON**

WHEREAS, Qin Associates, LLC, has posted review and/or inspection fees in the amount of \$1000.00 with the Borough of Washington prior to a street opening; and

WHEREAS, these funds were posted in the Street Opening Account to cover the cost of review and/or inspection services; and

WHEREAS, Municipal Engineer Robert Miller, C.M.E., P.E. has determined that all outstanding bills have been paid for review and inspection services.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey, that the Municipal Treasurer is hereby authorized to issue a check to Qin Associates, LLC, 178 E Washington Avenue, Washington, NJ 07882, in the amount of \$1000.00 from the Street Opening Account.

Resolution 210-2006

The following Resolution was moved on a motion made by Councilwoman Glaser, seconded by Councilwoman Oakley and approved.

Roll Call: Woykowski, Housel, Turner, Buoye, Glaser, Oakley, and Van Deursen.

Ayes: 7, Nays: 0

Motion Carried.

Resolution 210-2006

**A RESOLUTION AUTHORIZING THE RELEASE OF FUNDS FROM
STREET OPENING ESCROW ACCOUNT HELD IN
TRUST BY THE BOROUGH OF WASHINGTON**

WHEREAS, L. Dale Patterson has posted review and/or inspection fees in the amount of \$1000.00 with the Borough of Washington prior to a street opening; and

WHEREAS, these funds were posted in the Street Opening Account to cover the cost of review and/or inspection services; and

WHEREAS, Municipal Engineer Robert Miller, C.M.E., P.E. has determined that all outstanding bills have been paid for review and inspection services.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey, that the Municipal Treasurer is hereby authorized to issue a check to L. Dale Patterson 63 Park Avenue Washington NJ 07882, in the amount of \$1000.00 from the Street Opening Account.

COUNCIL REMARKS:

NONE

EXECUTIVE SESSION:

It was moved by Councilwoman Glaser, seconded by Councilwoman Oakley that Council go into Executive Session.

Roll Call: Glaser, Turner, Van Deursen, Oakley, Woykowski, Buoye, and Housel.

Ayes: 7, Nays: 0.

Motion Carried.

RESOLUTION 211-2006

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the exclusion of the public from a meeting under certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

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

1. The public shall be excluded from the remaining portion of this meeting.
2. The general nature of the subject matter to be discussed is as follows:
 - Potential Litigation
 - Personnel
 - Contract Negotiations

It was moved by Glaser, seconded by Buoye that Council go out of Executive Session and back into open session at 12:50 a.m.

Ayes: 7, Nays: 0.
Motion Carried.

Hearing no further business to come before the governing body, it was moved by Glaser, seconded by Turner that the meeting be adjourned.

Marianne Van Deursen
Mayor

Kristine Blanchard, RMC
Borough Clerk

