

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – September 17, 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.”

Mayor McDonald led everyone in the flag salute.

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

Also Present: Kristine Blanchard, Borough Manager/Clerk, Judy Kopen, Municipal Attorney

EXECUTIVE SESSION:

Resolution #170-2013- Executive Session Authorization

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

Ayes: 5, Nays: 0
Motion Carried

RESOLUTION # 170-2013
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 Gleba, seconded by Thompson, to go out of Executive Session.

Ayes: 5, Nays: 0
Motion Carried

MINUTES:

Executive Session – August 20, 2013 & Regular Meeting – August 6, 2013

Motion made by Gleba, seconded by Thompson to approve the Executive Session minutes of August 20, 2013 and the Regular Meeting minutes of August 6, 2013.

Ayes: 5, Nays: 0
Abstain: 1 (McDonald) –August 6, 2013
Motion Carried

CORRESPONDENCE:

A motion was made by Gleba, seconded by Torres to receive and file the correspondence.

Ayes: 5, Nays: 0
Motion Carried

Council Discussion:

Councilman Torres stated that in regards to the correspondence from Norwescap, he is opposed to providing a handicapped parking space on Broad Street which will take space away from potential customers. However, Councilman Torres proposed that the no parking on both sides of Allegar Street be lifted and allow for parking on the south side. Councilman Torres noted that this would be a suitable location for a handicapped parking space plus a few additional spaces for potential customers. Councilman Torres also proposed adding a crosswalk on Broad Street to accommodate the pedestrians trying to get across Broad Street. Mayor McDonald replied that if Council moves forward with Councilman Torres’ proposal, there will need to be an ordinance change which will take at least six weeks to put into effect. Councilman Torres added that there are additional streets within the Borough that it may be beneficial to change the no parking on both sides of the streets. Manager Blanchard noted that these changes should all be done through one ordinance.

A motion was made by Gleba, seconded by Conry to add a crosswalk and signage on Broad Street.

Ayes: 5, Nays: 0
Motion Carried

Mayor McDonald added that Council also has a petition from the residents of Lenape Trail wishing to lower the speed limit. Mayor McDonald suggested that Council forward the petition to the Streets and Roads Committee. Mayor McDonald also asked that this petition be forwarded to the Washington Township Police Department so they are aware of the problem and can possibly increase patrol in that area.

AUDIENCE:

Sandi Cerami – Washington BID Director

Ms. Cerami commented that it will be great to see additional parking spaces provided on Allegar Street and she really appreciates adding the crosswalk on Broad Street. Ms. Cerami would like to see the whole “L” shaped part of Villa Furniture as public parking in the future. Ms. Cerami added that part of the redevelopment plan calls for public parking in that area. Councilwoman Gleba replied that there are quite a few items that

need to be included in next year's budget and there will not be any funds to purchase additional parking spaces. On another note, Councilman Torres congratulated Ms. Cerami on the success of the BID's Festival in the Borough. Also, Ms. Cerami thanked Manager Blanchard for all of her hard work and facilitation of every detail. Ms. Cerami also stated that the BID President has had more cooperation from Manager Blanchard and all of Council than any previous Manager and Council. She also stated that the BID President is very impressed with the job that Manager Blanchard is doing in both of her positions.

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

Ayes: 5, Nays: 0
Motion Carried

ORDINANCES:

Mayor McDonald tabled the Fire Prevention Ordinance until the next meeting due to the fact that Fire Official Monus was unable to attend tonight's meeting.

REPORTS:

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

1. Warren County Board of Health
2. Police Activity Report

Ayes: 5, Nays: 0
Motion Carried

Council Discussion:

Councilman Thompson asked if a Recreation Director's report was provided to Council. Manager Blanchard stated that it must have been emailed and did not make it into the packets for Council. Councilman Thompson commented that the Recreation Commission wanted to remove the bushes around the ball field along the third base line. Manager Blanchard stated that there may be some engineering issues with that as far as water runoff and water potentially going straight into the pool. Councilman Thompson also added that the grandstand has been completed and the Borough's 2nd annual 5k is coming up on October 12th.

NEW BUSINESS:

Resolution #164-2013 – Redemption of Tax Certificate

RESOLUTION #164-2013

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

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

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on December 15, 2011 to Zhaou Yu, 42 Huntington Rd, Basking Ridge, NJ 07920, in the amount of \$683.27 for taxes or other municipal liens assessed for the year 2010 in the name of Butterfield, Warren, as supposed owner, and in said assessment and sale were described as 21 Fisher Avenue, Block 84 Lot 34 which sale was evidenced by Certificate #11-00019; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 9-5-13 and before the right to redeem was cut off, as provided by law, Warren Butterfield, claiming to have an interest in said lands, did redeem said lands claimed by Zhaou Yu by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$2,760.06, which is the amount necessary to redeem Tax Sale Certificate #11-00019.

NOW THEREFORE BE IT RESOLVED, on this 17th day of September, 2013 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Zhaou Yu, 42 Hunting Rd, Basking Ridge, NJ 08865 in the **amount of \$2,760.06.**

Resolution #164-2013 was moved on a motion made by Torres, seconded by Conry and approved.

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

Resolution #165-2013 – Assignment of Labor Lien

RESOLUTION # 165-2013

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF WASHINGTON, WARREN COUNTY, ASSIGNING A LABOR LIEN ON BLOCK 71 LOT 3

WHEREAS, Section 91-1 of the Code of the Borough of Washington (the Code) provides that weeds and vegetable growths in excess of one foot in height are a public nuisance; and

WHEREAS, Section 91-3 that the Borough can cause such nuisance to be abated; and

WHEREAS, Section 91-4 provides that the costs of the abatement done under Section 91-3 be charged to the property owner as a labor lien on the property.

WHEREAS, the Code Enforcement Officer of the Borough has certified, per the attached, that the owner of the property at **107 Harding Drive**, identified on the tax maps of the Borough as **Block 71 Lot 3** was in violation of Section 91-1 of the Code so that it was necessary for the Borough to take action to cut and bag the grass; and

WHEREAS, the DPW Supervisor has certified that the Borough incurred costs of **\$354.00** to correct the violation.

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 under the provisions of Section 75-70 et seq the Tax Collector is hereby authorized and directed to place a lien in the amount of **\$354.00** on the property at **107 Harding Drive**, identified on the tax maps of the Borough as **Block 71 Lot 3**.

Resolution #166-2013 – Assignment of Labor Lien

RESOLUTION # 166-2013

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF WASHINGTON, WARREN COUNTY, ASSIGNING A LABOR LIEN ON BLOCK 100 LOT 34

WHEREAS, Section 91-1 of the Code of the Borough of Washington (the Code) provides that weeds and vegetable growths in excess of one foot in height are a public nuisance; and

WHEREAS, Section 91-3 that the Borough can cause such nuisance to be abated; and

WHEREAS, Section 91-4 provides that the costs of the abatement done under Section 91-3 be charged to the property owner as a labor lien on the property.

WHEREAS, the Code Enforcement Officer of the Borough has certified, per the attached, that the owner of the property at **147 West Washington Avenue**, identified on the tax maps of the Borough as **Block 100 Lot 34** was in violation of Section 91-1 of the Code so that it was necessary for the Borough to take action to cut and bag the grass; and

WHEREAS, the DPW Supervisor has certified that the Borough incurred costs of **\$472.00** to correct the violation.

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 under the provisions of Section 75-70 et seq the Tax Collector is hereby authorized and directed to place a lien in the amount of **\$472.00** on the property at **147 West Washington Avenue**, identified on the tax maps of the Borough as **Block 100 Lot 34**.

Resolution #165-2013 and Resolution #166-2013 were moved on a motion made by Gleba, seconded by Torres and approved.

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

Resolution #167-2013 Waiving Yard Sale Fees

RESOLUTION # 167-2013

A RESOLUTION
FOR WAIVING THE BOROUGH OF WASHINGTON'S YARD SALE FEES FOR
THE TOWNWIDE YARD SALE

WHEREAS, the Borough of Washington in Warren County in the State of New Jersey will be having their annual town wide yard sale for all Borough residents; and

WHEREAS, the Board of Washington residents of Warren County will be exempt from any yard sale fees for the town wide yard sale retroactive to September 14 and 15, 2013; and

NOW, THEREFORE, the Mayor and Council of the Borough of Washington in the County of Warren, State of New Jersey supports this exemption for all residents participating in the town wide yard sale in the Borough of Washington of Warren County.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey have stated that all residents of the Borough of Washington will be exempt from all yard sale fees retroactive to September 14 and 15, 2013.

Resolution #167-2013 was moved on a motion made by Conry, seconded by Torres and approved.

Ayes: 5, Nays: 0
Motion Carried

Resolution #168-2013 Appoint Alternate to BOA – Andrew Turner

RESOLUTION 168-2013
BOARD OF ADJUSTMENT

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

WHEREAS, under this plan the Borough Council is directed and authorized to appoint members of the Board of Adjustment.

WHEREAS, the Borough Council has designated the following person his appointee;

WHEREAS, The Council does approve of this appointment.

NOW, THEREFORE, BE IT RESOLVED, that the following named person is appointed as an Alternate Member of the Board of Adjustment for a term ending **December 31, 2017**.

Andrew Turner

Resolution #168-2013 was moved on a motion made by Conry, seconded by Gleba and approved.

Council Discussion:

Councilwoman Gleba asked if the two Board of Adjustment appointments were Planning Board recommendations or if they were recommended by the Mayor. Mayor McDonald replied that the Board of Adjustment asked the Planning Board for assistance and Mr.

Turner volunteered. Mayor McDonald also added that Mrs. Noone is his recommendation.

Ayes: 3, Nays: 2 (Torres, Thompson)
Motion Carried

Resolution #169-2013 Appoint BOA Member – Josephine Noone

RESOLUTION #169-2013
BOARD OF ADJUSTMENT

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

WHEREAS, under this plan the Borough Council is directed and authorized to appoint members of the Board of Adjustment.

WHEREAS, the Borough Council has designated the following person his appointee;

WHEREAS, The Council does approve of this appointment.

NOW, THEREFORE, BE IT RESOLVED, that the following named person is appointed to the Board of Adjustment for a term ending **December 31, 2017**.

Josephine Noone

Resolution #169-2013 was moved on a motion made by C, seconded by G and approved.

Council Discussion:

Mayor McDonald added that Mrs. Noone is in the audience if Council has any questions. Councilman Torres asked Mrs. Noone since she is running for the Democratic position on Council, would the appointment to the Board of Adjustment interfere? Mayor McDonald stated that if Mrs. Noone was elected to Council she would resign from the Board of Adjustment.

Ayes: 3, Nays: 2 (Torres, Thompson)
Motion Carried

Resolution #171-2013 Approval to Submit D.O.T. Grant Application for the N. Lincoln Avenue Resurfacing Project

RESOLUTION #171-2013

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE N. LINCOLN AVENUE RESURFACING PROJECT.

WHEREAS, Washington Borough, Warren County, New Jersey has given Finelli Consulting Engineers the approval to submit this grant on the behalf of the Borough of Washington,

NOW, THEREFORE, BE IT RESOLVED that Committee of the Borough of Washington formally approves the grant application for the above stated project,

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as **MA-2014-Washington Borough-00335** to the New Jersey Department of Transportation on behalf of the Borough of Washington.

BE IT FURTHER RESOLVED that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Washington and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Resolution #171-2013 was moved on a motion made by Conry, seconded by Thompson and approved.

Council Discussion:

Councilman Thompson asked if this grant for paving North Lincoln Avenue would include the JCP&L property. Manager Blanchard replied that it does not include the JCP&L property but she can reach out to them to see if they would be interested in paving their portion at the same time so there is continuity.

Ayes: 5, Nays: 0
Motion Carried

Approval for Social Affairs Permit – Temporary Liquor License, Jr. Streaks Cheerleading

A motion made by Gleba, seconded by Conry to approve a Social Affairs Permit for Jr. Streaks Cheerleading.

Ayes: 4, Nays: 1 (Thompson)
Motion Carried

Mayor McDonald stated that as discussed in Executive Session, Council is looking for a motion for additional legal fees not to exceed \$4,000.

A motion made by Torres, seconded by Conry to approve an additional not to exceed \$4,000 in legal fees.

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

A motion made by Conry, seconded by Thompson to reject the Aegis mediation offer.

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

VOUCHERS:

Mayor McDonald entertained a motion to approve the vouchers and claims in the amount of \$914,142.09

Council Discussion:

Councilwoman Gleba stated that on page six, the charges for the ball field lights should be under Recreation Trust. Manager Blanchard stated that she has been over this issue with Recreation and this is something that needs to be settled. Recreation only charges outside entities for use of the lights, not Borough run recreation programs. Councilman Torres feels that since Recreation has control of the lights, they should have the cost of those lights come out of their budget.

A motion was made by Torres, seconded by Gleba to move the cost of the lights to the Recreation Trust account.

Ayes: 3, Nays: 2 (McDonald, Conry)

Motion Carried

Motion made by Gleba, seconded by Conry to approve the vouchers.

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

Ayes: 5, Nays: 0

Abstain: (1) Thompson – Fire & EMS

MEETING RE-CAP:

Manager Blanchard will check with Attorney Kopen whether or not to do a formal resolution in regards to rejecting the Aegis mediation. Manager Blanchard stated that CFO Turchan and herself will put together a new worksheet for the Washington Township Police savings once we have actual numbers this year. Manager Blanchard will move forward with Attorney Kopen in regards to the additional services not to exceed \$4,000. Manager Blanchard will have DPW paint crosswalk lines on Broad Street along with a pedestrian crossing sign. At the next meeting, Manager Blanchard will have an ordinance including all potential parking and street changes. Manager Blanchard also stated that the petition from the residents on Lenape Trail will be forwarded to the Washington Township Police and the Streets and Roads Committee. Fire Official Rick Monus will attend the next meeting to discuss the Fire Prevention Ordinance. Manager Blanchard will contact JCP&L to discuss the potential paving of their access road and the status of the signs that the Borough requested. Lastly, Manager Blanchard will move the ball field light fees to Recreation Trust.

COUNCIL REMARKS:

Mayor McDonald commented that in the past he requested that the Streets and Roads Committee add parking spaces on North Prospect in between Carlton Avenue and the apartment buildings. Mayor McDonald would like this area added to the list of potential streets that will be changed as discussed during the correspondence portion of tonight's meeting. Councilman Torres asked that if anyone knows of any handicapped parking spaces within the Borough that are no longer needed, please let him know so the space can be used for regular parking.

Councilman Thompson asked if the painting of the crosswalks was completed because Green Street, Independence Street and New Street were missed. Councilman Thompson also asked when street sweeping will begin. Manager Blanchard replied that the DPW has been street sweeping as listed in their monthly reports.

Councilwoman Gleba asked if every crosswalk in town was supposed to be painted because a few were missed in her neighborhood as well. Manager Blanchard stated that the DPW tries to do every crosswalk they can before school starts. Councilwoman Gleba reminded Council to come prepared to the next meeting to get the professional evaluations done.

Councilman Torres asked for an update on the Christmas Tree lights. Manager Blanchard contacted the vendor who has done it in the past and they have not gotten back to her. Manager Blanchard will contact another vendor in the meantime. Councilman Torres also asked about the money that is due to the Borough from the developer of Washington Square. Manager Blanchard replied that the funds are sitting in trust until that development is either ninety or ninety five percent occupied. Mayor McDonald added that it will be approximately one million dollars with seven hundred thousand going to COAH rehabilitation and three hundred thousand going to Recreation.

Councilwoman Conry asked for an update on the bulk garbage pick up. Manager Blanchard replied that she is waiting on the BID's which will be opened on December 10th.

Mayor McDonald added that a while ago he had asked Manager Blanchard to schedule a training session for the Borough employees in the event there is an active shooter in the Municipal Building or nearby. On Monday, September 23rd at 10:00am, that training will take place.

ADJOURNMENT:

Hearing no further business, a motion made by Thompson, seconded by Torres to adjourn the meeting at 8:00p.m.

Ayes: 5, Nays: 0
Motion Carried

Mayor Scott McDonald

Kristine Blanchard, RMC Borough Clerk