

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – April 15, 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

Absent: Gleba

Also Present: Kristine Blanchard, Borough Manager/Clerk, Leslie Parikh,
Municipal Attorney

PROCLAMATION:

**A PROCLAMATION OF THE BOROUGH OF WASHINGTON
EXPRESSING APPRECIATION TO DOROTHY REPSHER FOR HER SERVICE
TO THE WASHINGTON BOROUGH MUNICIPAL ALLIANCE**

WHEREAS, Dorothy Repsher has honorably served the Borough of Washington in the capacity as the Municipal Alliance Coordinator in September of 2000 and has been a dedicated member of the Alliance for the past fourteen years; and

WHEREAS, Dorothy Repsher has been instrumental in the development of many Municipal Alliance programs throughout her tenure and played a key role in entering into a Shared Service Municipal Alliance between the Borough of Washington, Franklin Township, and, Mansfield Township; and

WHEREAS, the Borough of Washington has benefited greatly from her guidance in all matters affecting the summer municipal alliance recreational programs; and

WHEREAS, Dorothy Repsher has devoted herself to the betterment of the Borough of Washington and will be missed by all those who work for or on behalf of the Borough; and

WHEREAS, as the elected representatives of the Borough of Washington, the Mayor and Council desire to formally express the heartfelt appreciation of the entire community to Dorothy Repsher for her many years of outstanding and dedicated service to the Borough of Washington.

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 appreciation of the community is hereby expressed to Dorothy Repsher for her fourteen years of dedicated and honorable service to the citizens of the Borough of Washington and our sincerest best wishes are expressed to her and her family now and in the future.

BE IT FURTHER RESOLVED that the Borough Clerk be directed to have this proclamation duly embossed for presentation by the Mayor of the Borough of Washington at a public meeting to be held April 15, 2014 and to have a certified copy of this proclamation recorded in the permanent record of the Borough of Washington in perpetuity.

Mrs. Repsher thanked Council and Manager Blanchard. Mrs. Repsher expressed what an honor it has been to serve the children of the community and especially an honor working with Manager Blanchard to get many matters resolved.

COUNCIL APPEARANCE:

Michael Terminelli, Recreation Director – Splash Pad

Director Terminelli stated that the Recreation Commission would like to take the next step in the development of the Borough Pool. The Commission would like to proceed to contract for an ADA compliant splash pad that would be adjacent to the existing baby pool. Director Terminelli added that none of the surrounding area pools have a splash pad and the Recreation Commission feels this would enhance the existing swimming pool and enhance the community. Director Terminelli stated that the splash pad is not just for children, with the zero entry, it could also be beneficial for the elderly or handicapped. The Recreation Commission feels that adding the splash pad would boost the seasonal pass members as well as the daily visitors by ten to twenty percent. The existing well pump and circulation system would be used for the project. The area for the splash pad is the embankment right next to the existing baby pool which is currently not being used. As a result of the funding provided to Recreation through the Ryan Homes project, the Borough will not need to raise any pool fees and adding the splash pad will make the park and pool a destination for all of Warren and Hunterdon Counties. The projected timeline for the bid process is approximately four to six weeks, awarding the contract about one week, and the estimated construction start would be late September or early October. The construction could potentially last about eight to nine weeks. Director Terminelli added that landscaping and other finishing touches will be completed in the

spring and the plan is to open the splash pad for the start of the 2015 pool season. The projected costs for the engineering and oversight are not to exceed \$23,000 and the water features are approximately \$42,000 to \$55,000. The construction costs, materials and labor subject to a winning bid and the overall cost is not to exceed \$125,000 to \$130,000.

Council Discussion:

Councilman Thompson asked if there was any additional cost to recycling the water. Director Terminelli replied no, that the recycling of the water would all be involved in the plumbing with the existing well. Councilman Jones asked if the splash pad is going to put any additional stress on the current pumping system. Director Terminelli replied that he does not believe so, but he can't guarantee that. Councilman Torres asked if any additional funds were going to be raised to pay for the project. Director Terminelli replied that according to the research that Chairman Cioni has done there shouldn't be a need for additional funds. Recreation will be receiving \$300,000 from the Ryan Homes project and the splash pad is estimated not to exceed \$130,000. Councilman Torres asked if the original plan for the Ryan Homes funds was to be used at the Railroad Avenue site. Mayor McDonald added that he believes that the Railroad Avenue project was just a discussion, not that the money had to be used for that project.

Higgins made a motion to give Recreation permission to move forward with the splash pad project, seconded by Conry.

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

Ray Rice, Jade Partners Washington, LLC - Town Center

Mr. Rice appeared on behalf of Jade Partners, LLC in regards to the Town Center Project that was approved in January. This project is to be built on the former St. Cloud Hotel and PNC Bank site. While negotiating the redevelopment agreement which Jade Partners are required to do by the resolution of approval, there were some conditions within the redevelopment agreement that Jade Partners have reached impasse with the Borough's engineer and the Planning Board's engineer. This redevelopment agreement has an unusual circumstance which Mr. Rice has not seen before in his thirty years in business. Jade Partners are being asked to post a restoration agreement with the municipality on the private property that Jade Partners is developing. Mr. Rice stated he did a little research in the Borough with respect to other projects that have occurred and to his knowledge this restoration bond has not been required before. Mr. Rice stated that Jade Partners are unwilling to post the requirement for the restoration fee.

Mr. Rice also stated that one New Jersey standard in respect to storm water management is called Best Management Practices. Mr. Rice added that Finelli Engineering has

concluded with Jade Partner's conclusions that relate to the storm water on the site, the control of the management, and the discharge of the management. Jade Partners has also come to impasse with respect to the storm water management. Mr. Rice added that there is a secondary access to the site on South Lincoln Avenue, which presently is an ingress and an egress. At the end of the project it will be an egress only. The storm water discharge from the site ultimately will get into the existing system on South Lincoln Avenue. It was suggested that Jade Partners have a study conducted of the existing system on South Lincoln Avenue. Mr. Rice added that it is not Jade Partners responsibility and they are only required by law to meet the standards of Best Management Practices which they have. Jade Partners are proposing redevelopment of the site, control the storm water, and get the storm water into the existing site. Mr. Rice stated that Jade Partners are unwilling to conduct the study of the existing system.

Mr. Rice requested that Council remove the restoration fee from the redevelopment agreement and with respect to the storm water management, Jade Partners should not be compelled to undertake the cost of the study.

Council Discussion:

Councilman Torres asked Mr. Rice what is his objection to the restoration bond. Mr. Rice replied that it took Jade Partners two meetings to get approval for the project and they have spent approximately \$20,000 in review fees with the Borough's professionals which in his opinion is already too much money and is an unreasonable request that presumes failure. Councilman Higgins noted this is one of the Borough's first redevelopment agreements since the Borough designated the area as a redevelopment zone. Manager Blanchard added that the removal of the restoration bond is acceptable and Finelli Engineering is also in agreement.

A motion was made by Torres, seconded by Conry to remove the restoration bond from the redeveloper's agreement.

Roll Call: Thompson, McDonald, Conry, Higgins, Torres, Jones
Ayes: 5, Nays: (1) Jones
Motion Carried

Mr. Rice stated that the other issue he has with the developer's agreement is the requirement for Jade Partners to conduct a storm water management study. Mayor McDonald asked Mr. Bloom to explain why the study is a condition of the developer's agreement. Mr. Bloom stated that Jade Partners have met the storm water quantity and quality requirements. Mr. Bloom also stated that as Mr. Rice indicated, the current site conditions are predominately sheet flow to the lowest point. There is one non-functioning basin on the site so all the run-off from the site is sheet flow. The issue is where the water is now going to be collected by the development and where will it go into the municipal system and is that location capable of accepting the water. Mr. Rice and Mr. Bloom discussed the operations of the storm water management on South

Lincoln Avenue at great length. Mr. Bloom added that the whole point of the study is to determine what will happen and if there are any potential issues. Mr. Rice added that if the engineer feels there is an existing issue with the storm water management in that area, it should have been addressed sooner. Mr. Rice added that now Jade Partners has done everything they needed to do within the law in terms of Best Management Practices and now is being told that they should pay to conduct a study which he feels is not their responsibility and completely unnecessary.

Attorney Parikh stated that she has heard the arguments being made and unfortunately the Planning Board is who needs to hear these arguments and hear from the respective experts. Attorney Parikh added that Council has the final jurisdiction over certain issues but the conditions of the developer's agreement are imposed by the Planning Board, because that is their expertise. Mr. Bloom added that it is Finelli Engineering's opinion that the study needs to be done but that it is up to the attorneys to determine if it is appropriate to request the applicant to conduct the study. The question is who is legally responsible.

A motion was made by Jones, seconded by Higgins to move the requirement of a storm water management study back to the Planning Board for their decision.

Ayes: 6, Nays: 0
Motion Carried

Mr. Rice stated that he will have his engineer send in a letter to the Planning Board attorney on the storm water management issue but he will not appear in front of the Planning Board.

CORRESPONDENCE:

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

Council Discussion:

Mayor McDonald pointed out that the Borough went up two levels on the Standard and Poor's ratings report. Councilman Torres added that it was in the opinion of the study that the Borough's debt and contingent liability profile is adequate. Also, that the current fund and debt service is twelve percent of current fund expenditures and net direct debt is one hundred forty percent of current debt revenue. At this time, the Borough does not anticipate the issuance of any additional debt in the foreseeable future and we consider the score should be strong.

Ayes: 6, Nays: 0
Motion Carried

Relay for Life – Purples Ribbons in May

A motion was made by Conry, seconded by Torres to grant permission for Purple Ribbons in May

Ayes: 6, Nays: 0
Motion Carried

PUBLIC HEARING ON THE 2014 INTRODUCED MUNICIPAL BUDGET:

At this time, Mayor McDonald opened up the public hearing on the 2014 Municipal Budget.

Mr. Tom Ferry – Municipal Auditor

Mr. Ferry stated there is a budget amendment that is in place so this evening is the public hearing and introduction of the budget. Once the amendment gets introduced, the amendment will be advertised on April 25th and then the budget can be adopted on May 6th. Mr. Ferry added that the budget as introduced right now does have a change in net value, it went up from three hundred seventy million to three hundred seventy two million. Mr. Ferry also added that gives the Borough a broader base to spread the tax rate on.

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

Ayes: 6, Nays: 0
Motion Carried

INTRODUCTION OF THE 2014 AMENDED MUNICIPAL BUDGET:

Resolution #61-2014 – Introduction of the 2014 Amended Municipal Budget

RESOLUTION # 61-2014

INTRODUCTION OF THE 2014 AMENDED MUNICIPAL BUDGET

WHEREAS, the local municipal budget for the year 2014 was introduced and approved on the

13th of March, 2014

WHEREAS, the public hearing on said budget has been held as advertised,

WHEREAS, it is desired to amend said approved budget, now

THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Washington, County of Warren, that the following amendments to the approved budget of 2014 be made

3. Miscellaneous Revenues-Section F: Special Items of Revenue Anticipated With Prior

Written Consent Director Of Local Government Services-Public and Private Revenues:

Safe and Secure Communities Program		0.00
Municipal Alliance on Alcoholism and Drug Abuse	17,919.00	27,036.00
Total Section F: Special Items of Revenue Anticipated With Prior		
Written Consent Director Of Local Government Services-Public and Private Revenues	17,919.00	27,036.00

FROM

TO

Summary of Revenues:

1. Surplus Anticipated	0.00	0.00
3. Miscellaneous Revenues		
Total Section A: Local Revenues	0.00	0.00
Total Section B: State Aid without Offsetting Appropriations	0.00	0.00
Total Section C: Dedicated Uniform Construction Code Fees offset with Appropriations\	0.00	0.00
Total Section D: Interlocal Agreements	0.00	0.00
Total Section F: Public and Private Revenues	22,134.00	31,251.00
Total Section G: Special Items of General Revenue	0.00	0.00
Total Miscellaneous Revenues	912,210.00	921,327.00
Subtotal General Revenues	2,162,210.00	2,171,327.00
6. Amount to Be Raised By Taxes for Support of Municipal Budget	5,306,993.28	5,265,457.46

Total Amount to be Raised by Ataxes for Support of Municipal Budget	5,459,758.08	5,418,222.26
7. Total General Revenues	7,621,968.08	7,589,549.26
	<u>FROM</u>	<u>TO</u>
8. General Appropriations:		
a. Operations Within "CAPS":		
Mayor and Council -Salaries and Wages	14,682.00	14,500.00
Road Repairs and Maintenance - Other Expenses	125,182.00	115,182.00
Recreation and Education - Other Expenses	65,000.00	76,328.00
Total Operations (Items 8(A) Within "CAPS"	2,720,805.29	2,721,951.29
b. Contingent		
	<u>FROM</u>	<u>TO</u>
Total Operations Including Contingent Within "CAPS"	2,720,805.29	2,721,951.29
Salaries and Wages	860,939.29	860,757.29
Other Expenses	1,859,866.00	1,861,194.00
(E) Deferred Charges and Other Statutory Expenditures:		
Public Employees' Retirement System	110,227.00	101,429.97
Total Deferred Charges & Statutory Expenditures-Municipal Within CAPS	195,827.00	187,029.97
Total General Appropriations For Municipal Purposes Within "CAPS"	2,916,632.29	2,908,981.26
(A) Operations Excluded From "CAPS"		
Shared Service Agreements:		
Shared Police Services-Washington Township	2,301,522.00	2,267,540.00
Total Shared Service Agreements	2,494,860.00	2,460,878.00

Public and Private Programs Offset By Revenues		
Municipal Alliance-State Share	17,919.00	27,036.00
Municipal Alliance-Local Share	2,937.00	8,111.00
Total Public and Private Programs Offset By Revenues	25,071.00	39,362.00
Total Operations - Excluded From "CAPS"	2,682,365.00	2,662,674.00
Detail:		
Salaries and Wages	0.00	0.00
Other Expenses	2,682,365.00	2,662,674.00
	<u>FROM</u>	<u>TO</u>
(C) Capital Improvements - Excluded From "CAPS"		
Capital Improvement Fund	266,000.00	263,000.00
Computer Equipment	0.00	0.00
Total Capital Improvements	266,000.00	263,000.00
(D) Municipal Debt Service - Excluded From CAPS		
Payment of Bond Anticipation Notes	0.00	0.00
Improvement Authority	0.00	0.00
Total Municipal Debt Service - Excluded From CAPS	0.00	0.00
(H-2) Total General Appropriations for Municipal Purposes Excluded From "CAPS"	3,826,418.50	3,803,727.50
(O) Total General Appropriations-Excluded From "CAPS"	3,826,418.50	3,803,727.50
(L) Subtotal General Appropriations {Items (h-1) and (o)}	6,743,050.79	6,712,708.76
(M) Reserve for Uncollected Taxes	878,917.29	876,840.50
9. TOTAL GENERAL APPROPRIATIONS	7,621,968.08	7,589,549.26

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filled forthwith in the Office of the Director of Local Government Services for her certification of the local municipal budget so amended.

BE IT FURTHER RESOLVED, that this complete amendment, in accordance with the provisions of N.J.S.A. 40A:4-9, be published in the Star Gazette in the issue of April 25, 2014, and that said publication contain notice hearing on said amendment to be held at Municipal Building on May 6, 2014 at 7:00pm.

Resolution #61-2014 was moved on a motion made by Higgins, seconded by Jones and approved.

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

AUDIENCE:

Robin Klimko – 35 West Marble Street

Mrs. Klimko asked what the D.P.W. was doing about the potholes throughout town. Mayor McDonald replied that the D.P.W. is patching the potholes as they receive the materials. Mrs. Klimko asked if there is an issue receiving the materials. Manager Blanchard replied that the D.P.W. has the materials but right now there is a sinkhole in the Municipal Parking Lot, an exposed drain on Nunn Avenue and a broken storm drain on Flower Avenue with only five employees in the D.P.W. Mrs. Klimko responded that it's been five weeks since the potholes have been reported. Manager Blanchard replied that the D.P.W. is trying to get to the potholes as they are reported but right now the priority is the issues on Flower Avenue, Nunn Avenue, and the Municipal Parking Lot.

Mrs. Klimko asked if the D.P.W. is now collecting scrap metal. Mayor McDonald replied that there is a dumpster on the D.P.W. property that residents can put scrap metal in. Mrs. Klimko asked where the proceeds from that scrap metal goes. Councilman Higgins responded that the proceeds have mistakenly gone to Washington Township in Bergen County but there should be new checks reissued to the Borough soon. Councilman Higgins added that if Cinelli does not provide a check within the next seven days he wants that dumpster removed from the property.

Also, Mrs. Klimko stated as a resident who is affected by the storm drain water, she was told that the Square One project would not affect that stream but it has. Mrs. Klimko added that the project will add an increase of water into that stream. It is a big concern for Mrs. Klimko being a resident in the area of the stream. Mrs. Klimko asked for an update on the sewer project on South Prospect. Manager Blanchard replied that the letter to the homeowner requesting permission for the easement just went out and the Borough is waiting for a response. The easement needs to be placed on the residential property behind the shopping plaza on South Prospect and not on the property of the plaza. Councilman Higgins stated that the Sewer Engineer, Mr. Chris Jepson was supposed to provide Council with a 'not to exceed' letter for this project and has not done so yet. Councilman Higgins would like this letter within the next seven days. Councilman Higgins added that someone was also supposed to come to check on the stream damage which has not happened yet either. Manager Blanchard replied that she will send a letter to Mr. Van Cleef requesting action regarding the stream survey and the 'not to exceed' letter.

Reverend Terelisa Bauknight – Pastor @ Mt. Pisgah Ame Church

Reverend Bauknight asked when she can expect the correspondence from Manager Blanchard as stated at the last Council meeting. Manager Blanchard replied that she is working on the letter and it should go out tomorrow. Reverend Bauknight questioned the use of the parking lot next to Wells Fargo Bank. Reverend Bauknight was witnessed at least twice that Domino's drivers have been coming out of the bank exit making an illegal left. Mayor McDonald replied that Manager Blanchard should provide a letter to the owner of Domino's stating that they are breaking the law when the drivers make the illegal left hand turn when leaving the parking lot to make deliveries as well as making the Chief of Police aware of the situation.

Reverend Bauknight also stated that the mailboxes on Ramapo Way are a sheet of ice if it rains in the cold weather or completely flooded if the temperature is warmer. Reverend Bauknight asked if that was private property or the Borough's property. Manager Blanchard replied that she would need to look into who the property owner is for the area where the mailboxes are located.

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

Ayes: 6, Nays: 0
Motion Carried

REPORTS:

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

1. Municipal Court Report
2. Warren County Board of Health Report
3. Cash Receipts Report – March
4. Highway Department Report – February
5. Police Activity Report - February

Ayes: 6, Nays: 0

Motion Carried

Council Discussion:

Councilman Jones asked if Council can receive the D.P.W. reports in a timelier manner. Councilman Thompson asked if it's possible for the Borough's mileage to be broken out on the Washington Township Police Department reports. Manager Blanchard replied that she can ask Chief McDonald but it's probably impossible. Councilman Torres also noted that he would like to see more specific wording especially on page two where it states "other types". Councilman Higgins stated that mold seems to be prevalent on the first page of the Health Department report. Councilman Higgins noted that a re-inspection was to be done at Taylor Street School and asked if the Borough knew the date of that re-inspection. Manager Blanchard replied that she does not know the date but will find out.

COUNCIL COMMITTEE REPORTS:

Codebook Committee

Councilman Torres stated that the Codebook Committee was asked at the last meeting to address Judge Palmers concerns on Ordinance 75-6 regarding impeding traffic on sidewalks. The Committee recommended changing the wording to 'no person or persons shall impede travel on any sidewalks or roadways unless authorized by Council for a temporary purpose. Councilman Torres added that this change should make the ordinance clearer. Mayor McDonald asked if the amount of feet left for clearance is covered by the Borough's Ordinance or by state code. Mayor McDonald added for the downtown area, any tables or chairs in front of any establishment should allow for adequate clearance. Councilman Torres stated that is currently not listed in any Borough Code but there should be enough room for two way traffic without having to enter the roadway. Councilman Torres added this would be enforced by the Borough's Code Enforcement Officer. Code Enforcement Officer Bescherer stated that he believes Judge Palmer is looking for a measurements in terms of how much footage should be left clear. Code Enforcement Officer Bescherer suggested a minimum of forty eight inches of clearance. Mr. Bloom from Finelli Engineering added that the A.D.A. minimum requirements should be checked as well to allow someone in a wheelchair the ability to turn around. Attorney Parikh added that she will check on the legal standards. Mayor McDonald added that would require a change of the ordinance, which Manager Blanchard added is a six week process.

NEW BUSINESS:

Resolution #50-2014 – Authorization to Apply for the 2013 Recycling Tonnage Grant

RESOLUTION # 50-2014

**OF THE MAYOR AND COUNCIL OF THE BOROUGH OF WASHINGTON,
WARREN COUNTY. TO APPLY FOR A 2013
RECYCLING TONNAGE GRANT**

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for the **2013 Recycling Tonnage Grant** will memorialize the commitment of this municipality to recycling and to indicate the assent of the Borough Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

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 endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Kristine Blanchard, Borough Manager, to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED, that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Resolution #50-2014 was moved on a motion made by Higgins, seconded by Jones and approved.

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

Resolution #51-2014 – Authorizing Release of Funds from Two Reliance Construction

RESOLUTION #51-2014

**A RESOLUTION AUTHORIZING THE RELEASE OF FUNDS FROM
TWO RELIANCE CONSTRUCTION LLC ESCROW ACCOUNTS HELD IN
TRUST BY THE BOROUGH OF WASHINGTON**

WHEREAS, Mayura Ramakrishnan, Controller , of Paramount Assets, LLC, who owns two escrow accounts in the names: Reliance Construction LLC and Reliance Construction-LLC-SP, with offices at 142 Broad Street, 2nd Floor, Elizabeth, NJ 07201, has requested the return of the funds remaining in the escrow accounts #7760883426 and #7760883434; and

WHEREAS, Dawson, Bloom, P.E. of Finelli Consulting Engineers, has certified completeness of the project(s) and authorized the release of all the escrow account monies in both of the aforementioned accounts;

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 Reliance Construction LLC for the actual account balances in the both of the Reliance Construction LLC escrow accounts.

Resolution #51-2014 was moved on a motion made by Thompson, seconded by Jones and approved.

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

Motion Carried

Resolution #52-2014 – Release of a Portion of the Cash Performance Bond to Jade

RESOLUTION #52-2014

**A RESOLUTION AUTHORIZING THE RELEASE OF A PORTION
OF THE CASH PERFORMANCE BOND TO JADE ACQUISITION, LLC
HELD IN ESCROW BY THE BOROUGH OF WASHINGTON**

WHEREAS, Andrew S. Holt, P.E. Planning Board Special Engineer for Washington Square Development addressed a letter to the Borough of Washington dated April 1, 2014, indicating a Performance Guarantee is currently posted by Jade Acquisition, LLC in the amount of \$983,533.80, of which \$98,353.38 is Cash and the Surety amount is \$885,180.42;

WHEREAS, a Bond Reduction was recommended to reduce the Cash by \$31,969.32 and the Surety by \$287,723.88 (remaining Surety to be \$597,456.54) and the Borough of Washington is to retain a cash performance bond amount of \$66,384.06 in the Jade Acquisition, LLC – Performance Bond account #7760883160, leaving a cash balance of \$31,696.32 recommended to be released;

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 release \$31,969.32 from the Jade Acquisition, LLC – Performance Bond Account #7760883160 to Jade Acquisition, LLC;

Resolution #52-2014 was moved on a motion made by Torres, seconded by Conry and approved.

Roll Call: Thompson, Torres, Jones, Conry, McDonald, Higgins

Ayes: 6, Nays: 0

Motion Carried

Resolution #53-2014 – Refund Tax Payment Intended for Township of Washington

RESOLUTION #53-2014

**A RESOLUTION TO REFUND TAX PAYMENT INTENDED FOR
WASHINGTON TOWNSHIP**

WHEREAS, according to the Tax Collector's records, there is inaccurate payment of \$1,076.47 on 2014 1st Quarter Regular Taxes on property located at 282 E. Washington Avenue, also known as Block 72 Lot 24.02, and in the name of Masenior, Gary & Anna Marie; and

WHEREAS, Affinity Federal Credit Union intended to pay the 1st Quarter Regular Taxes on property located at 282 Washburn Avenue, Washington Township, NJ also known as Block 49 Lot 9.01 through Corelogic Tax Service; and

WHEREAS, Corelogic Tax Service assigned a Washington Borough property's Block and Lot to the Washington Township's tax payment in error; and

WHEREAS, the Tax Collector has received a written request from Affinity Federal Credit Union to refund the tax payment in the amount of \$1,076.47 that was inadvertently deposited into the Washington Borough's Current Account.

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 hereby authorize the Tax Collector and Treasurer to refund the amount of \$1,076.47 payable to:

Affinity Federal Credit Union
PO Box 485
Basking Ridge, NJ 07882

Resolution #53-2014 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 #54-2014 – Redemption of Tax Certificate

RESOLUTION #54-2014

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 Crestar Capital, LLC, TLGS; 2 Liberty Place, 50 South 16th Street Ste 1950, Philadelphia, PA 19102, in the amount of \$1,385.70 for taxes or other municipal liens assessed for the year 2012 in the name of Hart, Bradley & Jessica, as supposed owners, and in said assessment and sale were described as 58 State Street, Block 13 Lot 8, which sale was evidenced by Certificate #13-00011; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 3-28-14 and before the right to redeem was cut off, as provided by law, Wells Fargo, claiming to have an interest in said lands, did redeem said lands claimed by US Bank Cust Crestar Capital, LLC, by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$2,804.97, which is the amount necessary to redeem Tax Sale Certificate #13-00011.

NOW THEREFORE BE IT RESOLVED, on this 15th day of April, 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 Crestar Capital, LLC, TLGS; 2 Liberty Place, 50 South 16th Street Ste 1950, Philadelphia, PA 19102 in the amount of **\$4,504.97 (Certificate redemption amount \$2,804.97 + \$1,700 premium)**.

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 13 Lot 8 from the tax office records.

Resolution #55-2014 – Refund of Overpayment of Taxes

RESOLUTION #55-2014

A RESOLUTION TO REFUND OVERPAYMENT ON 2014 REAL ESTATE TAXES

WHEREAS, according to the Tax Collector's records, there is an overpayment of \$2,041.94 on 2014 1st Quarter Regular Taxes paid on property located at 122 Myrtle Avenue, also known as Block 44 Lot 18, and in the name of Orlando, Corey & Shelby; and

WHEREAS, Mr. Orlando had been granted the Veteran's Tax Exempt Status in October 2012 and Ocwen Loan Servicing continued to pay the taxes on the 1st quarter in 2014; and

WHEREAS, the Tax Collector has been resolving the matter of tax overpayments and has received a written request from Ocwen Loan Servicing that the overpayment be refunded to them.

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 hereby authorize the Tax Collector and Treasurer to refund the amount of \$2,041.94 payable to:

Ocwen Loan Servicing, LLC
Attn: Tax/Escrow Dept.
PO Box 24665
West Palm Beach, FL 33416-4665

Resolutions #54-2014, and #55-2014 were moved on a motion made by Jones, seconded by Conry and approved.

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

Resolution #56-2014 – Temporary Budget Current Fund

RESOLUTION #56-2014

**A RESOLUTION PROVIDING FOR EMERGENCY TEMPORARY
APPROPRIATIONS FOR CURRENT FUND**

WHEREAS, there will be a delay in the adoption of the 2014 Borough of Washington, County of Warren, New Jersey, Local Municipal Budget; and

WHEREAS, a temporary budget in the amount of 26.25% of the total appropriations in the 2013 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance was adopted in January 2014; and

WHEREAS, if additional funds are not budgeted the public welfare will be adversely affected; and

WHEREAS, it is the recommendation of the Chief Financial Officer this emergency temporary appropriation be authorized

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Washington, County of Warren, New Jersey, that in accordance with N.J.S.A. 40A:4-20, an emergency temporary appropriation be and same is hereby made for in the amount of \$1,463,227.80 and that said emergency temporary appropriation shall be provided in full in the 2014 budget.

Resolution #56-2014 was moved on a motion made by Torres, seconded by Thompson and approved.

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

Resolution #57-2014 – Temporary Budget Sewer Fund

RESOLUTION # 57-2014

**RESOLUTION PROVIDING FOR EMERGENCY TEMPORARY
APPROPRIATIONS FOR SEWER UTILITY**

WHEREAS, there will be delay in the adoption of the 2014 Borough of Washington, County of Warren, New Jersey, Local Municipal Budget; and

WHEREAS, a temporary budget in the amount of 26.25% of the total appropriations in the 2013 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance was adopted in January 2014; and

WHEREAS, if additional funds are not budgeted the public welfare will be adversely affected; and

WHEREAS, it is the recommendation of the Chief Financial Officer this emergency temporary appropriation be authorized

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, Warren County, New Jersey, that in accordance with N.J.S.A. 40A:4-20, an emergency temporary appropriation be and same is hereby made for in the amount of \$275,875.00 and that said emergency temporary appropriation shall be provided in full in the 2014 budget.

SEWER OPERATING S&W	24,000
SEWER OPERATING OE	250,000
SOCIAL SECURITY	1,875
TOTAL	2,75,875.00

Resolution #57-2014 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 #62-2014 – Approval of Sale of Municipal Property

RESOLUTION # 62-2014

RESOLUTION AUTHORIZING SALE OF SURPLUS PROPERTY VIA PUBLIC AUCTION

WHEREAS, *N.J.S.A.* 40A:11-36 permits a municipality sell personal property not needed for public use via public auction; and

WHEREAS, the Borough owns one (1) old-model fire truck which is not needed by the Borough, and is of no practical use to the Borough.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, Warren County, New Jersey, that it hereby authorizes the auction of the fire truck listed below via public auction in accordance with the Local Public Contracts Law.

1983 Mack Firetruck

1M1A111Y2DM002245

Resolution #62-2014 was moved on a motion made by Jones, seconded by Torres and approved.

Roll Call: Torres, Jones, Conry, McDonald, Higgins
Ayes: 5, Nays: 0
Abstain: (1) Thompson
Motion Carried

PUBLIC HEARING:

Increase in Sewer Connection Fees

At this time, Mayor McDonald opened up the public hearing on the Increase in Sewer Connection Fees.

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

Ayes: 6, Nays: 0
Motion Carried

Resolution #60-2014 – Establishing Sewer Connection Fees for 2014

RESOLUTION # 60-2014

**OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF WASHINGTON, WARREN
COUNTY, NJ ESTABLISHING SEWER
CONNECTION FEES**

WHEREAS, Stephanie Lewis, Municipal Capital Management has completed the analysis of the Sewer Utility debts structure and has recommended that the Sewer Connection Fee be adjusted to \$5,109.83; and

WHEREAS, a public hearing was advertised for April 15, 2014; and

WHEREAS, said public hearing was held in Council Chambers on April 15, 2014 at 7:00 p.m.

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 sewer connection fee be increased to \$5,109.83.

BE IT FURTHER RESOLVED that this change will be effective immediately upon passage of this resolution.

Resolution #60-2014 was moved on a motion made by Higgins, seconded by Conry and approved.

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

VOUCHERS:

Mayor McDonald entertained a motion to approve the vouchers and claims in the amount of \$299,194.62

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

Council Discussion:

Councilman Thompson questioned the charge on page one regarding the Poster Compliance Center. Manager Blanchard replied that those charges are mandatory by the State of New Jersey for compliance with OSHA regulations and the Department of Labor. Councilman Thompson also asked about the mileage for Animal Control Services on page ten. Manager Blanchard replied that the Borough pays the Animal Control Officer mileage because she uses her own vehicle.

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

RECAP:

Manager Blanchard will remove the restoration bonds from the developer's agreement and work with Leslie to research who has the authority over the redevelopment area of the agreement. Manager Blanchard will make sure that the Borough receives the missing checks from Cinelli within seven days. A letter will go to Mr. VanCleaf regarding the stream surveyor and the not to exceed letter from Mr. Jepson. Manager Blanchard will write a letter to the owner of Domino's Pizza and contact the Washington Township Police Department about traffic exiting to the left on to Route 57. Manager Blanchard will look into the Ramapo Way mailbox issue and find out if the Health Department did a re-inspection at the school. Manager Blanchard will see if the police can provide a breakdown of the miscellaneous types of calls. Manager Blanchard will work on the A.D.A. requirements for sidewalks and make sure the D.P.W. reports are up to date.

Manager Blanchard added that the Borough has had ongoing issues with who owns what property, who owns the street, etc. It has become an everyday complaint from homeowners and has been a nuisance for emergency vehicles, garbage pickup, etc. Councilman Torres had previously asked to do title searches on the areas in question and it failed. Manager Blanchard would like to ask Council to reconsider doing the title searches in the area so that these issues can be put to rest. Councilman Torres added that the benefit of doing the title searches is to determine where liability lies. Mayor McDonald asked Councilman Torres to get updated quotes on the cost of the title searches.

A motion was made by Jones, seconded by Conry, to move forward with getting quotes for the cost of the title searches.

Ayes: 6, Nays: 0
Motion Carried

COUNCIL REMARKS:

Councilwoman Conry commented that Youmans Avenue seems to be a dumping ground. Code Officer Bescherer added that he walked the property in question with the maintenance manager and he pointed out what needed to be removed. Councilwoman Conry also added that she had a call from a teacher at Taylor Street School who stated that she was concerned about the people loitering around the property of the Vicon Tile building.

Councilman Thompson wished everyone a Happy Easter.

Councilman Jones asked if there was an update on the dam. Manager Blanchard replied that the Borough has received word from Dam Safety in regards to the issues that were found. Mr. Dawson Bloom with Finelli Engineering added that Washington Township received the official approval to go ahead and do the work that needs to be done to fix the roadway. Councilman Higgins asked if there was an update on the dam itself. Mr. Bloom replied that the engineers are still investigating what needs to be done in terms of decommissioning the dam and what is the best route to take. Mr. Bloom added that the dam is not a historical site but it is within a historical district. Mr. Bloom will provide his cost analysis report on the dam at the next meeting. Councilman Torres asked Mr. Bloom if Manager Blanchard forwarded a grant opportunity that he had researched. Mr. Bloom replied yes, he had received it and is waiting to hear back from the state of the regulations have changed in regards to the funding assistance. Councilman Jones asked if the burned house on Broad Street was scheduled to be torn down soon because it is a safety hazard. Mayor McDonald replied that last he heard there was an insurance issue delaying the process. Manager Blanchard added that the Borough is having trouble locating the family. Councilman Jones also asked about the time clocks for the Borough employees. Manager Blanchard replied that she has researched the fingerprint time clocks and they range in cost from five hundred to seven hundred dollars. Manager Blanchard does not feel it is feasible to put one in every building this year. Manager Blanchard added that she is working with a company to set up a demonstration.

Councilman Higgins asked what is wrong with the Borough's street sweeper. Manager Blanchard replied that she does not know what needs to be repaired, and she is waiting on an estimate. Councilman Higgins would like Manager Blanchard to report back to Council the amount of money that has been spent to repair the street sweeper over the last ten years. Manager Blanchard added that she will provide that number, however most of the money used to repair the sweeper has come out of the Clean Communities Grant money. Councilman Higgins asked about the crosswalk lights. Manager Blanchard replied that they need to be ordered and then installed. Manager Blanchard added that she would like to have a Streets Committee meeting to discuss the crosswalk on Thursday, April 24th at 4:00 p.m.

Mayor McDonald commented that the United Methodist Church on East Washington Avenue has done some major restorations to it's structure and they invited the Mayor to a special service on April 27th at 10:30 a.m. Mayor McDonald added that he is unable to attend but if there are Council members who are interested to let him know. Mayor McDonald also had a conversation with BASF and they will be in the Borough until Spring of 2015. Mayor McDonald stated that the Borough had a meeting with Paramount Properties and they claim they will have the property in question ready to rent as of June 1st. Paramount added that they are in negotiations to rent out 25 East Washington Avenue so there is progress being made. Councilman Torres expressed concern in regards to how Council will know if Paramount is following through with the Planning Board's specifications. Mayor McDonald replied that it is up to the inspectors to determine if the work done is up to code. Councilwoman Conry added that the Planning Board is working on creating processes to follow.

EXECUTIVE SESSION:

A motion was made by Higgins, seconded by Thompson to enter into Executive Session for the purpose of litigation after a ten minute recess.

Ayes: 6, Nays: 0
Motion Carried

RESOLUTION # 63-2014
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: ___/Personnel___ 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 Higgins, seconded by Torres, to go out of Executive Session.

Ayes: 6, Nays: 0
Motion Carried

ADJOURNMENT:

Hearing no further business, a motion made by Higgins, seconded by Conry to adjourn the meeting at 9:20 p.m.

Ayes: 6, Nays: 0
Motion Carried

Mayor Scott McDonald

Kristine Blanchard, RMC Borough Clerk