

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – September 03, 2013**

The Regular Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 7:00 P.M.

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.”

Resolution #163-2013 Appointing Ann Kilduff as Acting Borough Clerk

RESOLUTION #163-2013

RESOLUTION TO APPOINT ANN KILDUFF AS ACTING BOROUGH CLERK

WHEREAS, the Borough Clerk will not be attending the Council Meeting of the Governing Body of the Borough of Washington scheduled for July 16, 2013.

WHEREAS, pursuant to NJSA 40A:9-157 the Governing Body may designate some person to act in the place of such officer during this temporary absence.

NOW, THEREFORE, BE IT RESOLVED, by the Borough of Washington Council that Ann Kilduff is hereby designated to act in the place of the Clerk during this temporary absence.

Resolution #163-2013 was moved on a motion made by Gleba, seconded by Thompson and approved.

Roll Call: Torres, McDonald, Thompson, Conry, Gleba
Ayes: 5, Nays: 0
Motion Carried

Mayor McDonald led everyone in the flag salute.

Roll Call: Thompson, Conry, Torres, McDonald, Gleba
Absent: Higgins

Also Present: Ann Kilduff, Acting Borough Clerk

MINUTES:

Executive Session – July 16, 2013

Motion made by Torres, seconded by Thompson to approve the executive session minutes of July 16, 2013.

Ayes: 4, Nays: 0
Abstain: (1) Gleba
Motion Carried

CORRESPONDENCE:

A motion was made by Gleba, seconded by Conry to receive and file the correspondence from the Municipal Court and the Chamber of Commerce.

Ayes: 5, Nays: 0
Motion Carried

A motion was made by Gleba, seconded by Conry to receive and file the correspondence from the Warren Hills Regional High School regarding “Paint the Town Blue”.

Ayes: 5, Nays: 0
Motion Carried

Council Discussion:

Councilwoman Gleba stated that this is in collaboration with the Warren Hills Booster Club in support of the first home football game on Friday, September 13, 2013. This activity will consist of hanging blue and white banners, streamers, balloons and posters on Main Street. Members of the high school Student Council and their advisor will oversee this activity.

A motion was made by Gleba, seconded by Torres to approve the Warren Hills Regional High School to “Paint the Town Blue”. Mayor McDonald asked that everyone at Borough Hall be made aware and Councilwoman Gleba added that the BID Director let the businesses know.

Ayes: 5, Nays: 0
Motion Carried

AUDIENCE:

Sandi Cerami – Washington BID, Director

Ms. Cerami encouraged everyone to come out and enjoy the Festival in the Borough this Weekend, there are a lot of new food vendors and great bands. Ms. Cerami also stated Allie's Cupcakery & Café would be opening in the next couple of days.

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

Ayes: 5, Nays: 0
Motion Carried

ORDINANCES:

Fire Prevention Ordinance – Discussion

Councilman Torres stated that the Fire Prevention Ordinance was reviewed by the Codebook Committee and Attorney Kopen with a lot of input from Mr. Rick Monus, the Fire Prevention Officer. Attorney Kopen added that she forwarded a final version to Mr. Monus last week. Attorney Kopen noted that there were a few differences on this version of the Fire Prevention Ordinance versus the prior version she had reviewed. Attorney Kopen noted the differences with the first being that there were definitions in the beginning of this version that were not in the prior version. Attorney Kopen thought the definitions were unnecessary. Attorney Kopen added language saying the definitions referred to the Uniform Fire Safety Act and the International Fire Code. Another difference from the previous version pertains to a request Council made to section 42-9 rewording paragraph nine. This paragraph indicated that one of the duties among the Fire Official was to respond to calls of alarm within the Borough. Also, there is additional language within section 42-27 having to do with delineation and markings. Attorney Kopen noted that there was language that stated that the painting of such lines and markings shall be designed by the Fire Official in compliance with NJ Law and performed by the DPW. The Borough shall bill this work and supplies to the Bureau of Fire Prevention to be paid out of the transfer from available penalties and fines account. Attorney Kopen spoke to Mr. Monus and he objected to that paragraph. Attorney Kopen noted it is not in the current version but it can be added back in if that is what Council wants. Mayor McDonald suggested that Council invite Mr. Monus to the next meeting to discuss this portion along with the Fire Watch language of the Fire Prevention Ordinance.

Nuisance Ordinance – Discussion

Councilman Torres noted that the Nuisance Ordinance was handed out at the last Council meeting for review. Councilman Torres added that Attorney Kopen's changes and comments were done in color so they can be seen very easily. Councilman Torres started with section 59-1.1 where Attorney Kopen made a change. Attorney Kopen stated that certain parts of the Public Health Nuisance Code have been declared unconstitutional for vagueness. Councilman Torres stated that on page four section 59-5, these definitions have been taken from ordinance written for other municipalities in New Jersey. Attorney Kopen replied that the only problem she has using definitions from other municipalities is that the origin of these definitions is unknown. Attorney Kopen stated that she would be more comfortable with a reference to the applicable section of New Jersey Statute or New Jersey Administrative Code. Councilman Torres stated that the Borough already had a nuisance ordinance and several other ordinances that were repeated in several places. The Code Book Committee made the decision to combine into one ordinance and repeal the others. Some new items that were added include the long term vacant buildings in the business district, graffiti and vandalism, littering, and noise. Other items such as weeds in the sidewalks, animal barking, etc. are going to be cross referenced but are included in the nuisance ordinance. Councilwoman Gleba added that the comments that Attorney Kopen made on page eleven for example should be changed within the ordinance.

Councilman Torres noted that on page seventeen, section 59-10 Abatement of Unfit Buildings in the Borough of Washington gives Council the option to take action on such properties. Attorney Kopen commented that Council should consider the potential costs to the Borough for taking such action. Attorney Kopen also recommended that on page twenty eight, the Fire Official review the section on Fire Prevention Safety.

Council discussed the section 59-15 regarding Snow and Ice Removal and the fact that it should be within the Code Book only one time and Council agreed that it should appear within the Streets and Roads section. Councilman Torres commented that language would need to be added to differentiate between commercial and residential properties within the Borough. Council also discussed at length section 59-17 pertaining to Noise. Councilman Torres had added a section on horns and signaling devices on vehicles. Attorney Kopen noted that the wording within this section is somewhat subjective and may be open to challenge. Mayor McDonald suggested Councilman Torres rework the wording and bring back to Council for review.

Councilwoman Gleba left the meeting at this time.

Councilman Torres stated that the Codebook Committee will review this again at the next meeting for the benefit of those Council Members not in attendance at tonight's meeting and also to address the Fire Official's concerns with both the Fire Prevention Ordinance and the Nuisance Ordinance. Attorney Kopen asked for clarification from Council to make sure that she has the approval to proceed with the changes discussed that will be billed outside of the retainer.

A motion was made by Torres, seconded by Conry to pay Attorney Kopen up to three hours for review of the Fire Prevention Ordinance and the Nuisance Ordinance.

Roll Call: Torres, Thompson, Conry, McDonald
Ayes: 4, Nays: 0
Motion Carried

REPORTS:

A motion was made by Torres, seconded by Conry to receive and file the following reports:

1. Recreation Director's Report – August 2013
2. Tax Collector Report – July 2013
3. Code Enforcement – August 2013
4. Washington Township Police Department – July 2013

Council Discussion:

Councilman Torres stated that the Recreation Director's Report seemed repetitive from last month's report and would like a more detailed report for the next meeting. Councilman Torres also noted that the Code Enforcement report shows significant progress and is pleased to see this area is getting taken care of.

Ayes: 4, Nays: 0
Motion Carried

NEW BUSINESS:

Raffle License Approval – Washington Borough PTO

A motion was made by Torres, seconded by Conry to approve the Raffle License for the Washington Borough PTO.

Ayes: 4, Nays: 0
Motion Carried

Resolution #159-2013 – Cancel 2013 Taxes

RESOLUTION # 159-2013

A RESOLUTION TO CANCEL 2013 TAXES

DUE TO VETERAN EXEMPT STATUS

WHEREAS, the Tax Collector has received an approved application for a 100% Permanent and Totally Disabled Veteran from Tax Assessor for Block 71 Lot 11; located at 107 Wilson Terrace and in the name of Mercado, Nelson, and

WHEREAS, the Tax Assessor has advised the Tax Collector that the application for the exemption was received and approved with an effective date of July 27, 2013; and

WHEREAS, the tax exemption does not show in the 2013 Tax Duplicate and will be in effect in the 2014 Tax Duplicate;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Tax Collector is authorized to cancel the 2013 real Estate Property taxes from July 28, 2013 to December 31, 2013, due to exempt status.

Resolution #160-2013 – Cancel 2013 Taxes

RESOLUTION #160-2013

**A RESOLUTION TO CANCEL 2013 TAXES
DUE TO VETERAN EXEMPT STATUS**

WHEREAS, the Tax Collector has received an approved application for a 100% Permanent and Totally Disabled Veteran from Tax Assessor for Block 25.01 Lot 9; located at 9 Hill Street and in the name of Subbe, Frederick, and

WHEREAS, the Tax Assessor has advised the Tax Collector that the application for the exemption was received and approved with an effective date of June 10, 2013; and

WHEREAS, the tax exemption does not show in the 2013 Tax Duplicate and will be in effect in the 2014 Tax Duplicate;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Tax Collector is authorized to cancel the 2013 real Estate Property taxes from June 11, 2013 to December 31, 2013, due to exempt status.

Resolution #159-2013 and #160-2013 were moved on a motion made by Torres, seconded by Conry and approved.

Roll Call: Torres, Thompson, Conry, McDonald
Ayes: 4, Nays: 0
Motion Carried

Bingo Application Approval – St. Joseph’s Church

A motion was made by Torres, seconded by Conry to approve the Bingo Application for St. Joseph’s Church.

Ayes: 4, Nays: 0
Motion Carried

Resolution #161-2013 Cancel 2013 Taxes due to Veteran Exempt Status

RESOLUTION # 161-2013

**A RESOLUTION TO CANCEL 2013 TAXES
DUE TO VETERAN EXEMPT STATUS**

WHEREAS, the Tax Collector has received an approved application for a 100% Permanent and Totally Disabled Veteran from Tax Assessor for Block 71 Lot 11; located at 122 Myrtle Avenue and in the name of Orlando, Corey, and

WHEREAS, the Tax Assessor has advised the Tax Collector that the application for the exemption was received and approved; and

WHEREAS, the tax exemption does not show in the 2013 Tax Duplicate and will be in effect in the 2014 Tax Duplicate;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Tax Collector is authorized to cancel the 2013 real Estate Property taxes from January 1, 2013 to December 31, 2013, due to exempt status.

Resolution #161-2013 was moved on a motion made by Conry, seconded by Torres and approved.

Roll Call: McDonald, Torres, Thompson, Conry
Ayes: 4, Nays: 0
Motion Carried

VOUCHERS:

Mayor McDonald entertained a motion to approve the vouchers and claims in the amount of \$470,151.48

Council Discussion:

Councilman Thompson questioned the donation to the Fire Department. Mayor McDonald replied that he believes that the Borough makes quarterly contributions to the Fire Department. Mayor McDonald asked Councilman Thompson to verify that charge with Manager Blanchard. Councilman Torres requested that Council hold off on this payment until Council has a chance to discuss this charge with Manager Blanchard. Mayor McDonald stated that this voucher can be held subject to Manager Blanchard's approval.

Motion made by Conry, seconded by Torres and approved.

Roll Call: Torres, McDonald, Conry, Thompson
Ayes: 4, Nays: 0
Abstain: (1) Thompson – Fire Dept. & EMS
Motion Carried

MEETING RE-CAP:

Acting Borough Clerk Kilduff will have Manager Blanchard invite Fire Official, Rick Monus to attend the next meeting to discuss the Fire Prevention Ordinance and also to comment on the Nuisance Ordinance. Also, Acting Borough Clerk Kilduff will instruct the accounts payable clerk to hold the Fire Department voucher subject to Manager Blanchard's approval.

COUNCIL REMARKS:

Councilman Torres stated that a new business is opening on Broad Street named Allie's Cupcakery & Café. They will be serving light lunch and desserts specializing in cupcakes. Councilman Torres added that this café was named after the owner's daughter who passed away after battling cancer. Councilman Torres also encouraged everyone to go to the Festival in the Borough this coming weekend.

Councilwoman Conry stated that the Senior Committee's first annual event, "Picnic in the Park" was a success and everyone that attended had a great time.

Councilman Thompson asked for an update on the Paramount property located at 16 East Washington Avenue. Mayor McDonald replied that the framing inspection is scheduled for Thursday and Paramount's appearance before the Planning Board is scheduled for Monday. Mayor McDonald added that everything is on schedule so far. Councilman Thompson also asked that everyone remember September 11th and put their flags out.

Mayor McDonald also asked everyone to remember September 11th and to attend the Festival in the Borough.

EXECUTIVE SESSION:

Resolution #162-2013- Executive Session Authorization

A motion was made by Torres, seconded by Thompson, to go into Executive Session after a five minute recess.

Ayes: 4, Nays: 0
Motion Carried

RESOLUTION # 162-2013
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; Real Estate Acquisitions

_____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: _____ litigation and contracts_____. 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: _____ the public

disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

_____Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit;

BE IT FURTHER RESOLVED that the Mayor and Council hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Borough Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Borough or any other entity with respect to said discussion.

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.

A motion was made by Thompson, seconded by Conry, to go out of Executive Session.

Ayes: 4, Nays: 0
Motion Carried

A motion was made by Torres, seconded by Conry to approve the sale of Block 95 Lot 32 for \$95,000.00 as well as a guaranteed six spaces for off street parking.

Roll Call: McDonald, Torres, Thompson, Conry
Ayes: 4, Nays: 0
Motion Carried

Attorney Kopen added at this time that the July 16th Executive Session minutes that were approved earlier in the meeting failed to note that Acting Clerk Ann Kilduff was not present for the Shared Services discussion.

A motion was made by Torres, seconded by Conry to amend the July 16th Executive Session minutes noting that Ann Kilduff was not present during the Shared Services discussion.

Hearing no further business, a motion made by Conry, seconded by Torres to adjourn the meeting at 9:59p.m.

Ayes: 4, Nays: 0
Motion Carried

Mayor Scott McDonald

Kristine Blanchard, RMC Borough Clerk