

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – February 17, 2015**

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.

Deputy Mayor Heinrich 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.”

Deputy Mayor Heinrich led everyone in the flag salute.

Roll Call: Conry, Thompson, Higgins, Klimko, Noone, Heinrich

Absent: McDonald

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

AUDIENCE:

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

Ms. Carly Sopko – Dietician, Shop Rite of Washington

Ms. Sopko stated that she provides free nutrition counseling, cooking classes and gives presentations on nutrition at local schools. Ms. Sopko added that March is National Nutrition Month and would like the Borough to provide a proclamation in support of that for the next meeting.

Mr. Marco Mateo – 13 Pleasant View Avenue

Mr. Marco Mateo stated that he met with Senator Michael Doherty on behalf of the Washington Theatre and Senator Doherty was in favor of the future vision of the theatre to become a cultural arts center for Warren County. Mr. Mateo has a non profit organization called the Washington Theatre Preservation Society to help guide the theatre in reopening. Mr. Mateo stated that Senator Doherty is going to sign a letter in support of the Washington Theatre’s historical significance and importance to the community. Mr. Mateo is trying to raise enough money to reopen the theatre and has also applied for

a grant from the Will Rogers Motion Picture Pioneer Foundation which will assist with the cost of the electric and in the reopening of the theatre if awarded. Councilwoman Klimko suggested Mr. Mateo look into getting some assistance with the oil heating in the Building through the New Jersey Energy Efficient Program. Mr. Mateo also asked Council how he can get more collaboration from the Washington Business Improvement District. Councilwoman Noone suggested he go to the BID office and ask to be put on the agenda for their next meeting.

Mrs. Lois Bauknight – 95 Lenape Trail

Mrs. Bauknight stated that she has received the materials sent to her on February 3, 2015 and has some questions in regards to the A.D.A. standards from 2010 and asked if the issues are fully resolved. Mr. Dawson Bloom, Finelli Engineering replied that there was not an issue with the standards, the Borough was asked to comply by the Department of Transportation with the standards which came into effect in 2013 as part of the North Lincoln Avenue paving project. Mrs. Bauknight stated that the letter says that the paving award was presented to the Borough in June of 2014 and she feels led on for months not knowing there was a problem. Manager Blanchard replied that the Borough was not aware that there was a problem until the plans were submitted to the State of New Jersey for review. Mr. Bloom added that the grant award is based on the application and once the grant is awarded, the plans and specifications for the project were put together and have to be approved by the Department of Transportation. Mr. Bloom added that the D.O.T. reviews the plans and will often have comments which they did in September stating that there should be additional corners included to be A.D.A. compliant. Mrs. Bauknight still feels that in September she was led to believe that the work was going to be started. Mr. Bloom added that he had every intention of staying on schedule and getting the project completed before the onset of winter but the handicapped access ramps were required to be done first but because the paving portion of the project was scheduled to be completed through a contract with the Morris County Co-op, they didn't have the ability to do the concrete work that needed to be done. Mr. Bloom added that the Borough had to seek out an additional contractor to complete the concrete work for the A.D.A. ramps with a bid that was appropriate. The project did not move forward because the Borough ran out of time with the onset of winter and the closing of the asphalt plants. Mr. Bloom added that the contractor has been selected for the concrete work and the project will move forward in the spring but an exact date can not be provided at this time. Mrs. Bauknight also asked if JCP&L was still involved in conversation whether they will continue to use North Lincoln Avenue as an access point and Mrs. Bauknight requested that the old canal road not be paved. Councilman Higgins and Manager Blanchard replied that the old canal road will not be paved. Mrs. Bauknight also asked if there was an update on the status of the Warren Hills Middle School paving project. Attorney Parikh replied that nothing further has happened than Mrs. Bauknight has already been updated on. Mrs. Bauknight stated that the cold patch that was placed in the potholes in front of Mt. Pisgah Ame Church has deteriorated down to nothing. Manager Blanchard replied that she will let D.P.W. know.

Ms. Kathy Bryant – Mt. Pisgah Ame Church Trustee

Ms. Bryant asked about the status of 149 North Lincoln Avenue which has dilapidated approximately ten to fifteen years ago. Manager Blanchard replied that the house is in foreclosure status and the owner has been identified. Manager Blanchard will get an update from C.F.O. Turchan on Thursday and provide that update to Ms. Bryant on Friday. Ms. Bryant also commented that she feels if the research was done before the grant was submitted instead of submitting the bare basics, the Borough and the engineer would have had a better idea about the A.D.A. requirements. Councilman Higgins replied that there are requirements that have to be met when a grant is submitted and the Borough met all of those requirements.

Ms. Shirley Coleman – North Lincoln Avenue

Ms. Coleman commented that she has waiting for fourteen years for North Lincoln Avenue to be fixed and paved. Ms. Coleman also commented that the work that was done to repair the potholes was horrible.

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

Ayes: 6, Nays: 0
Motion Carried

COMMITTEE REPORTS:

Sewer Committee

Councilman Higgins stated that the Sewer Committee reviewed the South Prospect Street sewer plans with the engineer tonight and the new pipe will be laid on Gardeners Court and come around down to Cornish Street which in turn will come across South Prospect Street and move on to the pumping station. Councilman Higgins added that it is the recommendation of the Sewer Committee to approve the plans. Mr. Bloom added that all of the properties basically from Cornish Street to the river and South Prospect Street and the alley way are now bypassed from the siphon. Due to the additional flow to the pump station which is a modification to the pump station, Mr. Bloom needs to file for a treatment works approval which he is working on now.

A motion made by Higgins, seconded by Thompson to approve the South Prospect Street sewer plans

Roll Call: Noone, Conry, Thompson, Heinrich, Higgins
Ayes: 5, Nays: 0

Abstain: (1) Klimko
Motion Carried

Streets Committee

Councilman Higgins stated that the mid block crosswalk was discussed at great length. Mr. Bloom added that the State of New Jersey will be repaving Route 57 all the way from Route 22 to Route 31. Through the state's process they have become more aware of the condition of the mid block crossing and it's time to move forward to address the issues before their project begins. Mr. Bloom would like to conduct a survey of the area to determine how to address the issue.

A motion made by Higgins, seconded by Klimko for Finelli Engineering to conduct a survey for the mid block crosswalk with a not to exceed of \$1,500.

Roll Call: Klimko, Noone, Conry, Thompson,
Heinrich, Higgins
Ayes: 6, Nays: 0
Motion Carried

NEW BUSINESS:

Resolution #38-2015 Redemption of Tax Sale Certificate

RESOLUTION #38-2015

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 November 7, 2014 to JU Solo 401K Trust, 42 Huntington Rd, Basking Ridge, NJ 07920, in the amount of \$1,469.67 for taxes or other municipal liens assessed for the year 2013 in the name of Schulze, James & Karen as supposed owners, and in said assessment and sale were described as 138 Belvidere Avenue, Block 30 Lot 6, which sale was evidenced by Certificate #14-00024; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 2-4-15 and before the right to redeem was cut off, as provided by law, Deutsche Bank on behalf of Ocwen Loan Servicing, claiming to have an interest in said lands, did redeem said lands claimed by JU Solo 401K Trust by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$2,931.90, which is the amount necessary to redeem Tax Sale Certificate #14-00024.

NOW THEREFORE BE IT RESOLVED, on this 17th day of February, 2015 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to JU Solo 401K Trust, 42 Hunting Rd, Basking Ridge, NJ 07920 in the **amount of \$4,731.90** (This amount consists of \$2,931.90 Certificate Amount redeemed + \$1,800.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 30 Lot 6 from the tax office records.

Resolution #39-2015 Redemption of Tax Sale Certificate

RESOLUTION #39-2015

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 November 7, 2014 to FWDSL & Associates LP, 5 Cold Hill Rd S Ste:11, Mendham, NJ 07945, in the amount of \$704.32 for taxes or other municipal liens assessed for the year 2013 in the name of Bridygham, Jamie & Frye, Angela as supposed owners, and in said assessment and sale were described as 239 Belvidere Avenue, Block 18.01 Lot 5, which sale was evidenced by Certificate #12-00019; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 2-5-15 and before the right to redeem was cut off, as provided by law, Comerica Bank on behalf of Corelogic Tax Service claiming to have an interest in said lands, did redeem said lands claimed by FWDSL & Associates LP by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,265.37 which is the amount necessary to redeem Tax Sale Certificate #12-00019.

NOW THEREFORE BE IT RESOLVED, on this 17th day of February, 2015 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to FWDSL & Associates LP, 5 Cold Hill Rd S Ste: 11, Mendham, NJ 07945 in the amount of **\$2,565.37** (This amount consists of \$1,265.37 Certificate Amount redeemed + \$1,300.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 18.01 Lot 5 from the tax office records.

Resolution #40-2015 Redemption of Tax Sale Certificate

RESOLUTION #40-2015

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 November 7, 2015 to US Bank Cust for Pro Capital 4, 50 S 16th Street, Suite 2050, Philadelphia, PA 19102, in the amount of \$527.20 for taxes or other municipal liens assessed for the year 2013 in the name of Lombardo, Philip as supposed owner, and in said assessment and sale were described as 33 Cornish St., Block 98 Lot 6, which sale was evidenced by Certificate #14-00068; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 2-05-15 and before the right to redeem was cut off, as provided by law, PNC Bank claiming to have an interest in said lands, did redeem said lands claimed by US Bank Cust for Pro Capital 4 by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,243.25 which is the amount necessary to redeem Tax Sale Certificate #14-00068.

NOW THEREFORE BE IT RESOLVED, on this 17th day of February, 2015 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 for Pro Capital 4, 50 S 16th Street, Suite 2050, Philadelphia, PA 19102 in the amount of **\$2,443.25**(this amount consists of \$1,243.25 Certificate Amount redeemed + \$1,200.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 98 Lot 6 from the tax office records.

Resolution #41-2015 Redemption of Tax Sale Certificate

RESOLUTION #41-2015

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 November 7, 2014 to FWDSL & Associates LP, 5 Cold Hill Rd S Ste:11, Mendham, NJ 07945, in the amount of \$527.31 for taxes or other municipal liens assessed for the year 2013 in the name of Callahan, Michael as supposed owner, and in said assessment and sale were described

as 29 Kinnaman Avenue, Block 6 Lot 1.01, which sale was evidenced by Certificate #14-00011; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 2-10-15 and before the right to redeem was cut off, as provided by law, USDA claiming to have an interest in said lands, did redeem said lands claimed by FWDSL & Associates LP by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,084.82 which is the amount necessary to redeem Tax Sale Certificate #14-00011.

NOW THEREFORE BE IT RESOLVED, on this 17th day of February, 2015 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to FWDSL & Associates LP, 5 Cold Hill Rd S Ste: 11, Mendham, NJ 07945 in the amount of **\$2,384.82** (This amount consists of \$1,084.82 Certificate Amount redeemed + \$1,300.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 6 Lot 1.01 from the tax office records.

Resolutions #38-2015, #39-2015, #40-2015, and #41-2015 were moved on a motion made by Conry, seconded by Klimko and approved.

Roll Call: Klimko, Noone, Conry, Thompson,
Heinrich, Higgins

Ayes: 6, Nays: 0

Abstain: (1) Thompson (#39-2015 only)

Motion Carried

Approval of Interlocal Agreement – Solid Waste Disposal Pollution Control Financing Authority of Warren County and the Borough of Washington

WHEREAS, the Borough has participated in an inter-local agreement with the Pollution Control Financing Authority of Warren County, the “Authority” to dispose of the Borough’s bulky waste; and

WHEREAS, the Authority has offer to renew the Agreement which shall commence on March 1, 2015 and terminate as of February 29, 2016 at a rate of \$74.00/ton and NJDEP Recycling Tax \$3.00/ton; and

WHEREAS, the Borough finds that it is in its best interest to renew the Agreement for another year; and

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 Mayor and Clerk are hereby authorized and directed to execute the Inter-local Agreement between the Borough and the Pollution Control Financing Authority of Warren County for the year 2015 for an amount not to exceed \$74.00/ton.

A motion was made by Higgins, seconded by Conry to approve the Annual Inter-local Agreement for Solid Waste Disposal.

Roll Call: Klimko, Noone, Conry, Thompson,
Heinrich, Higgins
Ayes: 6, Nays: 0
Motion Carried

VOUCHERS:

Deputy Mayor Heinrich entertained a motion to approve the vouchers and claims in the amount of \$280,479.55

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

Roll Call: Noone, Conry, Klimko, Thompson, Heinrich, Higgins
Ayes: 6, Nays: 0
Motion Carried.

RECAP:

Manager Blanchard will have the D.P.W. return to North Lincoln Avenue to take a look at the cold patch that was placed a few weeks ago and see what can be done to repair it. Manager Blanchard will also follow up with C.F.O. Turchan to determine where 149 North Lincoln Avenue is in the foreclosure process. Manager Blanchard will prepare a resolution for the next meeting regarding the treatment works approval and will negotiate with Veolia for the approved South Prospect Street sewer plans. Mr. Bloom will provide Manager Blanchard with a not to exceed \$1,500 letter for the survey work near the crosswalk and he will also provided the cost estimates for the work that needs to be done

to repair the crosswalk downtown. Manager Blanchard will also prepare the proclamation naming March as National Nutrition Month. Manager Blanchard stated that her and C.F.O. Turchan provided Council with the completed Annual Financial Statement and the Annual Debt Statement so as budget meeting needs to be established. Council agreed to Tuesday, February 24th from 6:00 p.m. to 8:00 p.m.

COUNCIL REMARKS:

Councilman Higgins asked Manager Blanchard to call and research the cost of renting an industrial strength snow blower for the next winter season. Councilman Higgins asked what needs to be done to get the time clocks taken care of. Manager Blanchard and Councilman Higgins agreed that it would be a good idea to run a pilot program with the seasonal staff.

Councilwoman Klimko stated that residents received an automatic robocall in the middle of the night from the Washington Township Police Department in regards to the snow storm. Manger Blanchard replied that she spoke with Deputy Chief Cicerelle today and that the phone call was an internal error and they put out a public apology to the residents. Councilwoman Klimko also noted that the Washington Township Police were going around today with a megaphone asking residents to move their cars so that the D.P.W. can plow. Councilwoman Klimko was glad to see that action was finally being taken. Councilman Higgins asked Manager Blanchard to touch base with the Washington Township Police Department regarding snow emergency policies.

Councilman Thompson suggested advertising the Borough's snow emergencies on WFMZ channel 69 news as another form of communication to the Borough's residents.

EXECUTIVE SESSION:

At this time, Deputy Mayor Heinrich stated that an Executive Session is needed. A motion was made by Higgins, seconded by Klimko to enter into Executive Session after a ten minute recess.

Ayes: 6 Nays: 0
Motion Carried

RESOLUTION # 42-2015
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 Conry, to go out of Executive Session.

Ayes: 6, Nays: 0
Motion Carried

ADJOURNMENT:

Hearing no further business, a motion was made by Klimko, seconded by Higgins to adjourn the meeting at 8:45 p.m.

Ayes: 6, Nays: 0
Motion Carried

Deputy Mayor Michael Heinrich

Kristine Blanchard, RMC Borough Clerk

