

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – March 10, 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.

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: Conry, McDonald, Higgins, Klimko, Heinrich, Thompson

Absent: Noone

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

PROCLAMATION:

**A PROCLAMATION OF THE BOROUGH OF WASHINGTON
PROCLAIMING MARCH AS NATIONAL NUTRITION MONTH**

WHEREAS, food is the substance by which life is sustained; and

WHEREAS, the type, quality, and amount of food that individuals consume each day plays a vital role in their overall health and physical fitness; and

WHEREAS, there is a need for continuing education and a wide-scale effort to enhance healthy eating practices; and

NOW, THEREFORE, the governing body of the Borough of Washington,

DO HEREBY PROCLAIM, the month of March as NATIONAL NUTRITION MONTH in Washington Borough, New Jersey, and we encourage all citizens to join the campaign and become concerned about their nutrition and the nutrition of others in the

hope of achieving optimum health for both today and tomorrow.

Ms. Sopko thanked Council for having her and added that she is the registered dietician at the Shop Rite in Washington which allows her to conduct free healthy nutrition programs for the community.

MINUTES:

Regular Meetings – February 3, 2015 and February 17, 2015

Motion made by Higgins, seconded by Thompson to approve the Regular Meeting minutes of February 3, 2015 and February 17, 2015

Ayes: 6 Nays: 0
Motion Carried

ORDINANCES:

Ordinance 2-2015 An Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank N.J.S.A. 40A: 4-45.14 (Introduction)

Motion made by Higgins seconded by Conry to introduce Ordinance 2 – 2015 and have the Clerk read by title.

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

The Clerk read Ordinance 2-2015 An Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank N.J.S.A. 40A: 4-45.14

#2-2015

CALENDAR YEAR 2015
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any

increase in said budget up to 1.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough of Washington in the County of Warren finds it advisable and necessary to increase its CY 2015 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough of Washington hereby determines that a 2.0 % increase in the budget for said year, amounting to \$ 58,179.60 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Borough of Washington hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough of Washington, in the County of Warren, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2015 budget year, the final appropriations of the Washington Borough shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$ 101,814.30, and that the CY 2015 municipal budget for the Washington Borough be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Motion made by Higgins seconded by Conry to introduce Ordinance 2 – 2015 and have the Clerk read by title.

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

Public Hearing of Ordinance 2-2015 An Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank N.J.S.A. 40A: 4-45.14 will be on April 7, 2015 and advertisement of the Public Hearing will be in the Star Gazette on March 20, 2015.

A motion was made by Higgins, seconded by Conry to approve advertisement of the Public Hearing of Ordinance 2-2015.

Ayes: 6, Nays: 0
Motion Carried

INTRODUCTION OF MUNICIPAL BUDGET:

Resolution #56-2015 Resolution of Self Examination of Budget

RESOLUTION #56-2015

SELF-EXAMINATION OF BUDGET RESOLUTION

[as required by DCA]

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Borough of Washington has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local

government meets the necessary conditions to participate in the program for the 2013 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the *Borough of Washington* that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Resolution #56-2015 was moved on a motion made by Conry, seconded by Heinrich and approved.

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

Ayes: 6, Nays: 0

Motion Carried

Resolution #57-2015 Introduction of 2015 Municipal Budget

Resolution #57-2015 was moved on a motion made by Conry, seconded by Thompson and approved.

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

Ayes: 6, Nays: 0

Motion Carried

AUDIENCE:

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

Mr. Michael Gessner – 440 State Route 57 West

Mr. Gessner stated that he had a grievance against two Borough employees, Mr. Rudy Bescherer the Code Enforcement Officer and Ms. Kristine Blanchard the Borough Manager. Mr. Gessner stated that he is the owner of the building at 51 Broad Street since 1970. The building had previously been an auto parts store and before that a car dealership. Mr. Gessner added that the building has always had many uses for a variety of businesses over the years. Mr. Gessner stated that in 2007 he sold the building to Mr. Kenneth Hale in which a down payment was received but Mr. Gessner still held the mortgage. The arrangement did not work out as Mr. Hale stopped making payments after 18 months so the property went into foreclosure. Mr. Gessner got the property back in 2012 losing in excess of \$200,000 on the mortgage which has caused financial distress. Late in 2012, Mr. Gessner met with Patrick Stefanelli who was the Zoning Officer for the Borough at the time. Mr. Gessner added that the building is in a residential/office building zone so the building has always been non-conforming but grandfathered in. Mr. Gessner added that Zoning Office Stefanelli told him that the building will never be a residence or an office building and the only good use for the building was a garage. In March of 2013, Mr. Gessner had a car club that was interested in renting the space to use

as a garage. Mr. Gessner added that he checked with Zoning Officer Stefanelli and as long as there were quiet times to respect the neighbors and no business of repairing cars then it was permissible. Mr. Gessner stated that all was fine until six months later when he received a summons from Code Enforcement Officer Bescherer unbeknownst to Zoning Officer Stefanelli. Mr. Gessner went to court in regards to the matter multiple times and finally was presented with a plea bargain; plead guilty to a noise violation, pay a \$500 fine and everything will be straightened out. Mr. Gessner stated that a few days later another summons was received by Mr. Gessner's tenants. Mr. Gessner would like to see his legal costs reimbursed by the town, Code Enforcement Officer Bescherer fired for writing an illegal zoning summons and Manager Blanchard fired for condoning Code Enforcement Bescherer's illegal behavior. Mayor McDonald replied that Council can not speak about any employee until that employee has been Rice Noticed and a hearing is scheduled.

Mr. Kevin Miele Jr. – 85 Park Avenue

Mr. Miele stated that he has been given three different summonses in his name from Code Enforcement Bescherer in regards to the car club located at 51 Broad Street. Mr. Miele added that there is nothing in the Washington Borough Codebook that states that a resident is not allowed to work on their own car on a property that they own or rent. Mr. Miele filed a formal complaint because he can not find any justification for the summonses written by Code Enforcement Officer Bescherer. Mr. Miele stated that he went to court twice under the impression that he was going to have the charges dismissed which he was led to believe after discussions with Manager Blanchard, which did not happen. Attorney Parikh added that any formal complaint must be submitted in writing to Council.

Ms. Patricia Horace - 107 E. Washington Avenue

Ms. Horace stated that her daughter's car was towed from in front of their home while the Borough was removing snow during the overnight hours from the business area on Washington Avenue. Ms. Horace added that she feels there was not ample notification regarding the temporary no parking signs and has received conflicting reports as to exactly what time the signs were placed. Ms. Horace also stated that she has a problem with members of Gibson's Gym parking in front of the homes near the gym when they could be parking in the lot behind the gym. Mayor McDonald replied that this is a matter for the Washington Township Police Department to handle and he will speak to the WTPD and ask them to make sure they give at least 24 hours notice to the residents affected in the future.

Mr. Pete Mulligan – 46 Carlton Avenue

Mr. Mulligan asked for an update on the Warren Hills Middle School paving project which floods his basement and neighbor's garages every time it rains. Attorney Parikh replied that Mr. Dawson Bloom from Finelli Engineering is looking into the situation and

that is the only update that can be provided at this time. Mr. Mulligan added that he understands that the Borough is not at fault, but this situation has been dragged out too long and would like the problem resolved as soon as possible. Councilman Higgins stated that the Streets Committee is having a meeting with Mr. Bloom on this issue on Monday morning in the conference room and Mr. Mulligan will join them.

Mr. Jonathan Demicco – 26 Beethoven Avenue

Mr. Demicco stated that he has been a Borough resident since 2012 and unfortunately he has no driveway or garage on his property. Mr. Demicco added that he has two personal vehicles and one company owned vehicle and complained about getting tickets during the winter months for parking his vehicles on the street when the road is snow covered. Mr. Demicco would like to see the ordinance changed for people who do not have driveways or places to park on their property when the road is snow covered. Mayor McDonald replied that this discussion comes up just about every year and there really is no workable solution because the streets need to be cleaned.

Hearing no further comments from the audience a motion was made by Higgins, seconded by Klimko 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. Municipal Court Report – January 2015
2. Code Enforcement Report – January 2015

Ayes: 6, Nays: 0
Motion Carried

NEW BUSINESS:

Approval for ABC License for Washington Fire Department – Comedy Night April 25, 2015

A motion was made by Higgins, seconded by Conry to approve the ABC License for the Washington Fire Department – Comedy Night for April 25, 2015

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

Resolution #43-2015 Appointing David Allin as Fire Official

RESOLUTION #43-2015

**RESOLUTION OF THE BOROUGH OF WASHINGTON APPOINTING
DAVID ALLIN AS FIRE OFFICIAL**

WHEREAS, the State of New Jersey requires an official Resolution of the Governing Body for the Appointment of Fire Official; and

WHEREAS, the Governing Body of Washington Borough has been informed by the Borough Manager, Kristine Blanchard and the Fire Chief, Robert Cammarato of their recommendation of David Allin to the position of Fire Official, pending a Civil Service Examination; and

NOW THEREFORE BE IT RESOLVED, by the Governing Body of Washington Borough in the County of Warren, and the State of New Jersey that David Allin is hereby appointed by the Governing Body of Washington Borough as the Fire Official of the Borough of Washington.

Resolution #43-2015 was moved on a motion made by Higgins, seconded by Conry and approved.

Ayes: 6, Nays: 0
Motion Carried

Resolution #44-2015 Authorizing the Transfer of Reserve Appropriations

RESOLUTION #44-2015

**A RESOLUTION AUTHORIZING THE TRANSFER OF RESERVE
APPROPRIATIONS**

WHEREAS, N.J.S.A. 40A: 4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made by not less the 2/3 vote of the full membership of the governing body from unexpended balances which are expected to be sufficient to accounts with insufficient appropriation balances during the first three months of the succeeding year; and

WHEREAS, the Borough Manager and the Chief Financial Officer have determined that excess appropriations do exist in some accounts and there is a need for supplemental appropriations in other 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 following appropriation transfers are hereby approved:

<u>Transfer From:</u>	<u>Transfer To:</u>	
<u>Amount:</u>		
COLLECTION OF TAXES	COLLECTION OF TAXES	1,000.00
Salary & Wages	Other Expenses	
COLLECTION OF TAXES	PLANNING BOARD	1,600.00
Salary & Wages	Other Expenses	
COLLECTION OF TAXES	GENERAL ADMINISTRATION	700.00
Salary & Wages	Other Expenses	
TOTALS OF ALL TRANSFERS		\$3,300.00

Resolution #44-2015 was moved on a motion made by Higgins, seconded by Thompson and approved.

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

Ayes: 6, Nays: 0

Motion Carried

Resolution #45-2015 Resolution for Redemption of Tax Sale Certificate

RESOLUTION #45-2015

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 \$647.23 for taxes or other municipal liens assessed for the year 2013 in the name of Forsythe, Victoria as supposed owner, and in said assessment and sale were described as 102 Myrtle Avenue, Block 44 Lot 28, which sale was evidenced by Certificate #13-00021; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that due to bankruptcy filing, the right to redeem was cut off, as provided by law, and said lands claimed by FWDSL & Associates LP will be reimbursed by the taxing district of Washington Borough the amount of \$1,467.55 which is the amount necessary to redeem Tax Sale Certificate #13-00021.

NOW THEREFORE BE IT RESOLVED, on this 3rd day of March, 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 **\$2,767.55** (This amount consists of \$1,467.55 Certificate Amount redeemed + \$1,300.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 44 Lot 28 from the tax office records.

Resolution #46-2015 Resolution for Redemption of Tax Sale Certificate

RESOLUTION #46-2015

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 October 25, 2012 to FWDSL & Associates LP, 5 Cold Hill Rd S Ste:11, Mendham, NJ 07945, in the amount of \$6,328.99 for taxes or other municipal liens assessed for the year 2011 in the name

of Thompson, Christy A. as supposed owner, and in said assessment and sale were described as 44 South Lincoln Avenue, Block 95 Lot 26, which sale was evidenced by Certificate #12-00053; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 2-23-15 and before the right to redeem was cut off, as provided by law, James A. Moody 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 \$28,150.25 which is the amount necessary to redeem Tax Sale Certificate #12-00053.

NOW THEREFORE BE IT RESOLVED, on this 3rd day of March, 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 **\$43,150.25** (This amount consists of \$28,150.25 Certificate Amount redeemed + \$15,000.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 95 Lot 26 from the tax office records.

Resolution #48-2015 Resolution for Redemption of Tax Sale Certificate

RESOLUTION #48-2015

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 \$701.14 for taxes or other municipal liens assessed for the year 2013 in the name of Miele, Joseph T. & Nancy J. as supposed owners, and in said assessment and sale were described as 8 Miller Avenue, Block 2 Lot 11, which sale was evidenced by Certificate #14-00002; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 2-24-15 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 \$1,263.85 which is the amount necessary to redeem Tax Sale Certificate #14-00002.

NOW THEREFORE BE IT RESOLVED, on this 3rd day of March, 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 **\$2,563.85** (This amount consists of \$1,263.85 Certificate Amount redeemed + \$1,300.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 2 Lot 11 from the tax office records.

Resolution #49-2015 Resolution for Redemption of Tax Sale Certificate

RESOLUTION #49-2015

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 \$476.80 for taxes or other municipal liens assessed for the year 2013 in the name of Ogwumike, J. /Lawal, A. K./ Odukwu, K.P. as supposed owners, and in said assessment and sale were described as 2 Heather Hill Rd., Block 44 Lot 34.11, which sale was evidenced by Certificate #14-00035; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 2-24-15 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 US Bank Cust for Pro Capital 4 by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,194.15 which is the amount necessary to redeem Tax Sale Certificate #14-00035.

NOW THEREFORE BE IT RESOLVED, on this 3rd day of March, 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 **\$2,394.15** (this amount consists of \$1,194.15 Certificate Amount redeemed + \$1,200.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 44 Lot 34.11 from the tax office records.

Resolution #50-2015 Resolution for Redemption of Tax Sale Certificate

RESOLUTION #50-2015

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 Arthur Frustaci, 1178 Fifth Avenue, Alpha, NJ 08865, in the amount of \$479.50 for taxes or other municipal liens assessed for the year 2013 in the name of Anderson, Michael & Samantha, as supposed owners, and in said assessment and sale were described as 5 Sunrise Terrace, Block 43 Lot 4, which sale was evidenced by Certificate #14-00031; and

WHEREAS, I, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 2-24-15 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 Arthur Frustaci by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,196.95, which is the amount necessary to redeem Tax Sale Certificate #14-00031.

NOW THEREFORE BE IT RESOLVED, on this 3rd day of March, 2015 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Arthur Frustaci, 1178 Fifth Avenue, Alpha, NJ 08865 in the **amount of \$2,496.95** (this amount consists of \$1,196.95 Certificate Amount + \$1,300.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 43 Lot 4 from the tax office records.

Resolution #51-2015 Resolution for Redemption of Tax Sale Certificate

RESOLUTION #51-2015

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 Ayres, Raymond & Clara as supposed owners, and in said assessment and sale were described as 15 Ramapo Way, Block 101 Lot 15.07, which sale was evidenced by Certificate #14-00077; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 2-24-15 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 \$1,267.10 which is the amount necessary to redeem Tax Sale Certificate #14-00077.

NOW THEREFORE BE IT RESOLVED, on this 3rd day of March, 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 **\$2,567.10** (This amount consists of \$1,267.10 Certificate Amount redeemed + \$1,300.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 101 Lot 15.07 from the tax office records.

Resolutions # 45-2015, #46-2015, #48-2015, #49-2015, #50-2015, and #51-2015 were moved on a motion made by Conry, seconded by Thompson and approved.

Roll Call: Klimko, Conry, McDonald,
Heinrich, Higgins, Thompson
Ayes: 6, Nays: 0
Abstain : (1) Higgins - #45-2015 & #46-2015 only
Motion Carried

Resolution #52-2015 Appointment to Planning Board – Employee Rep. David Allin

RESOLUTION #52-2015

Planning Board

WHEREAS, the Borough of Washington, Warren County, New Jersey is governed by Plan “E” of Municipal Charter Law; and

WHEREAS, under this plan the Mayor is directed and authorized to appoint members of the Planning Board.

WHEREAS, the Mayor has designated the following person as his appointee;

WHEREAS, The Council does approve of this appointment.

NOW, THEREFORE, BE IT RESOLVED, that the following named person is appointed to the Planning Board for a term ending **December 31, 2015**.

David Allin

Employee Representative

Resolution #52-2015 was moved on a motion made by Heinrich, seconded by Conry and approved.

Ayes: 6, Nays: 0
Motion Carried

Resolution #53-2015 Authorizing the Acceptance of Surplus Property from the Township of Washington for Nominal Consideration

RESOLUTION #53-2015

RESOLUTION AUTHORIZING THE ACCEPTANCE OF SURPLUS PROPERTY FROM THE TOWNSHIP OF WASHINGTON FOR NOMINAL CONSIDERATION

WHEREAS, *N.J.S.A. 40A:11-36(2)* permits a municipality by resolution to purchase personal property not needed for public use from another contracting unit without advertisement or auction; and

WHEREAS, the Township of Washington has a 2003 Ford Crown Vic which is no longer needed by the township; and

WHEREAS, the Borough of Washington is interested in acquiring this vehicle; and

WHEREAS, the township desires to sell the vehicle to the Borough of Washington for nominal consideration.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Washington, County of Warren that:

Ownership of the vehicle listed below is hereby accepted by the Borough of Washington for \$1.00:

Make/Model VIN

Make/Model

VIN #

2003 Ford Crown Vic

3X213851

Resolution #53-2015 was moved on a motion made by Conry, seconded by Thompson and approved.

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

Ayes: 6, Nays: 0

Motion Carried

Resolution #54-2015 Providing for Temporary Current Fund Appropriations

RESOLUTION #54-2015

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

WHEREAS, N.J.S.A. 40A: 4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the 2015 Budget, temporary appropriations should be made for the purpose and amount required in the manner and time therein provided; and

WHEREAS, the date of this resolution is within the first thirty days of January, 2015; and

WHEREAS, the total temporary appropriations in the 2015 budget, exclusive of any appropriations made for interest, and debt redemption charges, grants and capital improvements, is the sum of \$1,344,209.57; and

WHEREAS, 26.25% of the total appropriations in the 2014 Budget, exclusive of any appropriation made for interest and debt redemption charges, grants and capital improvements in said 2014 Budget is the sum of \$1,692,730.14

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey do hereby make the following temporary appropriations per the attached:

TOTAL APPROPRIATIONS WITHIN 26.25% LIMITATION	\$1,344,209.57
TOTAL CAPITAL AND DEBT SERVICE	\$882,000.00
TOTAL ALL TEMPORARY APPROPRIATIONS:	\$2,226,209.57

Resolution #54-2015 was moved on a motion made by Heinrich, seconded by Conry and approved.

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

Ayes: 6, Nays: 0

Motion Carried

Resolution #55-2015 Providing for Temporary Sewer Utility Appropriations

RESOLUTION #55-2015

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

WHEREAS, N.J.S.A. 40A: 4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the 2014 Budget, temporary appropriations should be made for the purpose and amount required in the manner and time therein provided; and

WHEREAS, the date of this resolution is within the first thirty days of January, 2015; and

WHEREAS, the total temporary appropriations in the 2015 sewer utility budget, exclusive of any appropriations made for interest, and debt redemption charges, grants and capital improvements, is the sum of \$317,000.00; and

WHEREAS, 26.25% of the total appropriations in the 2014 Budget, exclusive of any appropriation made for interest and debt redemption charges, grants and capital improvements in said 2014 Budget is the sum of \$332,794.41

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey do hereby make the following temporary appropriations per the attached:

TOTAL APPROPRIATIONS WITHIN 26.25% LIMITATION	\$317,000.00
TOTAL CAPITAL AND DEBT SERVICE	\$957,510.00
TOTAL ALL TEMPORARY APPROPRIATIONS:	\$1,274,510.00

Resolution #55-2015 was moved on a motion made by Conry, seconded by Thompson and approved.

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

Ayes: 6, Nays: 0

Motion Carried

VOUCHERS:

Mayor McDonald entertained a motion to approve the vouchers and claims in the amount of \$1,550,457.96

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

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

Ayes: 6, Nays: 0

Abstain: (1) Thompson (Fire & EMS only)

Motion Carried.

RECAP:

Manager Blanchard will follow up with Deputy Chief Cicerelle on times of the placement of the no parking signs on Washington Avenue. Manager Blanchard will also peak to Mr. Dawson Bloom in regards to Carlton Avenue and make sure he has time to conduct a site visit before Monday morning. Manager Blanchard added that Code Enforcement Office Bescherer and herself will be Rice Noticed.

COUNCIL REMARKS:

Councilman Heinrich advised Council that the Senior Advisory Committee has begun posting and distributing a flyer for the trip to the Sands Casino for May 16, 2015.

Councilman Thompson asked if there will be follow up in regards to all the potholes that are popping up. Manager Blanchard replied that the D.P.W. will address the potholes when the hot and cold patch becomes available. Councilman Thompson also asked for an updated foreclosure property list.

Councilwoman Klimko asked for an update on the status of the time clocks. Manager Blanchard replied that it was discussed at a previous meeting that the Borough would move forward with the time clocks using the seasonal staff as a pilot. Councilwoman Klimko also asked if the snow removal efforts were only being done downtown. Manager Blanchard replied that the D.P.W. will be doing snow removal in the downtown area on Route 57 up to Philbert's Pub and on Broad Street starting near Washington Shoe Repair and continued past Borough Hall on Belvidere Avenue.

Councilman Higgins asked Manager Blanchard about the memo that pertains to the lighting in the pedestrian crosswalk. Manager Blanchard replied that Mr. Bloom will be addressing this issue Monday morning with the Streets Committee but his recommendation is that the Borough should sign the Resolution from the State and move forward. Councilman Higgins has an issue with the fact that the Department of Transportation waited 8 years to ask the Borough to sign an agreement to take responsibility for the crosswalk. Councilman Higgins also stated that he had information from Rutgers University for free tickets to their sporting events that can be passed on to the Recreation Commission.

Councilwoman Klimko asked about the municipal parking lot near the clock in the center of town and where the residents who live in the apartments and condominiums are supposed to park. Manager Blanchard replied that the Borough has an agreement with Mr. VanCleaf to provide his tenants with 98 parking stickers per year and they can park anywhere in that lot. Councilwoman Klimko added that this causes issues for those who want to shop downtown and the spots are full and also during the winter months when the lot needs to be plowed and it is full. Councilman Klimko feels it would be better for the VanCleaf residents to park towards the back of the lot. Manager Blanchard replied that it does not specify in the developer's agreement where the residents can and can not park. Mayor McDonald added that the front part of the lot is supposed to be two hour parking which is enforced occasionally.

Councilwoman Conry asked if there will be an additional handicapped parking space in front of the Warren County Pharmacy as previously discussed. Councilman Higgins replied yes the space will be added but after the paving of Route 57 is finished.

Councilman Thompson asked who owns the road located directly behind the VanCleaf building because there is a huge pothole back there. Mayor McDonald replied that the owner can not be found. Manager Blanchard replied that the Borough usually ends up filling the potholes in every year once the snow has stopped and the hot patch and cold patch come available.

Councilman Heinrich asked that the Streets Committee discuss alternatives to asphalt paving with the engineer at their next meeting in order to possibly get more roads in the Borough paved for less money. Councilman Heinrich also added that Thursday, March 19th the E.P.A. will hold two information sessions from 2:00pm to 4:00pm and 6:00pm to

8:00pm in the Fire Hall discussing the work being performed near the Park Avenue Apartments.

Councilman Higgins added that once Route 57 is paved, a small portion of the Streets and Roads budget of \$200,000 may have to be used to fix the crosswalk.

Mayor McDonald stated that he attended a streets forum in Washington Township and will forward the handouts to Councilman Higgins and the Streets Committee. Mayor McDonald added that he received an update from Mr. Dunn in regards to Paramount Properties and he anticipates that the apartments at 14-16 Washington Avenue will be ready to be rented April 1st.

EXECUTIVE SESSION:

At this time, Mayor McDonald stated that an Executive Session is needed for the purpose of litigation, contracts and for discussion of attorney privilege. A motion was made by Heinrich, seconded by Thompson to enter into Executive Session after a ten minute recess.

Ayes: 6 Nays: 0
Motion Carried

RESOLUTION # -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 Thompson, to go out of Executive Session.

Ayes: 6, Nays: 0
Motion Carried

ADJOURNMENT:

Hearing no further business, a motion was made by Higgins, seconded by Conry to adjourn the meeting at 8:55 p.m.

Ayes: 6, Nays: 0
Motion Carried

Mayor Scott McDonald

Kristine Blanchard, RMC Borough Clerk