

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – July 21, 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: Higgins, McDonald, Noone, Heinrich, Thompson

Absent: Klimko, Conry

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

AUDIENCE:

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

Mr. John Montaverde – Washington BID, Director

Mr. Montaverde stated that the Sci-Fi Fantasy Day was a huge success and thanked Councilwoman Noone, Mayor McDonald and Councilwoman Klimko for their participation in the event. Mr. Montaverde added that the BID will conduct sidewalk sales every three weeks in conjunction with the Farmer’s Festival which will be moving closer toward the street for greater visibility. Mr. Montaverde also stated that the BID is in the process of planning a Halloween themed fundraiser which will be on Thursday, October 29, 2015.

Mr. Kevin Cummins – 101 Park Avenue

Mr. Cummins stated that there is a lot of paving that needs to be done in the Borough and believes that Park Avenue is on the list. Mr. Cummins added that he understands that once the Environmental Protection Agency is done with their construction project in the area that they will pave Park Avenue up to Pohatcong Street. Mr. Cummins asked if the

rest of Park Avenue will be paved. Mayor McDonald replied that it is the Borough's intention to pave the rest of Park Avenue at the same time the E.P.A. paves their portion.

Terrilisa Bauknight – 95 Lenape Trail

Ms. Bauknight asked about the no left turn when coming out between the Wells Fargo Bank and Domino's Pizza. Ms. Bauknight stated that there is a sign and a mirror on the left hand side but there is nothing on the right side. Ms. Bauknight asked if there was a way to place a sign on both sides reminding drivers that there is no left turn coming out of the bank driveway because it is dangerous and continues to be a problem. Ms. Bauknight also stated that when larger vehicles are parked in the parking space closest to the bank, it makes it very difficult to see to make a right hand turn. Attorney Parikh replied that there is no motor vehicle law prohibiting larger vehicles from parking there but she will look into it. Ms. Bauknight added that Sal's Pizza is back to not spraying down the sidewalks and the remnants from the garbage is attracting flies. Mayor McDonald replied that they may just need to be reminded about the situation.

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

Ayes: 5, Nays: 0
Motion Carried

REPORTS:

A motion was made by Higgins, seconded by Noone to receive and file the following reports:

1. Municipal Court Report – June
2. Warren County Health Report - July
3. Code Enforcement Report – June
4. Washington Township Police Department - June
5. D.P.W. Report – June

Ayes: 5, Nays: 0
Motion Carried

ORDINANCES:

Mayor McDonald stated at this time that Council has a draft ordinance for the prohibition of engine breaking. Manager Blanchard added that this ordinance was part of a larger nuisance ordinance but it has been decided to move forward with the engine breaking ordinance separately. Mayor McDonald asked Council to review the ordinance and it will be brought up for introduction at the next meeting.

NEW BUSINESS:

Resolution #119-2015 Redemption of Tax Certificate

RESOLUTION #119-2015

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 December 5, 2013 to US Bank Cust Pro Capital III, 2 Liberty Place, 50 S 16th Street, Suite 1950, Philadelphia, PA 19102, in the amount of \$4,511.01 for taxes or other municipal liens assessed for the year 2012 in the name of Orlofski, Jennifer as supposed owner, and in said assessment and sale were described as 145 Broad St., Block 95.01 Lot 21, which sale was evidenced by Certificate #13-00036; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 7-1-15 and before the right to redeem was cut off, as provided by law, Ocwen Loan claiming to have an interest in said lands, did redeem said lands claimed by US Bank Cust Pro Capital III by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$30,112.11 which is the amount necessary to redeem Tax Sale Certificate #13-00036.

NOW THEREFORE BE IT RESOLVED, on this 21st day of July, 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 Pro Capital III, 2 Liberty Place, 50 S 16th Street, Suite 1950, Philadelphia, PA 19102 in the amount of **\$49,512.11** (this amount consists of \$30,112.11 Certificate Amount redeemed + \$19,400.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 95.01 Lot 21 from the tax office records.

Resolution #120-2015 Redemption of Tax Certificate

RESOLUTION #120-2015

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on November 7, 2014 to FWDSL & Associates LP, 5 Cold Hill Rd S Ste:11, Mendham, NJ 07945, in the amount of \$527.31 for taxes or other municipal liens assessed for the year 2013 in the name of Harrison, William & Staci M. as supposed owners, and in said assessment and sale were described as 71 North Lincoln Avenue, Block 15 Lot 13, which sale was evidenced by Certificate #14-00017; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 7-1-15 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 \$1,418.69 which is the amount necessary to redeem Tax Sale Certificate #14-00017.

NOW THEREFORE BE IT RESOLVED, on this 21st day of July, 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 **\$2,718.69** (This amount consists of \$1,418.69 Certificate Amount redeemed + \$1,300.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 15 Lot 13 from the tax office records.

Resolution #121-2015 Redemption of Tax Certificate

RESOLUTION #121-2015

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 US Bank Cust for Pro Capital 4, 50 S 16th Street, Suite 2050, Philadelphia, PA 19102, in the amount of \$474.65 for taxes or other municipal liens assessed for the year 2013 in the name of Widdoss, Randy S. Estate of as supposed owner, and in said assessment and sale were described as 29 Youmans Avenue, Block 94 Lot 36 , which sale was evidenced by Certificate #14-00061; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 7-1-15 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 \$1,364.90 which is the amount necessary to redeem Tax Sale Certificate #14-00061.

NOW THEREFORE BE IT RESOLVED, on this 21st day of July, 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 **\$2,564.90** (This amount consists of \$1,364.90 Certificate Amount redeemed + \$1,200.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 94 Lot 36 from the tax office records.

Resolution #122-2015 Redemption of Tax Certificate

RESOLUTION #122-2015

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on November 7, 2014 to FWDSL & Associates LP, 5 Cold Hill Rd S Ste:11, Mendham, NJ 07945, in the amount of \$527.31 for taxes or other municipal liens assessed for the year 2013 in the name of Ryan, Russell as supposed owner, and in said assessment and sale were described as 115 Harding Drive, Block 71 Lot 7, which sale was evidenced by Certificate #14-00040; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 7-1-15 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 \$1,418.69 which is the amount necessary to redeem Tax Sale Certificate #14-00040.

NOW THEREFORE BE IT RESOLVED, on this 21st day of July, 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 **\$2,718.69** (This amount consists of \$1,418.69 Certificate Amount redeemed + \$1,300.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 71 Lot 7 from the tax office records.

Resolutions #119-2015, #120-2015, #121-2015 and #122-2015 were moved on a motion made by Noone, seconded by Heinrich and approved.

Roll Call: Noone, Heinrich, Higgins, McDonald, Thompson
Ayes: 5, Nays: 0
Abstain: (1) Higgins (#122-2015 only)
Motion Carried

Resolution #124-2015 Adjustment of Sewer Billings

RESOLUTION #124-2015

A RESOLUTION TO ADJUST SEWER BILLINGS IN ACCORDANCE WITH CHAPTER 70, SECTION 28B OF THE CODE OF THE BOROUGH OF WASHINGTON.

WHEREAS, the Borough of Washington commenced operations of a municipal sewer utility in January of 1999; and

WHEREAS, certain facts have come to the attention of the Borough to justify modification of sewer service charges which have been reviewed by the Borough Manager; and

WHEREAS, notice has been provided to the owner(s) of the property or properties listed below of the action proposed to be taken with the date, time and place where the Mayor and Council will meet to consider change(s) in the E.D.U.'s assigned to the property or properties listed below; and

WHEREAS, all parties affected by this resolution will be notified of the action

taken, in writing, and notified of an opportunity to appear, in person, at a formal hearing of the governing body, if dissatisfied with the decisions made herein.

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 changes in the sewer service charge(s) are approved:

BLOCK/LOT	NAME/ADDRESS	
REASON/ADJUSTMENT		
81/8	Lukoil North America 143-153 E. Washington Ave. Washington, NJ 07882	Change in Use (7) to (1) E.D.U.'s Effective: July 2015

BE IT FURTHER RESOLVED that the Borough Clerk be directed to send a certified copy of this resolution to all parties affected by this resolution and advise them of their right to protest the decision and request a formal hearing before the governing body, as provided in Chapter 70, Section 13. If no protest is filed, the decisions contained herein shall be considered final.

Resolution #124-2015 was moved on a motion made by Higgins, seconded by Thompson and approved.

Roll Call: Noone, McDonald, Heinrich, Higgins, Thompson
Ayes: 5, Nays: 0
Motion Carried

Resolution #127-2015 Preliminary Expenses for South Prospect Street

RESOLUTION #127-2015
AUTHORIZING PRELIMINARY EXPENSES FOR PROFESSIONAL
CONTRACT WITH FINELLI CONSULTING ENGINEERS FOR SOUTH
PROSPECT STREET

WHEREAS, the Borough Council of the Borough of Washington hereby acknowledges the requirement of preliminary costs to determine the scope and cost of a proposed undertaking; and

WHEREAS, the purpose of these preliminary costs are for the engineering and related studies to establish the scope and feasibility of sewer improvements to South Prospect Street; and

WHEREAS, the amount to be charged is for the purpose for which bonds may be issued under Chapter 2 of Title 40A,

NOW, THEREFORE, BE IT RESOLVED that the amount appropriated for preliminary costs shall not exceed \$20,000.00; and

BE IT FURTHER RESOLVED that this contract is awarded to Finelli Consulting Engineering; and

BE IT FURTHER RESOLVED that the Chief Financial Officer is authorized or directed to set up a “Reserve for Preliminary Expenses out of the Capital Improvement Fund of the Sewer Utility Capital Fund.

Resolution #127-2015 was moved on a motion made by Higgins, seconded by Thompson and approved.

Roll Call: Noone, McDonald, Heinrich, Higgins, Thompson
Ayes: 5, Nays: 0
Motion Carried

Resolution #128-2015 Mill Pond Dam

RESOLUTION #128-2015

**AUTHORIZING 2015 PROFESSIONAL SERVICES CONTRACT WITH
FINELLI CONSULTING ENGINEERS
FOR ENGINEERING SERVICES RELATED TO MILL POND DAM DE-
COMMISSION**

WHEREAS, the Borough Council of the Borough of Washington has a need to contract the services of a Sewer Engineer specifically for the Mill Pond Dam De-Commissioning; and

WHEREAS, the anticipated term of this contract is through December 31, 2015; and

WHEREAS, Finelli Consulting Engineers has advised that they can provide the required services for cost of \$20,000.00 in engineering fees; and

WHEREAS, the Chief Financial Officer has certified to the Borough Clerk that funds are available in the following budget account:

05-2015-56-502-2-28

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Washington to enter into a contract with as described herein; and,

BE IT FURTHER RESOLVED that notice of this appointment will be published as required by law within ten days of the passage of this resolution; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the Chief Financial Officer and Finelli Consulting Engineers.

Resolution #128-2015 was moved on a motion made by Higgins, seconded by Heinrich and approved.

Roll Call: Noone, McDonald, Heinrich, Higgins, Thompson
Ayes: 5, Nays: 0
Motion Carried

Resolution #129-2015 Extend Grace Period

RESOLUTION # 129-2015

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

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

WHEREAS, according to State Statute, taxes are due and payable February 1, May 1, August 1, and November 1 and these dates can not be changed; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington that the third quarter installment of current year taxes shall not be subject to interest until after August 22, 2015, the additional interest-free period authorized pursuant to R.S. 54:4-67. Any payment received on August 23, 2015 will be subject to interest charged back to the statutory date of August 1, 2015.

Resolution #129-2015 was moved on a motion made by Noone, seconded by Heinrich and approved.

Council Discussion:

Manager Blanchard stated that last year the rate was 4.696 and this year it is 4.657 totaling a four cent reduction. Mayor McDonald added that includes the schools, county, open space, and library and town taxes.

Roll Call: Noone, McDonald, Heinrich, Higgins, Thompson
Ayes: 5, Nays: 0
Motion Carried

VOUCHERS:

Mayor McDonald entertained a motion to approve the vouchers and claims in the amount of \$359,923.50

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

Roll Call: Noone, Heinrich, Higgins, McDonald, Thompson
Ayes: 5, Nays: 0
Abstain: (1) Thompson (Fire & EMS only)
Motion Carried.

RECAP:

Manager Blanchard will contact Wells Fargo in regards to an additional sign and possibly another mirror. Manager Blanchard will also have Code Enforcement Officer Bescherer contact Sal's Pizza about spraying down the sidewalk. Manager Blanchard will introduce the engine breaking ordinance at the next meeting.

COUNCIL REMARKS:

Councilman Heinrich stated that the LED lighting for Borough Hall is feasible and has a quote from one electrician so far however that quote did not include the cost to dispose of the old bulbs. Councilman Heinrich is looking to get an additional two quotes including the cost of disposing of the old bulbs.

Councilwoman Noone stated that the Washington Township Police Department will be kicking off a Be Street Smart Campaign on Tuesday, August 4th at National Night Out and asked if members of the Washington Borough Council could be present to show their support. The Street Smart campaign ensures that drivers, pedestrians, and cyclists all know and understand their roles and responsibilities for sharing the road safely. Councilwoman Noone noted that National Night Out is the same night as a regularly scheduled Council Meeting so she would like to change the meeting date to the following day so that the Washington Borough Council can attend the kickoff event.

A motion made by Noone, seconded by Higgins to move the August 4th Council Meeting to August 5th so that Council Members may attend the National Night Out in support of the Be Street Smart kickoff.

Ayes: 5 Nays: 0
Motion Carried

Councilwoman Noone noted that it is very positive that the Washington Township Police Department applied for the grant to kickoff the Be Street Smart campaign and it is going to positively affect the safety of pedestrians in the Borough.

Councilman Higgins reminded everyone that the President has ordered the flags at half staff. Manager Blanchard replied that the flags will be down in the morning and she has informed the Washington Borough BID as well. Councilman Higgins added that there is a Veteran's organization in Hunterdon County called the Gem Vac Vets that contribute a lot to the community. Councilman Higgins added that the Gem Vac Vets have petitioned the State of New Jersey back in 2013 to have Route 173 between Phillipsburg and Clinton renamed the 173rd Airborne Brigade Highway and would like a resolution in support of this sent to the Chairman of the Assembly Transportation Committee. Councilman Higgins would also like that resolution showing the Borough's support sent to every municipality in Warren and Hunterdon Counties.

Councilman Higgins also noted that a Shared Services Committee meeting needs to be scheduled for future planning. Manager Blanchard replied that she will send out some potential dates for a meeting in the near future.

Mayor McDonald stated that the Library Board will be meeting this Monday with the hope to choose a new Library Director. Mayor McDonald added that the Library Board

has gone through the interview process and there are two very capable candidates each with different strengths.

EXECUTIVE SESSION:

At this time, Mayor McDonald stated that an Executive Session is needed for the purpose of litigations. A motion was made by Noone, seconded by Heinrich to enter into Executive Session after a ten minute recess.

Ayes: 5 Nays: 0
Motion Carried

RESOLUTION # 126-2015
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 Heinrich, seconded by Thompson, to go out of Executive Session.

Ayes: 5, Nays: 0
Motion Carried

Resolution #125-2015 COAH

BOROUGH OF WASHINGTON

RESOLUTION # 125-2015

WHEREAS, the Borough of Washington has filed or anticipates filing a Declaratory Judgment Action in the Superior Court of New Jersey, Warren County in furtherance of the Supreme Court’s March 10, 2015 decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the “Supreme Court Decision”); and

WHEREAS, Fair Share Housing Center (“FSHC”), through the services of David Kinsey, has prepared what it considers to be the statewide fair share numbers (the “FSHC Numbers”) for use by the 15 vicinage Mt. Laurel Judges to calculate a municipality’s affordable housing obligation pursuant to the Supreme Court Decision; and

WHEREAS, the Borough of Washington desires to participate in the preparation of a statewide fair share analysis to be undertaken by Rutgers, The State University of New Jersey (“Rutgers”), through Dr. Robert W. Burchell, Principal Investigator, and various other experts employed by Rutgers in order to establish a rational and reasonable methodology (the “Burchell Fair Share Analysis”) for determination of a municipality’s obligation to provide a realistic opportunity through its land use ordinances for its fair share of the region’s affordable housing needs in accordance with the Mount Laurel Doctrine as set forth in In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (“Decision”) and prior decisions of the Courts of New Jersey, and the Fair Housing Act, N.J.S.A. 52:27D-301 et. seq.; and

WHEREAS, Rutgers, utilizing Dr. Burchell as the Principal Investigator and author has agreed to prepare the Burchell Fair Share Analysis within 90 days of being retained to establish his view of the proper way to determine each municipality’s fair share obligation; and

WHEREAS, Dr. Burchell estimates the cost to prepare the initial Burchell Fair Share Analysis will be \$70,000; and

WHEREAS, it is anticipated that there will be a need for Dr. Burchell to analyze any challenges to his conclusions and prepare a rebuttal report to said challenges which is not included in the \$70,000; and

WHEREAS, it is anticipated that if each municipality contributes \$2,000, there will be sufficient monies to pay the cost to prepare the initial Burchell Fair Share Analysis, to analyze any challenges to the Initial Fair Share Analysis and to Prepare A Rebuttal Report given the number of municipalities that have expressed an interest in retaining Burchell; and

WHEREAS, a Municipal Shared Services Defense Agreement (hereinafter MSSDA”), has been prepared (a) so that monies can be collected to enter into an agreement with Rutgers (hereinafter “the Rutgers Agreement”) and so that Burchell, along with various other experts from Rutgers, can perform the tasks described above and (b) so that the rights and responsibilities of each municipality that wishes to sign the agreement to retain Rutgers are defined; and

WHEREAS, the MSSDA provides that the Law Offices of Jeffrey R. Surenian and Associates, LLC (“Surenian”) will serve as the administrative entity to sign the Rutgers agreement on behalf of the municipalities that signed the MSSDA and paid the \$2,000 fee; and

WHEREAS, it is imperative given the time constraints for municipalities that wish to retain Burchell to sign the MSSDA and pay the \$2,000 fee so that Burchell can conduct the necessary analysis; and

WHEREAS, notwithstanding the foregoing, it is possible that the MSSDA may need to be changed as a result of ongoing negotiations with the Rutgers agreement following execution of the MSSDA and the payment of the \$2,000 fee; and

WHEREAS, in such an event, any member that objects to the changes that Rutgers may require shall have the opportunity to relinquish membership in the Municipal Group and to receive back the \$2,000 payment as more specifically set forth in the MSSDA.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council, of the Borough of Washington, as follows:

1. The terms and conditions of the MSSDA attached hereto are hereby approved, ratified and confirmed.

2. The amount of \$2,000 is hereby authorized to be expended by the Borough of Washington for Rutgers through Dr. Robert Burchell, Principal Investigator to prepare the Burchell Fair Share Analysis.
3. A certification of funds authorizing the aforesaid expenditure has been signed by the Chief Financial Officer of the Borough of Washington and is appended hereto.
4. The [Mayor] [Manager] [other Chief Executive Officer] be and is hereby authorized to execute the aforesaid MSSDA to memorialize the participation of the Borough of Washington in the preparation of the Burchell Fair Share Analysis and to take any and all actions reasonably required to effectuate said Agreement.
5. The Borough of Washington hereby authorizes Jeffrey R. Surenian, Esq. to execute on behalf of the Borough of Washington the Research Agreement with Rutgers to initiate and complete Burchell Fair Share Analysis and to do such other actions to effectuate the purposes of said Research Agreement.
6. If further changes to the MSSDA are needed as a result of finalizing the Rutgers Agreement, within ten (10) days of notification by Surenian of the changes, the Borough of Washington will inform Surenian if it objects to the changes and wishes to withdraw from the Municipal Group and obtain a refund of the \$2000 it paid.
7. This Resolution shall take effect immediately.

Resolution #125-2015 was moved on a motion made by Higgins, seconded by Heinrich and approved.

Roll Call: Noone, McDonald, Heinrich, Higgins, Thompson
Ayes: 5, Nays: 0
Motion Carried

AUDIENCE:

At this time, Higgins made a motion to reopen the audience portion, seconded by Noone.

Ayes: 5, Nays: 0
Motion Carried

Susan Hamilton on behalf of Frances Wadnick – 12 West Hillcrest Avenue

Ms. Hamilton stated that her mother, Frances Wadnick is requesting that the Borough put a sewage line down on Hillcrest Avenue extended from Broad Street to accommodate her home which is located in the Borough. Mayor McDonald replied that the Borough would have to have their engineer look into the possibility of that extension and the costs associated. Councilman Higgins replied that the sewer main does not go that far and an extension of the sewer main would have to be put in first before Mrs. Wadnick could hook into the sewer. Councilman Higgins added that it probably could be done but the costs associated with that could be high and the Borough would need to ask the sewer engineer to figure out how much an extension would cost to connect and report back to Council. Mayor McDonald asked Ms. Hamilton to provide Manager Blanchard with her contact information.

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

Ayes: 5, Nays: 0
Motion Carried

ADJOURNMENT:

Hearing no further business, a motion was made by Noone, seconded by Thompson to adjourn the meeting at 8:05 p.m.

Ayes: 5, Nays: 0
Motion Carried

Mayor Scott McDonald

Kristine Blanchard, RMC Borough Clerk