

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – July 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, Gleba,
Torres (Arrived at 7:05 pm)

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

MINUTES:

Regular Meetings – April 15, 2014 & May 6, 2014

Motion made by Thompson seconded by Conry to approve the Regular Meeting minutes of April 15, 2014 and May 6, 2014.

Ayes: 5 Nays: 0
Abstain: (1) Gleba – April 15, 2014 & Higgins – May 6, 2014
Motion Carried

CORRESPONDENCE:

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

Ayes: 6, Nays: 0
Motion Carried

Council Discussion:

Councilwoman Gleba asked if the request for the handicapped space needed to be forwarded to the Streets Committee. Manager Blanchard replied that the request needs to be done through an ordinance and the Streets Committee would need to review it.

AUDIENCE:

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

Hearing no 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 Higgins, seconded by Conry to receive and file the following reports:

1. Board of Health Report – July 9, 2014
2. Emergency Management – June 2014
3. Tax Collector Report – June 2014
4. Recreation Monthly Expense/Revenue Report – June 2014
5. D.P.W. Report – June 2014

Council Discussion:

Manager Blanchard stated that several years ago the State of New Jersey mandated that all of the D.P.W. vehicles be retro fitted with exhaust systems that meet state standards. It was state mandated but paid for by the state. There was a grant program at the time and the Borough finally has all of the D.P.W. trucks fitted with the proper exhaust which was all paid by the State of New Jersey. Any municipality that did not comply with the mandate will have to pay for the exhausts themselves. Councilwoman Gleba also noted thank to Kurt Klausfelder for the Emergency Management Report.

Ayes: 7, Nays: 0
Motion Carried

OLD BUSINESS:

Councilman Higgins noted that the Streets Committee met and the committee put together a list of the costs by street for the seven streets in town that are priority to be paved. Due to the costs of paving, the Streets Committee is recommending to pave North Lincoln which will be mostly funded through the D.O.T. grant that was received. Also, the Streets Committee recommended paving Youmans Avenue East, Taylor Street and Green Street. Councilman Higgins added that is all that can be done with the amount that was budgeted. The approximate cost of Taylor Street is \$20,000, Green Street is \$21,000, Youmans Avenue is \$40,000 and the cost of North Lincoln above the grant amount is \$20,000. The other streets recommended but not in the budget for this year are Warren Street, Davis Avenue, Presidential Drive and Flower Avenue. Councilwoman Gleba asked if the Streets Committee can prepare a plan so that the streets that have been requested for paving are not forgotten. Councilman Higgins added that the Streets Committee already has the costs for the other streets recommended such as Flower Avenue which is \$80,000. The costs may go up by next year. Presidential Drive is \$46,000, Davis Avenue is \$7,000, and Warren Street is \$8,000. Councilwoman Gleba added that in the meantime there needs to be a maintenance plan in place to maintain these other roads that are falling apart. Councilman Jones added that he has another plan that he will bring up later in the meeting during Council remarks.

A motion was made by Gleba, seconded by Torres to authorize the paving of the four roads recommended by the Streets Committee.

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

Ayes: 6 Nays: 0
Abstain: (1) Conry
Motion Carried

NEW BUSINESS:

Resolution #103A-2014 – Special Grace Period for Third Quarter Property Taxes

RESOLUTION # 103A-2014

**A RESOLUTION ESTABLISHING A SPECIAL PERIOD
FOR THIRD QUARTER LOCAL PROPERTY TAXES
IN THE BOROUGH OF WASHINGTON**

WHEREAS, the printing and mailing of tax bills has been delayed beyond the N.J.S.A. 54:4-64 date of June 14, and

WHEREAS, according to the State Statute, taxes are due payable February 1, May 1, August 1 and November 1 and there dates cannot be changed; and

WHERE, N.J.S.A. 54:4-67 allows the Borough Council to establish a grace period of 25 days from the date that tax bills are mailed; and

WHEREAS, the Borough of Washington has historically given its taxpayers a grace period of 10 days for each tax period

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington that the third installment of current year taxes shall not be subject to interest until after August 15, 2014, the additional interest-free period authorized pursuant to NJSA 54-67. Any payment received on August 16th, 2014 or later will be subject to interest charged back to the statutory date of August 1, 2014.

Resolution #104-2014 – Approval of Revenue – Clean Communities Grant

RESOLUTION #104-2014

**RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND
APPROPRIATIONS NJSA 40A: 4-87**

WHEREAS, NJSA 40A: 4-87 provides that the Director of Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Washington in the County of Warren State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2014 in the sum of \$12,470.90 which is now available from the State of New Jersey, Clean Communities Account

BE IT FURTHER RESOLVED, that the like sum of \$12,470.90 is hereby appropriated under the caption of Other Expenses – Clean Communities.

Resolution #105-2014 – Approval of Revenue – Recycling Tonnage Grant

RESOLUTION #105-2014

**RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND
APPROPRIATIONS NJSA 40A: 4-87**

WHEREAS, NJSA 40A: 4-87 provides that the Director of Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Washington in the County of Warren State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2014 in the sum of \$0.33 which is now available from the State of New Jersey

BE IT FURTHER RESOLVED, that the like sum of \$.33 is hereby appropriated under the caption of Other Expenses – recycling Tonnage.

Resolution #106-2014 – Approval of Revenue – Sustainable Jersey

RESOLUTION #106-2014

**RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND
APPROPRIATIONS NJSA 40A: 4-87**

WHEREAS, NJSA 40A: 4-87 provides that the Director of Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Washington in the County of Warren State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2014 in the sum of \$2,000.00 which is now available from the State of New Jersey

BE IT FURTHER RESOLVED, that the like sum of \$2,000.00 is hereby appropriated under the caption of Other Expenses – Sustainable Jersey.

Resolutions #103A-2014, #104-2014, #105-2014 and #106-2014 were moved on a motion made by Higgins, seconded by Jones and approved.

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

Ayes: 7, Nays: 0

Motion Carried

VOUCHERS:

Mayor McDonald entertained a motion to approve the vouchers and claims in the amount of \$575,889.73

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

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

Ayes: 7, Nays: 0

Abstain: (1) Thompson – Fire Department & EMS

Motion Carried.

RECAP:

Manager Blanchard noted that all of Council should have received a copy of the Annual Audit. Manager Blanchard added that CFO Turchan will be in attendance at the next Council Meeting and Council also requested that the Auditor, Mr. Tom Ferry attend as well. Manager Blanchard also stated that the tax bills will be mailed out next week to the residents. Manager Blanchard commented to Councilwoman Gleba that she is working on the budget chart that they discussed and will forward her the draft. Manager Blanchard also met with the E.P.A. this week regarding the Superfund Site which will be a building on the property of the Park Avenue Apartments for the water filtering system. The E.P.A. will be in attendance at the second Council Meeting in September to provide an overview and an update.

COUNCIL REMARKS:

Councilman Jones commented that since the streets are in such poor condition, would Council consider doing a bond to get the work done putting a question on the ballot, leaving it up to the taxpayers. Councilman Jones stated that Council would need to get a more up to date estimate including all the streets in the Borough that are in poor condition to come up with a total dollar figure for the bond. Manager Blanchard added that this would need to be done by September to go on the ballot and the bond ordinance would have to come before the governing body to be voted on. Councilman Torres doesn't feel going out for bond at this time would be a good idea. Councilman Jones added that's why it should be on the ballot and up to the taxpayers. Mayor McDonald noted that in 2016 the Borough should see a significant reduction in current bond payments so that may be a more suitable time to enter into another bond. Mayor McDonald suggested that the Streets Committee discuss this further and come up with a plan. Councilman Jones commented about the statute that was recently passed which would aid the Borough with title searches and finding out who owns the abandoned homes that are in foreclosure. Manager Blanchard added that this will give the Borough the opportunity to find the bank and get them to take responsibility for maintaining the property. Attorney Parikh noted that she will get a copy of the statute and forward to Manager Blanchard. Attorney Parikh also added that it gives the municipality the ability to penalize the bank as if it was any other homeowner. Councilman Jones also asked for an update on the Pleasant Valley Mill Dam. Manager Blanchard replied that she spoke with CFO Turchan and if Council wishes to continue with decommissioning the dam, sewer funds can be used to do so in next year's budget. Manager Blanchard added that there are maintenance issues that need to be addressed this year. These maintenance issues will take approximately three weeks to complete utilizing a full D.P.W. crew. Manager Blanchard is looking into other avenues such as hiring a contractor to complete the work. Councilman Jones also asked about the status of the time clocks. Manager Blanchard stated that she will have a proposal from the company in the Manager's Report next week.

Councilman Higgins asked if the money was received from Cinelli for the scrap metal that was collected so far. Manager Blanchard replied that unfortunately the gentleman that was in charge of the Borough's account had suddenly passed away and Cinelli is having a hard time figuring out where they went wrong. Councilman Higgins would like for Attorney Parikh to send Cinelli a letter requesting that the money for the scrap metal collected so far be sent immediately. Councilman Higgins noted that there will be a Streets Committee Meeting on July 21st at 10:30 a.m. Councilman Higgins also asked if Mr. Bloom from Finelli Engineering had inspected the parking lot before it was paid for and can Council get a report from that inspection. Manager Blanchard will get a report from Mr. Bloom and provide copies to Council.

Councilman Thompson asked for an update on the title search company in regards to Cattelle Court. Manager Blanchard replied that she received some information from the company today but has not reviewed it yet.

Councilwoman Conry stated that the Recreation Commission said the nets are up but the fire truck was not able to get to the outfield because the ground was too soft. The nets are not all the way up on the Route 31 side yet but the Recreation Commission is working on a solution.

Councilwoman Gleba requested that Manager Blanchard write a letter to New Jersey American Water because they replace piping all along Sunrise Terrace and did an unsatisfactory job. Councilwoman Gleba stated that on a few occasions the work crew began at 4:15 a.m. which is in direct violation with the Borough's Nuisance Ordinance. N.J.A.W. needs to be aware that they should not start work until 7:00 a.m. in the Borough. Councilwoman Gleba also stated that the street is in worse condition now than it was before the project. Councilman Higgins asked if the engineer would have to approve that. Manager Blanchard stated that when a street opening permit is opened, then the engineer has to inspect it. Councilwoman Gleba also commented that the Senior Committee will be getting ready for their second annual "Senior Night Out" later this summer. Lastly, Councilwoman Gleba asked Manager Blanchard for the updates on the street ordinance so the committee can finalize the ordinance and introduce to Council.

Mayor McDonald stated Mr. Dunn from Paramount Properties has not done anything that he has been asked to do. Mr. Dunn sent an email to Mayor McDonald asking for a meeting. Mayor McDonald replied that he is done with meeting with him and needs to see action on the properties. Mayor McDonald encouraged Council to call Mr. Dunn and perhaps that will get things moving.

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

Ayes: 7 Nays: 0
Motion Carried

RESOLUTION # 118-2014
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 Conry, seconded by Torres, to go out of Executive Session.

Ayes: 7, Nays: 0
Motion Carried

COUNCIL REMARKS:

Mayor McDonald stated that he received a letter from the Mayor of Oxford looking to possibly share some services such as the Clerk and D.P.W. Supervisor. Mayor McDonald added that he would get in touch with the Mayor from Oxford and go from there.

Councilwoman Conry added that she received an email from Recreation Chairman Cioni in regards to the underground pipes at the pool. The email illustrates how the pipes

before the improvement project were laid without any sand underneath acting as a cushion so when the earth moves, rocks fall onto the piping which causes leaks. The Recreation Commission would like to remedy the problem in conjunction with the Splash Pad project. Manager Blanchard added that she previously recommended abandoning the old pipe system and re-doing the pipes along the outside of the fence. Councilwoman Conry noted that is what Recreation is considering.

Councilman Thompson asked when the D.P.W. will start painting curbs and parking lot lines. Manager Blanchard replied that they usually start in August before school starts.

ADJOURNMENT:

Hearing no further business, a motion was made by Jones, seconded by Thompson to adjourn the meeting at 8:10 p.m.

Ayes: 7, Nays: 0
Motion Carried

Mayor Scott McDonald

Kristine Blanchard, RMC Borough Clerk