

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – May 19, 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, Higgins, McDonald, Noone, Heinrich,
Klimko

Absent: Thompson

Also Present: Pat Titus, Acting Clerk
Dick Cushing, Municipal Attorney, Dawson Bloom,
Municipal Engineer

MINUTES:

Regular Meeting – May 05, 2015

Motion made by Heinrich, seconded by Conry to approve the Regular Meeting minutes of May 05, 2015.

Ayes: 6 Nays: 0
Motion Carried

CORRESPONDENCE:

A motion was made by Higgins, seconded by Conry to receive and file the following correspondence:

1. Outside Dining Table Request – Arcana

2. Permission for Block Party Saturday August 1st – Sunrise Terrace

Ayes: 6, Nays: 0
Motion Carried

A motion was made by Higgins, seconded by Conry to approve the outdoor dining table request for Arcana.

Ayes: 6, Nays: 0
Motion Carried

A motion was made by Conry, seconded by Noone to approve the block party on August 1, 2015 requested by the residents of Sunrise Terrace.

Council Discussion:

Mayor McDonald asked that Manager Blanchard lets the residents know all of the requirements and forwards the information to the D.P.W. so they can deliver the barriers to the location before the event. Councilman Higgins added that the request should be forwarded to the Washington Township Police Department, Fire Department and Emergency Squad.

Ayes: 6, Nays: 0
Motion Carried

AUDIENCE:

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

Reverend Terrilisa Bauknight – Mt. Pisgah Ame Church

Reverend Bauknight stated that the Mt. Pisgah Ame Church had a problem on Sunday with the resident located at 167 North Lincoln Avenue. The resident parked an entire tractor trailer on the road which is a problem not only due to the weight of the tractor trailer but it was also impeding traffic flow. The police officer called to the scene was unsure of the weight limit. Reverend Bauknight added that she found the ordinance which states that the limit is 4 tons on any Borough streets. The resident ended up

moving the truck after the officer came back to the scene. This resident also has a pool in the yard which is only fenced off with plastic construction fencing which is a hazard to the neighborhood. Mayor McDonald advised Reverend Bauknight to inform Code Enforcement Officer Bescherer about the pool and to call the Washington Township Police Department any time the tractor trailer is parked there and the police will have the resident move it. Reverend Bauknight also added that she sees that the curbing work has begun on North Lincoln Avenue and would like to know when the paving will begin. Mr. Bloom from Finelli Engineering replied that the curbs are complete and the sidewalk is scheduled to be put in tomorrow. Mr. Bloom added that once the sidewalks are completed, he will be scheduling the paving and the residents in that area will be notified of the date. Reverend Bauknight also added that there is a home on West Washington Avenue directly across the street from the H&R Block that has a wall that collapsed last year and debris is rolling into the sidewalk. Mayor McDonald asked that Manager Blanchard look into the situation and if the debris is blocking the sidewalk.

Kathy Bryant – Mt. Pisgah Ame Church

Ms. Bryant stated that the Washington Township Police Officer at the scene of the dispute in regards to the tractor trailer on North Lincoln Avenue was Officer Magyar. Ms. Bryant feels it would have been much more efficient for an officer to radio in to headquarters to find out the details of an ordinance rather than leaving the scene and returning twenty minutes later. Mayor McDonald added that when there is a new ordinance like the one in question, the information goes to Deputy Chief Cicerelle and is then disseminated out to all of the officers. Ms. Bryant also addressed the fact that 149 North Lincoln Avenue is a condemned home and has been for a very long time. Ms. Bryant added that the homeowner has failed to have the house knocked down. Ms. Bryant is wondering why no action has been taken so far by the Borough of Washington. Councilwoman Conry added that the home is in foreclosure and since it is still owned by a bank so the Borough of Washington can not move forward with the demolition because the Borough would be responsible for the cost of demolition. Attorney Cushing suggested that he could send a letter from his office to the mortgage holder to try to get the identification of the bank and provide pressure to get some progress that way.

Shirley Coleman – 166 North Lincoln Avenue

Mrs. Coleman stated that she was the resident that called the Washington Township Police Department in regards to the tractor trailer parked on North Lincoln Avenue this past Sunday. Mrs. Coleman added that when Officer Magyar told the person responsible for the tractor trailer to move it, he also made Mrs. Coleman's husband move his van due to the fact that it is also over four tons and according to the Borough's ordinance it can not be parked on the street. Mrs. Coleman believes there are many vans or trucks that are probably over four tons parked in the Borough. Councilman Higgins clarified that the vehicles can be parked in the homeowner's driveway just not on the streets.

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

Ayes: 6, Nays: 0
Motion Carried

ORDINANCES:

Ordinance 4-2015 An Ordinance Providing Funding for a Zero Turn Lawnmower for the Borough of Washington and Appropriating \$6,000 for Such Purposes (Public Hearing / Adoption)

Motion made by Conry, seconded by Noone to introduce Ordinance 4 – 2015 on final passage and have clerk read by title and publication statement.

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

The Clerk read Ordinance 4-2015 An Ordinance Providing Funding for a Zero Turn Lawnmower for the Borough of Washington and Appropriating \$6,000 for Such Purposes

ORDINANCE #4-2015

AN ORDINANCE PROVIDING FUNDING FOR A ZERO TURN LAWNMOWER FOR THE BOROUGH OF WASHINGTON AND APPROPRIATING \$6,000 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 the acquisition of a zero turn lawnmower, for the Borough of Washington to be funded from the sources specified in Section 2 of the Ordinance.

Section 2. The amount of \$6,000 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 \$6,000.

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.

This Ordinance shall take effect immediately upon final adoption and publication according to law.

Public Hearing:

Hearing no comments from the public, a motion was made by Heinrich, seconded by Noone to close the public hearing of Ordinance #4-2015.

Ayes: 6, Nays: 0
Motion Carried

Hearing no further comments, a motion was made by Conry, seconded by Heinrich to adopt Ordinance #4-2015 on final passage.

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

Ordinance 5-2015 An Ordinance Providing Funding for Various Capital Purposes for the Borough of Washington and Appropriating \$298,000 for Such Purposes (Introduction)

Motion made by Conry, seconded by Heinrich to introduce Ordinance 5 – 2015 and have the Clerk read by title.

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

The Clerk read Ordinance 5-2015 An Ordinance Providing Funding for Various Capital Purposes for the Borough of Washington and Appropriating \$298,000 for Such Purposes

ORDINANCE #5-2015

AN ORDINANCE PROVIDING FUNDING FOR VARIOUS CAPITAL PURPOSES FOR THE BOROUGH OF WASHINGTON AND APPROPRIATING \$298,000 FOR SUCH PURPOSE.

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, including but not limited to various road improvements, acquisition of a mason dump truck, acquisition of fire equipment and computer server for the Borough of Washington, to be funded from the sources specified in Section 2 of the Ordinance.

Section 2. The amount of \$298,000 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 \$298,000.

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.

Motion made by Conry, seconded by Heinrich to approve Ordinance 5 – 2015 on first reading.

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

Public Hearing of Ordinance 5-2015 An Ordinance Providing Funding for Various Capital Purposes for the Borough of Washington and Appropriating \$298,000 for Such Purposes will be on June 16, 2015 and advertisement of the Public Hearing will be in the Star Gazette on May 29, 2015.

A motion was made by Higgins, seconded by Conry to approve advertisement of the Public Hearing of Ordinance 5-2015.

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

REPORTS:

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

1. Municipal Court Report – April 2015

Ayes: 6, Nays: 0
Motion Carried

COMMITTEE REPORTS:

Streets Committee

Councilman Higgins noted that the Streets Committee will be meeting on Tuesday, May 26th at 3:15 p.m.

Senior Advisory Committee

Councilwoman Klimko stated that the Senior Advisory Committee held their trip to the Sands Casino in Bethlehem this past Saturday and everything went very well.

NEW BUSINESS:

COAH Discussion – Dick Cushing, Municipal Attorney

Attorney Cushing informed Council on recent court rulings on affordable housing and how that may affect the Borough of Washington. Attorney Cushing also referenced memos provided to Council from Heyer, Gruel & Associates and Scholl, Whittlesey & Gruenberg, LLC. Attorney Cushing added that in the 1980's, the Supreme Court of New Jersey came up with a decision arising out of Mount Laurel, NJ which allowed for the construction of low and moderate income housing and if municipalities did not comply with this decision, builders could come in and strip the municipality of its zoning power and would be afforded the remedy as the builder saw fit with some affordable housing being built in connection with that. Ultimately legislature came up with a solution called COAH, which stands for the Coalition on Affordable Housing to oversee the affordable housing obligations of municipalities in New Jersey. The New Jersey Supreme Court in an unanimous decision on March 10, 2015 decided that COAH has failed to function as intended. The Supreme Court held that the courts will determine whether municipalities have met their constitutional affordable housing obligation. Municipalities must now subject themselves to judicial review for constitutional compliance of their Affordable Housing plans.

Resolution #87-2015 Authorize Stop Payment and Replace Check

RESOLUTION #87-2015

A RESOLUTION TO AUTHORIZE STOP PAYMENT AND REPLACE CHECK

WHEREAS, check #6450 was issued March 18, 2015 on the Borough of Washington Recreation Trust Account in the amount of \$140.00 and made payable to Daniel Platek;

WHEREAS, the Finance Office received written notification advising that this check was lost and requesting the Borough to stop payment and reissue the check.

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 Treasurer

is authorized to stop payment and replace check #6450.

Resolution #87-2015 was moved on a motion made by Conry, seconded by Klimko and approved.

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

Ayes: 6, Nays: 0

Motion Carried

Resolution #88-2015 Redemption of Tax Certificate

RESOLUTION #88-2015

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 \$1,408.80 for taxes or other municipal liens assessed for the year 2013 in the name of Read, Amanda as supposed owner, and in said assessment and sale were described as 8 Youmans Avenue, Block 92 Lot 2, which sale was evidenced by Certificate #14-00055; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 4-27-15 and before the right to redeem was cut off, as provided by law, Huntington National 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 \$2,871.13 which is the amount necessary to redeem Tax Sale Certificate #14-00055.

NOW THEREFORE BE IT RESOLVED, on this 19th day of May, 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 **\$4,571.13** (This amount consists of \$2,871.13 Certificate Amount redeemed + \$1,700.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 92 Lot 2 from the tax office records.

Resolution #89-2015 Redemption of Tax Certificate

RESOLUTION #89-2015

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 \$1,261.39 for taxes or other municipal liens assessed for the year 2013 in the name of Bradley, Brian & M/Boutillette, Jessica as supposed owners, and in said assessment and sale were described as 14 Youmans Avenue, Block 93 Lot 1, which sale was evidenced by Certificate #14-00056; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 4-27-15 and before the right to redeem was cut off, as provided by law, Huntington National 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 \$1,261.39 which is the amount necessary to redeem Tax Sale Certificate #14-00056.

NOW THEREFORE BE IT RESOLVED, on this 19th day of May, 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 **\$2,461.39** (This amount consists of \$1,261.39 Certificate Amount redeemed + \$1,200.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 93 Lot 1 from the tax office records.

Resolution #90-2015 Redemption of Tax Certificate

RESOLUTION #90-2015

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 \$522.85 for taxes or other municipal liens assessed for the year 2013 in the name of Dieterman, Matthew W. as supposed owner, and in said assessment and sale were described as 40 Carlton Ave., Block 6 Lot 29, which sale was evidenced by Certificate #14-00012; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 4-27-15 and before the right to redeem was cut off, as provided by law, Huntington National 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 \$1,252.09 which is the amount necessary to redeem Tax Sale Certificate #14-00012.

NOW THEREFORE BE IT RESOLVED, on this 19th day of May, 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 **\$2,552.09** (This amount consists of \$1,252.09 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 29 from the tax office records.

Resolutions #88-2015, #89-2015, and #90-2015 were moved on a motion made by Higgins, seconded by Conry and approved.

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

VOUCHERS:

Mayor McDonald entertained a motion to approve the vouchers and claims in the amount of \$630,797.13

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

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

RECAP:

Ms. Titus will make sure Manager Blanchard informs the residents of Sunrise Terrace about the rules and regulations of holding a block party and that the proper authorities are notified. Also, Ms. Titus will have Manager Blanchard look into the property at the corner of West Washington and North Prospect in regards to the block wall that is falling into the sidewalk. Mayor McDonald added that Manager Blanchard should follow up with the condemned home located at 149 North Lincoln Avenue.

COUNCIL REMARKS:

Councilwoman Klimko noticed that a trailer owned by a local business is continuously parked on Washington Avenue and is not attached to a truck. Code Enforcement Bescherer replied that Councilwoman Klimko should speak to Manager Blanchard in regards to this issue because the business owner called her and requested special permission to have it parked there. Councilwoman Klimko also noticed there were benches in front of Philbert's Pub and asked if they were allowed to drill into the concrete to secure the benches. Councilman Higgins added that they do need permission from Council for the benches to be outside but not sure if they are allowed to be bolted. Mayor McDonald will speak with Manager Blanchard on that issue. Councilwoman Klimko wished everyone a happy Memorial Day.

Councilman Higgins stated that the Borough adopted a new parking ordinance in December of 2014 and would like Manager Blanchard to forward that ordinance to the Washington Township Police Department again for distribution to the officers. Councilman Higgins added that Attorney Cushing was recently recognized as one of the top attorneys in the State of New Jersey.

Councilman Heinrich stated that he has been in touch with an electrician to evaluate the lighting at Borough Hall, the Washington Public Library and the D.P.W. garage but the electrician has not had time to perform the work yet.

Councilwoman Noone stated that she attended the Route 57 Scenic Byway meeting as a representative of Washington Borough on May 11th along with Councilman Thompson. Councilwoman Noone added that there were representatives from all of the municipalities located on the scenic byway and everyone was in agreement to move forward and start a committee with the help of the Warren County Planning Department in order to not lose the scenic byway designation. Councilwoman Noone volunteered to

be appointed to begin the process of forming a committee for the Route 57 Scenic Byway. Councilwoman Noone added that the next meeting is June 8th.

A motion was made by Higgins, seconded by Klimko to appoint Councilwoman Noone to the Route 57 Scenic Byway Committee.

Ayes: 6, Nays: 0
Motion Carried.

Mayor McDonald stated that he would like to appoint Councilwoman Conry as an unofficial liaison between the Borough of Washington and the Habitat for Humanity. Mayor McDonald added that since it is not an official appointment there is no motion necessary. Mayor McDonald stated that the Library Board had a meeting last night and the board has directed to go out for advertisements for a Library Director which will be approximately a 29.5 hour per week position. Mayor McDonald added that the Library Board is in agreement that the library needs a director who can give more hours than the agreement with the Washington Borough Board of Education allows for the current director who already gives above what she is supposed to.

EXECUTIVE SESSION:

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

Ayes: 6 Nays: 0
Motion Carried

RESOLUTION # 97-2015 **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 Klimko, to go out of Executive Session.

Ayes: 6, Nays: 0
Motion Carried

Resolution #92-2015

RESOLUTION #92-2015

RESOLUTION (1) AUTHORIZING THE BOROUGH OF WASHINGTON ATTORNEY AND OTHER BOROUGH PROFESSIONALS TO PREPARE AND FILE A DECLARATORY JUDGMENT ACTION WITH THE SUPERIOR COURT SEEKING JUDICIAL APPROVAL OF THE BOROUGH'S COMPLIANCE WITH ITS THIRD ROUND MT. LAUREL AFFORDABLE HOUSING OBLIGATIONS IN ACCORDANCE WITH THE NEW JERSEY SUPREME COURT DECISION IN THE MATTER OF THE ADOPTION OF N.J.A.C. 5:96 AND 5:97 BY NJ COUNCIL ON AFFORDABLE HOUSING; AND (2) AUTHORIZING OTHER BOROUGH PROFESSIONALS AND OFFICIALS TO TAKE SUCH ACTIONS AS MAY BE APPROPRIATE TO IMPLEMENT AN UPDATE TO THE BOROUGH OF WASHINGTON HOUSING PLAN ELEMENT OF THE MASTER PLAN AND FAIR SHARE PLAN FOR THIRD ROUND

MT. LAUREL AFFORDABLE HOUSING COMPLIANCE, TO UNDERTAKE A SURVEY OF ALL VACANT AND UNDEVELOPED LAND IN BOROUGH OF WASHINGTON BY BLOCK AND LOT, TO CONDUCT AN ANALYSIS OF THE BOROUGH'S HOUSING STOCK, AND TO CONDUCT SUCH OTHER STUDIES AS MAY BE DETERMINED NECESSARY.

WHEREAS, On March 10, 2015 the New Jersey Supreme Court issued its decision in the case of In Re Adoption of N.J.A.C. 5:96 and 5:97 by NJ Council on Affordable Housing, holding that, effective June 8, 2015, enforcement of the Fair Housing Act ("FHA") and the Mount Laurel Doctrine be transferred from the New Jersey Council on Affordable Housing ("COAH") to the New Jersey Superior Courts, due to COAH's failure to adopt Third Round Rules on municipal affordable housing obligations; and

WHEREAS, the New Jersey Supreme Court further ordered in that decision that municipalities which had either received Third Round Substantive Certification or been declared to have "participating" status by COAH are permitted to file a declaratory judgment action with its County's Superior Court within 30 days after the June 8, 2015 effective date of the decision; and

WHEREAS, the purpose of the declaratory judgment action is to seek a judicial declaration that the municipality's affordable housing plan presents a realistic opportunity for the provision of its fair share of present and prospective need for low and moderate income housing, such that the Borough may receive, in effect, from the courts substantive certification and accompanying protection as afforded under N.J.S.A. 52:27D-313; and

WHEREAS, the New Jersey Supreme Court ruled that a municipalities' Third Round fair share obligation and housing plan must be evaluated under the prior round methodology; and

WHEREAS, the Borough of Washington has "participating status"; and

WHEREAS, throughout and notwithstanding the period of uncertainty over new Third Round Rules, the Borough of Washington has continued efforts to provide for low and moderate income housing opportunities in the Borough; and

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

1. Borough Attorney Richard P. Cushing, Esq., along with members of his firm, is authorized to prepare and file a Declaratory Judgment action in the Superior Court on behalf of the Borough seeking a judgment of compliance with the Borough's Third Round affordable housing obligation and also seeking an order of immunity from Mt. Laurel builder remedy lawsuits during the process of adopting and filing the Housing

Plan Element and Fair Share Plan with the Court as well as during the period of Court review of the Borough's plan and all implementing ordinances.

2. Borough Attorney Leslie Parikh, Esq., Planner Susan S. Gruel, and Borough Engineer Stanley Schrek, along with members of their respective firms are authorized to take such as actions as may be appropriate to further both the preparation and implementation of the updated Housing Plan Element of the Borough of Washington Master Plan and Fair Share Plan for Third Round Mt. Laurel Compliance, to undertake a survey of all vacant and undeveloped land in Borough of Washington by block and lot, to conduct an analysis of the Borough's housing stock, and to conduct such other studies as may be determined necessary.

3. Proposals for these plans and studies shall be submitted in advance for review and approval by the Borough of Washington Council and/or Borough of Washington Planning Board.

Resolution #92-2015 was moved on a motion made by Conry, seconded by Noone and approved with a \$10,000 not to exceed limit.

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

ADJOURNMENT:

Hearing no further business, a motion was made by Higgins, seconded by Noone to adjourn the meeting at 8:52 p.m.

Ayes: 6, Nays: 0
Motion Carried

Mayor Scott McDonald

Kristine Blanchard, RMC Borough Clerk