

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY  
WASHINGTON BOROUGH COUNCIL MINUTES – July 01, 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, Torres (arrived at 7:05 p.m.), Higgins

Absent: Gleba

Also Present: Kristine Blanchard, Borough Manager/Clerk

**AUDIENCE:**

Mayor McDonald opened up the audience portion for remarks, petitions, statements, and testimony from guests.

Debe Spinks – 40 State Street

Ms. Spinks expressed her gratitude to Manager Blanchard for taking care of getting the grass cut at the abandoned property located at 33 State Street. Ms. Spinks asked Manager Blanchard if there was anything the Borough can do about the overgrown and decaying bushes in the front yard. Manager Blanchard replied that she has not heard from the owners but she can reach out to the reverse mortgage company once again to see if they can take care of the bushes as well.

Reverend Bauknight – 95 Lenape Trail

Reverend Bauknight asked how she would go about reporting an abandoned home. She stated that the home on the corner of Ramapo Way and Lenape Trail appears to be vacant and the grass is very high. Reverend Bauknight also commented that the “This is Your Speed” sign that was placed in that area is blocking two-way traffic. Manager Blanchard replied that those signs are place throughout town at the police department’s discretion. Reverend Bauknight also added that she would like to post “No Trespassing/Private

Property” signs on the church property due to the upcoming fireworks for 4<sup>th</sup> of July. She also asked if she was permitted to use barricades in order to prevent people from parking in the church lot. Mayor McDonald replied that if you have barricades you can certainly use them on private property, however, the barricades that belong to the Borough will be used for the parade route. Councilman Thompson suggested roping off the area to try to prevent people from parking on the church property.

Richard Sherman – 15 Gardeners Court

Mr. Sherman stated that the first time he appeared before Council was 2002 complaining about a sewer issue down on Gardeners Court. Mr. Sherman added that he was told at that time that it was a long standing issue and there is a repair for the issue. Twelve years later, Mr. Sherman still has the same issue of sewage backing up into homes on Gardeners Court. There have been a few repairs on the sewer system but nothing has alleviated the problem. Mr. Sherman feels that the repair that the Borough currently has proposed of attaching the affected homes to a different line will not be a fix for this issue. He added that if there are still going to be homes attached to the existing line there will still be backups into homes, but it will be different homes than are affected now. Mr. Sherman requested that the Borough get moving on the project because it can't happen any more. He has had to move his family to a hotel numerous times due to sewage backed up in his basement. Mr. Sherman commented that he has not gotten legal counsel at this point but if there aren't results soon he will have to go after the Borough. Mr. Sherman stated that he contacted the D.E.P. and the E.P.A. and the Borough will be hearing from both of them. Mr. Sherman concluded by asking Council to take a look at the whole problem not just a band aid fix.

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

Ayes: 6, Nays: 0  
Motion Carried

### **ORDINANCES:**

**Ordinance 3-2014 An Ordinance Authorizing the Execution of an Agreement with the Washington Business Improvement District for the Acquisition of a Pocket Park and for Operations, Occupancy and Revenues with Respect to the Pocket Park, and Amending a Portion of Chapter 3 Article VIIIA and Chapter 64 Article 1 of the Code of the Borough of Washington (Introduction)**

Motion was made by Conry, seconded by Torres, to introduce Ordinance 3 – 2014 and have the Clerk read by title.

Council Discussion:

Manager Blanchard stated that on Attorney Parikh's advice, Council is introducing Ordinance 3-2014 only. Manager Blanchard, Attorney Parikh, and Mr. Bloom from Finelli Consulting have a conference call scheduled with the BID and their attorney to discuss any concerns. In order to get this ordinance moving it will be introduced now and on the agenda for adoption at the next meeting.

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

The Clerk read Ordinance 3-2014 An Ordinance Authorizing the Execution of an Agreement with the Washington Business Improvement District for the Acquisition of a Pocket Park and for Operations, Occupancy and Revenues with Respect to the Pocket Park, and Amending a Portion of Chapter 3 Article VIIIA and Chapter 64 Article 1 of the Code of the Borough of Washington.

**ORDINANCE # 3-2014**

**AN ORDINANCE PROVIDING FUNDING FOR VARIOUS CAPITAL PURPOSES FOR THE BOROUGH OF WASHINGTON AND APPROPRIATING \$264,000 FOR SUCH PURPOSES.**

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN AND STATE OF NEW JERSEY, AS FOLLOWS:**

**Section 1.** The Borough of Washington, in the County of Warren, New Jersey, authorizes various capital improvements to be undertaken, included but not limited to: the purchase of fire gear, 4x4 truck, boiler replacement, various road improvements, including but not limited to milling and paving of \_\_\_\_\_, fire suppressions system and sediment control in air conditioning unit, for the Borough of Washington to be funded from the sources specified in Section 2 of the Ordinance.

**Section 2.** The amount of \$264,000 is hereby appropriated for the purposes stated in Section 1 of the Ordinance and which amount was funded from the Capital Improvement Fund in the amount of \$264,000.

**Section 3.** In connection with the purpose and the amount authorized in Sections 1 and 2 hereof, the Borough determines the purpose described in Section 1 hereof is not a Current Expense and is an improvement which the Borough of Washington may lawfully make as a general improvement.

**Section 4.** All ordinances or parts of ordinances which are inconsistent with the terms of this Ordinance be and the same are hereby repealed to the extent of their inconsistency.

**Section 5.** This Ordinance shall take effect immediately upon due passage and publication according to law.

A motion was made by Jones, seconded by Conry to approve Ordinance 3-2014 on first reading.

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

Ayes: 6, Nays: 0

Motion Carried

### **REPORTS:**

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

1. Code Enforcement Report – June 2014
2. Municipal Court Report – May 2014

Ayes: 6, Nays: 0

Motion Carried

### **OLD BUSINESS**

Green Energy and Energy in the Bank (Financial Backers for Washington Community Solar) – William DePhillipo

Approval of Amendment to Power Purchase Agreement

Mr. DePhillipo stated that he sent the amended Power Purchase Agreement to the Borough and if anyone wanted to review or had questions he was here to provide answers to Council. Mr. DePhillipo added that this is the same amendment that was submitted prior with one exception to the Power Purchase Agreement. The part of the agreement discussing the Borough's rate not any great than the utilities rate that Green Energy was looking to strike was the deal breaker before so it was left in the agreement at this time.

A motion was made by Higgins, seconded by Jones, to approve the amendment to the Power Purchase Agreement.

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

**NEW BUSINESS:**

**Resolution #100-2014 – Adjustment of Sewer Billings Change in Use**

**RESOLUTION # 100-2014**

**A RESOLUTION TO ADJUST SEWER BILLINGS IN  
ACCORDANCE WITH CHAPTER 70, SECTION 28B OF  
THE CODE OF THE BOROUGH OF WASHINGTON.**

**WHEREAS**, the Borough of Washington commenced operations of a municipal sewer utility in January of 1999; and

**WHEREAS**, certain facts have come to the attention of the Borough to justify modification of sewer service charges which have been reviewed by the Borough Manager; and

**WHEREAS**, notice has been provided to the owner(s) of the property or properties listed below of the action proposed to be taken with the date, time and place where the Mayor and Council will meet to consider change(s) in the E.D.U.'s assigned to the property or properties listed below; and

**WHEREAS**, all parties affected by this resolution will be notified of the action taken, in writing, and notified of an opportunity to appear, in person, at a formal hearing of the governing body, if dissatisfied with the decisions made herein.

**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 following changes in the sewer service charge(s) are approved:

<b>BLOCK/LOT</b>	<b>NAME/ADDRESS</b>	
<b>REASON/ADJUSTMENT</b>		
79/28	Pribyl, Ryan 33 Beethoven Ave. Washington, NJ 07882	Change in Use (2) to (1) E.D.U. Effective: July 2014

**BE IT FURTHER RESOLVED** that the Borough Clerk be directed to send a certified copy of this resolution to all parties affected by this resolution and advise them

of their right to protest the decision and request a formal hearing before the governing body, as provided in Chapter 70, Section 13. If no protest is filed, the decisions contained herein shall be considered final.

**Resolution #101-2014 – Refund Overpayment of 2014 Taxes**

**RESOLUTION #101-2014**

**A RESOLUTION TO REFUND OVERPAYMENT  
ON 2014 REAL ESTATE TAXES**

**WHEREAS**, according to the Tax Collector’s records, there is an overpayment of \$2,074.32 on 2014 1st Quarter Regular Taxes paid on property located at 76 Flower Avenue, also known as Block 44 Lot 15, and in the name of McKernan, James & Kathleen; and

**WHEREAS**, Attorney Alum & Ferrer and Wells Fargo Tax Service had both paid the 1st Quarter 2014 property taxes, resulting in the overpayment; and

**WHEREAS**, the Tax Collector has been resolving the matter of tax overpayments and has received a written request from Wells Fargo Real Estate Tax Service that the overpayment be refunded to them in order to forward the funds to James & Kathleen McKernan.

**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 \$2,074.32 payable to:

Wells Fargo Real Estate Tax Services, LLC  
Attn: Financial Support Unit – Region 1  
1 Home Campus, MAC X2302-04D  
Des Moines, IA 50328-0001

**Resolution #103-2014 – Authorizing a Sanitary Sewer Easement**

**RESOLUTION # 103-2014**

**RESOLUTION AUTHORIZING THE MAYOR AND CLERK  
TO EXECUTE A SANITARY SEWER EASEMENT WITH  
GLADYS HERBERT 6 SOUTH PROSPECT WASHINGTON,  
NJ**

**WHEREAS**, the Borough of Washington (“Borough”) and Ms. Gladys Herbert in order to facilitate the operation of the sanitary sewer system operated by the Borough in the area of 6 South Prospect also known on the Tax Map of the Borough of Washington as Block, 101, Lot 19, desire to execute a Sanitary Sewer Easement; and

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

1. The Mayor and Clerk are hereby authorized to execute the Sanitary Sewer Easement Agreement.
2. The cost in connection with the acquisition of the Sanitary Sewer Easement shall be in the form of payment of \$2,000 to Ms. Gladys Herbert.
3. The Mayor, Clerk, and Chief Financial Officer are authorized to execute all other documents necessary to carry out the terms of this resolution.

Resolutions #100-2014, #101-2014, and #103-2014 were moved on a motion made by Higgins, seconded by Conry and approved.

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

**Resolution #102-2014 – Washington Celebrates America**

**RESOLUTION #102-2014**

**RESOLUTION GRANTING PERMISSION FOR A  
FIREWORKS DISPLAY IN THE  
BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY.**

**BE IT RESOLVED**, by the Mayor and Common Council of the Borough of Washington, Warren County, New Jersey that permission is hereby granted to Washington Celebrates America Inc. have a **Fireworks Display** in the Borough of Washington at 9:00 P.M., **Friday, July 4, 2014** with a **Rain Date of Saturday, July 5, 2014.**

**BE IT RESOLVED**, that the Borough Council has agreed to name Washington Celebrates America Inc. as additional insured for the following events to be held in the Borough of Washington.

Orange Crate Derby – Friday July 4, 2014; Rain Date Saturday July 5, 2014

Location: Broad St. and Borough Park Entrance

Parade – Friday July 4, 2014; Rain Date Saturday July 5, 2014

Location: Rt. 31 and Broad St. to Belvidere Ave. to Carlton Ave.

**BE IT RESOLVED**, that a true copy of this Resolution be forwarded to the New Jersey Department of Labor and Industry, Trenton, NJ, together with a copy of the required Certificate of Liability Insurance.

Resolution #102-2014 was moved on a motion made by Conry, seconded by Jones and approved.

Council Discussion:

Mayor McDonald noted that the Rain Date for the Orange Crate Derby is Saturday, July 5<sup>th</sup>, not Sunday.

Ayes: 6, Nays: 0  
Motion Carried

**VOUCHERS:**

Mayor McDonald entertained a motion to approve the vouchers and claims in the amount of \$1,046,567.58

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

Council Discussion:

Councilman Torres noted that there were additional charges to repair leaks at the pool and the Borough should try to come up with a permanent fix there so the Borough is not spending more money. Mayor McDonald added that there was a solution proposed to Manager Blanchard from the Recreation Director, which they will work on. Councilman Thompson asked if the cost would be out of Council's budget to replace the piping. Manager Blanchard replied that it is her recommendation that the Borough works to replace the piping. This all needs to be discussed at the Recreation Commission level. Manager Blanchard added that the Borough may have all the piping donated, which would leave the costs of the excavation. This is all very preliminary and still needs to be discussed by the Recreation Commission and Manager Blanchard would hope to see these repairs become part of the Splash Pad Project.

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



Ayes: 6, Nays: 0  
Abstain: (1) Thompson – Fire Department & EMS  
Motion Carried.

**RECAP:**

Manager Blanchard will reach out to the reverse mortgage company again and try to find out who actually owns the property at 33 State Street. Manager Blanchard will also check into the property located at the corner of Lenape Trail and Ramapo Way.

**COUNCIL REMARKS:**

Councilman Thompson encouraged everyone to enjoy the 4<sup>th</sup> of July.

Councilman Jones stated for everyone to have a safe 4<sup>th</sup> of July.

Councilman Higgins commented have a happy and safe 4<sup>th</sup> of July. Councilman Higgins asked Manager Blanchard to provide computer generated maintenance records for the Gardeners Court and South Prospect area. Councilman Higgins apologized to Mr. Sherman for the lack of movement and for what him and his family have gone through. Councilman Higgins was hopeful that they run the new set of pipes it alleviates the problems for all.

Councilwoman Conry wished everyone a happy 4<sup>th</sup> of July.

Councilman Torres also wished everyone a happy 4<sup>th</sup> of July. Councilman Torres also extended his apologies for the situation on Gardeners Court and South Prospect Street and is hopeful that there is a permanent fix that can be completed soon.

Mayor McDonald also wished everyone a happy and safe 4<sup>th</sup> of July. Mayor McDonald added that he received an email from Beth Uporsky, who is the head of Warren County Girls Softball. Mrs. Uporsky congratulated the Recreation Department for their well planned All Star Game that took place at Borough Park. Her email noted that the field was in great shape and everything was wonderful. Mayor McDonald asked Councilwoman Conry to relay that information to the Recreation Commission at their next meeting.

Councilman Higgins asked if the nets were going to be put up at Borough Park. Manager Blanchard replied that the nets were finally found. The Borough found a volunteer to help put them up and that will be done next week.

At this time, Mayor McDonald stated that an Executive Session is needed for the purpose of litigation discussion. A motion made by Torres, seconded by Jones to enter into Executive Session.

Ayes: 6 Nays: 0  
Motion Carried

**RESOLUTION # 110-2014**  
**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;

X  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 Conry, seconded by Torres, to go out of Executive Session.

Ayes: 6, Nays: 0  
Motion Carried

**ADJOURNMENT:**

Hearing no further business, a motion made by Torres, seconded by Jones to adjourn the meeting at 7:40p.m.

Ayes: 6, Nays: 0  
Motion Carried

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Mayor Scott McDonald

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Kristine Blanchard, RMC Borough Clerk