

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – February 18, 2014**

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: Jones, Thompson, McDonald, Conry, Higgins, Torres.

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

CORRESPONDENCE:

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

Ayes: 6, Nays: 0

Motion Carried

Council Discussion:

Manager Blanchard stated that Mr. Dawson Bloom is in attendance to answer any questions regarding the correspondence about the Pleasant Valley Mill Dam. Mr. Bloom stated that several years ago there was an attempt to decommission the dam that fell short due to the cost. Ultimately, because that process did not continue, the Borough was required to perform an annual inspection as its operation maintenance plan and emergency action plan as required for a Class II dam. The correspondence from the Department of Environmental Protection is related to Finelli Engineering’s submission of the inspection report. Mr. Bloom stated that moving forward, if the Borough were not to decommission the dam, it is then required to maintain and upkeep the dam for as long as it stays active and is classified as a dam. The inspection report outlines some minor maintenance items that need to be taken care of since the dam was classified as poor condition. According to Mr. Bloom, the D.E.P.’s condition ratings are somewhat conservative so that poor rating may not be indicative of the overall structural condition of the dam itself. There are some minor issues that need to be addressed but structurally the dam is sound. Mr. Bloom added that it is very important that we stay on the D.E.P.’s

schedule or we could be subject to fines and other issues. Councilman Higgins noted that in the correspondence, the D.E.P. mentioned a hydrology and hydraulic study. Mr. Bloom replied that study has just been submitted to the D.E.P. Mr. Bloom added that he has met with the D.E.P. and they allowed Finelli Engineering to do an abbreviated analysis which was far less costly than if there was to be a full study. Mr. Bloom recommended doing an analysis comparing the cost going forward to maintaining and keeping the dam versus the cost to decommission and remove the dam. Councilman Jones stated he would like see what the removal of the dam projected costs would be and the projected costs for maintaining the dam ten years down the road. Mr. Bloom replied that he can provide that analysis.

Councilman Higgins inquired about the correspondence regarding the handicapped parking space on Carlton Avenue. Manager Blanchard replied that the Borough has to remove that handicapped parking space via ordinance if Council wishes to do so. Councilman Torres responded that he believes this to be one of the handicapped spaces that had been recommended to be removed along with possibly three or four others throughout town. Councilman Torres added that these spaces should be removed all together on one ordinance.

AUDIENCE:

Robin Klimko – 35 West Marble Street

Mrs. Klimko asked for an update on the sewer project located in the area of South Prospect Street. Councilman Higgins replied that he is waiting for an update and added that he should have the report from the Sewer Engineer before the next Council meeting.

Frances Wheeler – 67 North Jackson Avenue

Mrs. Wheeler prepared a timeline of events for Council to follow along with and passed it out to Council. Mrs. Wheeler stated that she appeared before Council at the last meeting after receiving the “no parking snow removal” ticket which was received on January 22, 2014 by Patrolman Smith. On February 4, 2014 Mrs. Wheeler appeared at the Council meeting to address the situation. On February 6, 2014 Mrs. Wheeler received a confirmation letter from the Borough Manger stating that her lot line extends into the roadway. According to the letter, a copy was sent to the Washington Township Police Department for clarification as well. On February 10, 2014 Mrs. Wheeler went before the Prosecutor of the Municipal Court with a copy of her survey as well as confirmation letters from the Municipal Tax Assesor and the Borough Manager. Mrs. Wheeler’s “no parking snow removal” ticket from January 22, 2014 was dismissed in a court of law. Mrs. Wheeler stated that three days later on February 13, 2014 there was another snow storm. She added that Code Enforcement Officer Rudy Bescherer got out of a DPW plow truck and took pictures of her car and proceeded to write down her license plate number as he had already done to her neighbors as well. Mrs. Wheeler

added that in spite of her efforts to explain her dismissal in court and show him her legal documents, Mr. Bescherer insisted that she would still be ticketed. Mrs. Wheeler stated that also on February 13, 2014, Deputy Chief Tom Cicerelle advised her that after this confrontation, Sergeant Wolf informed Code Enforcement Officer Bescherer of the confirmation letter sent by Manager Blanchard. Mrs. Wheeler added that Deputy Chief Cicerelle advised her that Code Enforcement Officer Bescherer could possibly still mail her a ticket. At this time, no ticket has been received yet. Mrs. Wheeler stated that February 14, 2014 was the first day in ten years that she has seen the Borough side of North Jackson Avenue remains unplowed. Manager Blanchard commented that the DPW was out there plowing North Jackson Avenue on Saturday, February 15, 2014. Manager Blanchard added that the letters Mrs. Wheeler received are confirmation that her lot lines exceed her property into the roadway of North Jackson Avenue. However, Manager Blanchard stated that the street is still a public right of way. Mrs. Wheeler replied that she has legal documents such as titled deeds and surveys that the Borough already claimed that they were giving the property owners the right to park there. Mrs. Wheeler asked if she was still going to be mailed a ticket from Code Enforcement Officer Rudy Bescherer. Mr. Bescherer replied that he was unable to write any additional tickets at this time because he does not have any ticket books available. Mrs. Wheeler stated again that Mr. Bescherer took pictures of her car and wrote down her license plate number and asked if that is going to result in a ticket. Mr. Bescherer replied that it still could result in a ticket. Mr. Bescherer replied that it still could result in a ticket depending upon the outcome of what the Borough Manager finds out from the Planning Board Attorney. Mrs. Wheeler stated that the legal documents she has had for over ten years are either going to be reneged, changed, or modified but it will be done legally. Mrs. Wheeler added it will not be done through ticketing or intimidation. Manager Blanchard replied that if there is some documentation, it wasn't provided to her earlier and she would need copies of those documents. Attorney Kopen replied that even though Mrs. Wheeler may have deeds proving that the property extends into the roadway there is a municipal easement for the road right of way that does give the Borough the right to clear if necessary. Mrs. Wheeler stated that the Borough should not plow private property. Attorney Kopen replied that yes, they plow private property if it is a municipal easement that is on a municipal roadway which should be written so on the deed or survey. Mrs. Wheeler added that for ten years the Borough implied that the residents of North Jackson Avenue could park there even during snow removal without being ticketed. Mrs. Wheeler stated she will fight in court of law if necessary. Councilman Torres stated this only became an issue because the plow trucks could not get through the street due to cars parked on the road. Mrs. Wheeler replied there is no impediment and has not been for ten years without any issue.

Rebecca and Ron Ryder – 65 North Jackson Avenue

Mrs. Ryder stated that she is Mrs. Wheeler's neighbor and she also brought along her survey which does indicate that they own their parking spots. Mrs. Ryder claimed that it is their driveway so the portion of the road in front of their home is given to them on the survey to function as their driveway. Ultimately, Mrs. Ryder feels as though they are

being ticketed for parking in their own driveway and the reality is North Jackson is no where near the center of town or a municipal lot to park in. Councilman Torres stated that in an emergency situation, the emergency vehicles need to be able to get through the road. Mrs. Ryder replied that their cars being parked in front of their homes has never impeded or blocked plow trucks or emergency vehicles. Mrs. Ryder stated that she appreciates the snow removal effort and it has never been an issue until now. Mrs. Ryder also added that her and her husband have three young children with one being a type 1 insulin dependent diabetic. Mrs. Ryder said she can not be expected to move her car to a municipal lot with three young children when the sidewalks and highways are not cleared. Mrs. Ryder stated that she doesn't understand why the Borough's right of way takes away her right to her own property and it feels like harassment. Councilman Higgins suggested an alternate side of the street parking rule that may work in this situation. Mrs. Ryder replied that there just isn't enough room on one side of the street for all the vehicles belonging to the residents of North Jackson Avenue.

Mrs. Wheeler added that there is a proper way and respectful way to notify the public of the need to move their vehicles during a snow emergency. Councilman Higgins stated that the no parking on the street during a snow emergency ordinance has been in effect since 1985. Councilman Higgins added that the amount of money that a reverse 9-1-1 call system would cost is too much of a burden for taxpayers of the Borough. Mayor McDonald stated that in this situation the question relies on the right of way and the easement. Councilman Higgins added that if there is an easement for the Borough to go through there then the cars have to be moved and that is what needs to be determined. Mayor McDonald added that the Borough is waiting for the determination and a ruling from Planning Board Attorney Gruenberg who is the municipal land use expert. Mrs. Wheeler would like Attorney Gruenberg's ruling in writing so she can forward to her lawyer. Mrs. Ryder added that if it is determined that the residents of North Jackson Avenue need to move their vehicles during a snow emergency, there is no feasible way for her to comply. Councilman Higgins replied that the Borough will work with those residents by possibly implementing an alternate side of the street parking schedule and also suggested the Streets Committee sit down with the Residents of North Jackson Avenue and work together on a solution.

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

Ayes: 6, Nays: 0
Motion Carried

REPORTS:

A motion was made by Higgins, seconded by Jones to receive and file the following reports:

1. Warren County Health Department - February
2. Code Enforcement – January 2014
3. Recreation Monthly Report – January 2014
4. Municipal Court Report – January 2014

Ayes: 6, Nays: 0
Motion Carried

Council Discussion:

Councilman Torres commented that the Municipal Court Reports looks like it only shows cash disbursements and the report is difficult to understand. Councilman Torres would prefer a report that shows revenues and expenditures. Manager Blanchard replied that the report is showing what the Municipal Court has paid to the Borough which would be the revenues to the Borough. Councilman Thompson asked if anything in parenthesis on the Recreation Monthly Expense Report was a plus or a negative. Mayor McDonald replied that in a financial document anything in parenthesis is a negative.

NEW BUSINESS:

Resolution #28-2014 – Release of Winter Grading Bonds for Ryan Homes

RESOLUTION #28-2014

A RESOLUTION AUTHORIZING THE RELEASE OF WINTER GRADING BONDS FOR RYAN HOMES HELD IN TRUST BY THE BOROUGH OF WASHINGTON

WHEREAS, Ryan Homes has requested the following cash bonds to be released:

Bl. 73.02, Lots 25, 26, 27 & 28: \$10,000.00 (\$2,500.00 per lot)

Total Cash Surety: \$10,000.00

WHEREAS, Andrew S. Holt, PE, PP, CME, Borough Engineer submitted a letter noting that inspections have been performed for the soil erosion and sediment control for the above-captioned lots and found the work to be satisfactory;

WHEREAS, Suburban Consulting Engineers recommends the cash deposit in the amount of \$10,000.00 be released at this time (\$2,500.00 per lot) from the Ryan Homes S.E. Winter Grading Bond Account #7760883376.

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 Municipal Treasurer is hereby authorized to issue a check to Ryan Homes for the Cash Surety in the amount of \$10,000.00.

Resolution #28-2014 was moved on a motion made by Conry, seconded by Torres and approved.

Roll Call: Thompson, Torres, Jones, Conry, McDonald, Higgins
Ayes: 6, Nays: 0
Motion Carried

Resolution #29-2014 – Void and Replace Check

RESOLUTION # 29-2014

A RESOLUTION TO VOID AND REPLACE A CHECK

WHEREAS, check # 7050 was written 12/31/13 on Washington Borough's Grant Fund Account #80564666666156 in the amount of \$3,073.02 and made payable to the Council For Alcohol/Drug Education of New Jersey, PO Box 671, Woodbury, NJ 08096; and

WHEREAS, the Treasurer's office was made aware that this check was issued to the incorrect vendor;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey hereby authorizes the Treasurer to void and replace aforementioned check. A replacement check in the amount of \$3,073.02 should be made payable to the Community Prevention Resources, PO Box 246, Washington, NJ 07882

Resolution #29-2014 was moved on a motion made by Torres, seconded by Higgins and approved.

Roll Call: Thompson, Torres, Jones, Conry, McDonald, Higgins
Ayes: 6, Nays: 0
Motion Carried

Approval of Washington Women’s Club – Raffle Application 3/23/14

A motion was made by Higgins, seconded by Jones for approval of the Washington Women’s Club Raffle Application.

Ayes: 6, Nays: 0
Motion Carried

Approval of ABC License Washington Borough Fire Department – Benefit for Craig Hickey

A motion was made by Higgins, seconded by Jones for approval of the ABC License for the Washington Borough Fire Department.

Ayes: 5, Nays: 0
Abstain: (1) Thompson
Motion Carried

Approval of Warren County Municipal Mutual Aid and Assistance MOU - Discussion

Council Discussion:

Mayor McDonald stated that he did not see any reason why the Borough should not move forward with the resolution.

A motion was made by Conry, seconded by Torres to go forward and have the resolution drafted for the next meeting.

Ayes: 5, Nays: 0
Abstain: (1) Higgins
Motion Carried

Resolution #30-2014 Redemption of Tax Certificate

RESOLUTION #30-2014

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 5, 2013 to US Bank Cust Pro Capital III, 2 Liberty Place, 50 S 16th Street, Suite 1950, Philadelphia, PA 19102, in the amount of \$355.36 for taxes or other municipal liens assessed for the year 2012 in the name of Johnson, Debra as supposed owner, and in said assessment and sale were described as 102 Youmans Avenue, Block 82 Lot 17, which sale was evidenced by Certificate #13-00033; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 2-11-14 and before the right to redeem was cut off, as provided by law, Comerica Bank claiming to have an interest in said lands, did redeem said lands claimed by US Bank Cust Pro Capital III by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$414.47 which is the amount necessary to redeem Tax Sale Certificate #13-00033.

NOW THEREFORE BE IT RESOLVED, on this 18th day of February, 2014 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to US Bank Cust Pro Capital III, 2 Liberty Place, 50 S 16th Street, Suite 1950, Philadelphia, PA 19102 in the amount of **\$514.47** (this amount consists of \$414.47 Certificate Amount redeemed + \$100.00 Premium).

Resolution #30-2014 was moved on a motion made by Higgins, seconded by Torres and approved.

Roll Call: Thompson, Torres, Jones, Conry, McDonald, Higgins
Ayes: 6, Nays: 0
Motion Carried

VOUCHERS:

Mayor McDonald entertained a motion to approve the vouchers and claims in the amount of \$182,374.74

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

Roll Call: Torres, McDonald, Conry, Jones, Higgins, Thompson
Ayes: 6, Nays: 0
Abstain: (1) Thompson – Fire Department & EMS
Motion Carried.

RECAP:

Manager Blanchard will work with Dawson Bloom to put together a cost analysis in regards to the Pleasant Valley Mill Dam to either decommission the dam or maintain it. Manager Blanchard will also prepare the handicapped parking space ordinance to remove the recommended spaces. Manager Blanchard will contact the Sewer Engineer about the information regarding the issues on South Prospect Street. Manager Blanchard will also reach out to the Planning Board Attorney, Mr. Steve Gruenberg to get an answer regarding North Jackson Avenue as soon as possible.

COUNCIL REMARKS:

Councilwoman Conry asked if anyone had a chance to look at the snow on the corner of Park Avenue. Manager Blanchard replied that she will send someone out there this week.

Councilman Thompson commented that the DPW did a good job plowing, however the ticket issue has to be resolved. Councilman Thompson added for everyone to be safe and stay warm.

Councilman Jones stated he is waiting for spring.

Councilman Higgins stated that after driving the roads of the Borough, Councilman Higgins would like to put \$10,000 back into the budget for hot patch in the spring. Councilman Higgins asked if the Borough has heard anything from the Department of Transportation regarding the grant for the paving of North Lincoln Avenue. Manager Blanchard replied that she has not heard yet. Councilman Higgins is also going to look into additional grant opportunities. Councilman Higgins also added that in regards to the sewer budget, he would like to see a \$2.50 decrease a month for each taxpayer. Manager Blanchard replied that she discussed this topic with CFO Turchan and both are comfortable with that number. Councilman Higgins also commented that the snow at the corners of the sidewalks throughout town where there are traffic lights, are only wide enough to walk through sideways. Manager Blanchard replied that there were snow shovellers out all day today. Attorney Kopen added that if the snow is on the sidewalk in front of a commercial property, it is the property owner's responsibility. If the snow is in the roadway, it is the owner of that roadway whether it belongs to the Borough, the County or the State. Lastly, Councilman Higgins mentioned that there was an issue with snow on the roof at the DPW garage. Manager Blanchard replied that the snow slid off the roof and took two chimneys down. Manager Blanchard stated that Mr. Burd is obtaining three quotes to have those chimneys replaced and a claim has been filed with the Borough's insurance carrier.

Mayor McDonald commented that the DPW has been doing a great job. Mayor McDonald added that they all have CDL licenses so that limits the amount of hours in a row they can work before taking time off for safety reasons. Mayor McDonald also noted that Hackettstown put into effect an alternate side of the road parking rule during

snow emergencies. Mayor McDonald said perhaps that is something the Streets Committee can look into to see if it is feasible in the Borough.

ADJOURNMENT:

Hearing no further business, a motion made by Torres, seconded by Jones to adjourn the meeting at 8:15p.m.

Ayes: 6, Nays: 0
Motion Carried

Mayor Scott McDonald

Kristine Blanchard, RMC Borough Clerk