

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – June 16, 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, Thompson

Also Present: Ann Kilduff, Acting Clerk
Leslie Parikh, Municipal Attorney, Dawson Bloom,
Municipal Engineer

MINUTES:

Regular Meeting – June 03, 2015

Motion made by Conry, seconded by Heinrich to approve the Regular Meeting minutes of June 03, 2015.

Ayes: 7 Nays: 0
Motion Carried

AUDIENCE:

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

Mr. John Montaverde – Washington Borough BID, Director

Mr. Montaverde reminded everyone that the Car Show and Green Festival is this Saturday, June 20th along with the Farmer’s Festival. The Car Show and Green Festival has a rain date of Sunday June 21, 2015. Mr. Montaverde added that the BID is looking for volunteers to work in shifts directing traffic for the Sci-Fi Fantasy Day which

is scheduled for Saturday, July 11th.

Mr. Pete Quelly – 4 Cleveland Street

Mr. Quelly stated that on Cleveland Street between East Stewart Street and East Johnston Street there is no parking on both sides for as long as he can remember. Mr. Quelly added that somewhere along the way, the signs were removed and they need to be replaced so that the residents are aware that there is no parking on the street at any time especially during the winter so the street can be cleaned properly. Mr. Quelly also asked if hot tubs need to be fenced in according to the Borough's ordinance. Code Enforcement Officer Bescherer replied that hot tubs do not require a fence but it needs to have a proper cover.

Mr. Rich McGuire – 23 Green Street

Mr. McGuire stated that there is a problem on Green Street with the sidewalk and curb being cracked and broken after work was done to the water main. Councilman Higgins replied that Council gave permission for the Borough Manager to move forward with the curb repairs last year but unfortunately the weather did not cooperate and the work was not be completed. Councilman Higgins added that he was under the impression that the curb on Green Street was going to be repaired at the same time as the curb work on North Lincoln Avenue. Councilman Higgins suggested Council speak to Manager Blanchard and find out exactly what the contractor was instructed to do and asked that Borough Engineer Dawson Bloom takes a look at the situation.

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

Ayes: 7, Nays: 0
Motion Carried

CORRESPONDENCE:

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

1. Statewide Insurance Fund Correspondence – Lance

Council Discussion:

Laurie Fay – 20 North Lincoln Avenue, David Lance – 177 Broad Street

Ms. Fay and Mr. Lance spoke on behalf of their mother, Ms. June Lance of 39 South Lincoln Avenue. Ms. Lance experienced a flood of raw sewage in her basement on Sunday January 18th due to a clogging issue two blocks away. Ms. Fay and Mr. Lance are seeking reimbursement on behalf of their mother for everything she lost in her basement. ServPro came out to the home to clean up the basement and everything within the basement had to be thrown out. Ms. Lance received a letter from the Borough's insurance company, Statewide Insurance Fund stating they have completed their investigation and since the Borough of Washington had no prior notice of the sewer main back up, the Borough cannot be held liable for the damage sustained. Attorney Parikh explained that the Borough of Washington is a public entity governed by the New Jersey Tort Claims Act under Title 59 of the New Jersey Statutes which states that to establish liability a claimant must establish with indisputable proof that the public entity had notice of a dangerous condition and have sufficient time to have taken measures to protect against the condition. Mayor McDonald suggested the family speak to the New Jersey Department of Insurance to seek assistance and guidance in respect to this matter. Ms. Fay asked if the Borough could have Statewide Insurance Fund reverse their decision. Mayor McDonald replied that the Borough could ask Statewide to look into the claim again but without any new facts it is likely that Statewide would just reaffirm their decision. Councilman Higgins would like Manager Blanchard to resubmit Ms. Lance's claim and to contact Ms. Lance with the results.

Ayes: 7, Nays: 0
Motion Carried

REPORTS:

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

1. Board of Health Report – June
2. Code Enforcement Report – May
3. D.P.W. Report – May (Includes all storm drain repairs)

Council Discussion:

Councilman Thompson questioned why the D.P.W. was installing a basketball backboard at the park. Mayor McDonald replied that there is a D.P.W. employee who is assigned to the park and it is Manager Blanchard's call to assign the D.P.W. as she sees fit.

Ayes: 7, Nays: 0

Motion Carried

COMMITTEE REPORTS:

Streets Committee

Councilman Higgins noted that an update was sent to Council via email and there is nothing further to add at this time.

ORDINANCES:

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

Motion made by Conry, seconded by Klimko to introduce Ordinance 5 – 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
Abstain: (1) Thompson
Motion Carried

The Clerk read Ordinance 5-2015 An Ordinance Providing Funding for Various Capital Purchases 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.

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 Higgins, seconded by Conry to close the public hearing of Ordinance #5-2015.

Ayes: 6, Nays: 0
Abstain: (1) Thompson
Motion Carried

Hearing no further comments, a motion was made by Heinrich, seconded by Conry to adopt Ordinance #5-2015 on final passage.

Roll Call: Klimko, McDonald, Conry, Higgins, Heinrich, Noone
Ayes: 6, Nays: 0
Abstain: (1) Thompson
Motion Carried

NEW BUSINESS:

Resolution #100-2015 Redemption of Tax Certificate

RESOLUTION #100-2015

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 \$8,779.52 for taxes or other municipal liens assessed for the year 2011 in the name of Turnbull, Andrew H. & Cheryl A. as supposed owners, and in said assessment and sale were described as 201 Belvidere Ave., Block 19.02 Lot 4, 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 5-27-15 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 FWDSL & Associates LP by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$46,032.62 which is the amount necessary to redeem Tax Sale Certificate #12-00019.

NOW THEREFORE BE IT RESOLVED, on this 16th day of June, 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 **\$64,032.62** (This amount consists of \$46,032.62 Certificate Amount redeemed + \$18,000.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 19.02 Lot 4 from the tax office records.

Resolution #102-2015 Redemption of Tax Certificate

RESOLUTION #102-2015

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 \$685.18 for taxes or other municipal liens assessed for the year 2013 in the name of Federal National Mortgage Association as supposed owner, and in said assessment and sale were described as 80 Flower Ave., Block 44 Lot 13, which sale was evidenced by Certificate #14-00033; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 6-08-15 and before the right to redeem was cut off, as provided by law, ATS Title Agency 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 \$1,573.50 which is the amount necessary to redeem Tax Sale Certificate #14-00033.

NOW THEREFORE BE IT RESOLVED, on this 16th day of June, 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 **\$2,873.50** (This amount consists of \$1,573.50 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 13 from the tax office records.

Resolution #104-2015 Redemption of Tax Certificate

RESOLUTION #104-2015

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 \$1,457.74 for taxes or other municipal liens assessed for the year 2013 in the name of Thompson, Warren as supposed owner, and in said assessment and sale were described as 38 North Wandling Ave., Block 11 Lot 1.02, which sale was evidenced by Certificate #14-00015; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 6-11-15 and before the right to redeem was cut off, as provided by law, Sunrise

Title Services 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 \$5,608.98 which is the amount necessary to redeem Tax Sale Certificate #14-00015.

NOW THEREFORE BE IT RESOLVED, on this 16th day of June, 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 **\$8,608.98** (This amount consists of \$5,608.98 Certificate Amount redeemed + \$3,000.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 11 Lot 1.02 from the tax office records.

Resolutions #100-2015, #102-2015, and #104-2015 were moved on a motion made by Conry, seconded by Heinrich and approved.

Roll Call: Klimko, Noone, Conry, Heinrich, Higgins, McDonald,
Thompson
Ayes: 7, Nays: 0
Abstain: (1) Thompson (#100-2015 only)
Motion Carried

Resolution #101-2015 Adjust Sewer Billings

Council Discussion:

A motion was made by Thompson, seconded by Conry to table Resolution #101-2015 until the next Council Meeting on July 7, 2015. In the meantime, Code Enforcement Bescherer will inspect the property to ensure that the water lines have been terminated.

Ayes: 7, Nays: 0
Motion Carried

Resolution #103-2015 Refund of 2014 Real Estate Taxes

RESOLUTION #103-2015

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

WHEREAS, according to the Tax Collector's records, there is an overpayment of \$1,183.40 on 2014 4th Quarter Regular Taxes paid on property located at 15 Vannatta St., also known as Block 81.01 Lot 3, and in the name of Guenther, Christopher J.& Deborah R.; and

WHEREAS, Attorney Martin Eagan paid 4th Quarter 2014 taxes for the purchaser at the closing and Corelogic Tax Service also paid 4th Quarter 2014 for the former property owner, Christopher Guenther; and

WHEREAS, the Tax Collector has been resolving the matter of tax overpayments and has received a written request from Corelogic that the overpayment be refunded to them.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey, to hereby authorize the Tax Collector and Treasurer to refund the amount of \$1,183.40 payable to:

CoreLogic Real Estate Tax Service
Attn: Tax Refunds
1 CoreLogic Way
Mail Code: DFW 1-3
West Lake, TX 76262

Resolution #103-2015 was moved on a motion made by Higgins, seconded by Conry and approved.

Roll Call: Klimko, Noone, Conry, McDonald,
Heinrich, Higgins, Thompson
Ayes: 7, Nays: 0
Motion Carried

VOUCHERS:

Mayor McDonald entertained a motion to approve the vouchers and claims in the amount of \$952,868.77

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

Roll Call: Noone, Conry, Klimko, Heinrich, Higgins, McDonald
Ayes: 7, Nays: 0
Abstain: (1) Thompson (Fire & EMS only)
Motion Carried.

RECAP:

Acting Clerk Kilduff stated that the Borough Engineer will visit Mr. McGuire's property on Green Street and contact the contractor. Manager Blanchard will resubmit the Lance's claim with a letter to the insurance company asking them reconfirm their decision. Manager Blanchard will contact the Lance's with the results. At this time, Councilman Higgins requested that the "No Parking" signs be put back on Cleveland Street.

At this time, Mayor McDonald allowed Mr. Gleba from the audience to come before Council. Mr. Gleba stated that it has been a while since he last appeared before Council and proposed the idea of the Hometown Heroes. Mr. Gleba added that the purpose of the Hometown Heroes idea is to recognize the local service men and women currently serving in any branch of service by displaying their photo in the lobby of Borough Hall. Mr. Gleba also added that since there has not been much response so far from current service men or women it may be opened up to veterans as well. Mr. Gleba stated that the Hometown Heroes signs that he brought to Council were painted and donated by Lauren Duran and would like it to be hung up in the lobby of Borough Hall.

COUNCIL REMARKS:

Councilman Thompson congratulated those graduating this week and wished everyone a safe and happy 4th of July.

Councilman Heinrich stated that the Senior Advisory Committee is in the process of planning another bus trip on October 10th to Longwood Gardens. Councilman Heinrich added that the trip has not been advertised yet since the committee is working on getting a less expensive rate on the bus.

Councilwoman Noone added that one of the farmers at the Farmer's Festival takes senior vouchers as an acceptable form of payment.

EXECUTIVE SESSION:

At this time, Mayor McDonald stated that an Executive Session is needed for the purpose of contract negotiations, litigations and attorney client privilege. A motion was made by

Higgins, seconded by Conry to enter into Executive Session after a ten minute recess.

Ayes: 7 Nays: 0
Motion Carried

RESOLUTION # 105-2015
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;

X Pending or anticipated litigation or contract negotiation in which the public body is or may become a party; (The general nature of the litigation or contract negotiations is: ___/Personnel___ The public disclosure of such information at this time would have a potentially negative impact on the municipality's position in the litigation or negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

_____Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: _____

OR _____ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.);

_____Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is: ___ _____ the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

_____Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit;

BE IT FURTHER RESOLVED that the Mayor and Council hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Borough Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Borough or any other entity with respect to said discussion.

BE IT FURTHER RESOLVED that the Mayor and Council, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

A motion was made by Conry, seconded by Thompson, to go out of Executive Session.

Ayes: 7, Nays: 0
Motion Carried

A motion made by Heinrich, seconded by Conry to approve the use of cameras on various sewer and drain lines throughout the Borough of Washington and not to exceed \$1,500.

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

Ayes: 6, Nays: 0
Abstain: (1) Klimko
Motion Carried

ADJOURNMENT:

Hearing no further business, a motion was made by Klimko, seconded by Thompson to adjourn the meeting at 8:26 p.m.

Ayes: 7, Nays: 0
Motion Carried

Mayor Scott McDonald

Kristine Blanchard, RMC Borough Clerk