

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY  
WASHINGTON BOROUGH COUNCIL MINUTES – September 15, 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: Klimko, McDonald, Noone, Heinrich, Thompson, Conry,  
Higgins

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

**MINUTES:**

**Regular Meeting – August 18, 2015**

Motion made by Higgins, seconded by Conry to approve the Regular Meeting minutes of August 18, 2015

Ayes: 7 Nays: 0  
Motion Carried

**AUDIENCE:**

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

Ray Rice – Jade Partners Washington LLC

Mr. Rice stated that he is a Managing Member of Jade Partners LLC and is working on the redevelopment of the old PNC Bank and Krauszer’s property. Mr. Rice appeared

before Council to make sure that everyone is aware that Jade Partners is in the process to bring the buildings down and would never move forward unless the proper permits were in place. Mr. Rice added that he is just waiting for the demolition permits to be issued and will provide Manager Blanchard with ample notice so she is prepared for calls of concern that come in. The demolition itself will take approximately forty-five days.

John Montaverde - Executive Director, Washington Borough BID

Mr. Montaverde stated that there is a group interested in purchasing the Washington Theatre and will be appearing at the next Council Meeting on October 6<sup>th</sup> presenting their plans. The gentlemen that will be presenting are Jay Arrington and Ron Foster from Music Art of New Jersey, a non-profit organization. Mr. Montaverde added that everything is going well with the Festival in the Borough however the BID could use a few more food vendors.

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: 7, Nays: 0  
Motion Carried

### **REPORTS:**

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

1. Washington Township Police Department – August 2015
2. Code Enforcement Report – August 2015
3. Municipal Court Report – August 2015
4. Health Department Report
5. DPW Report – August 2015

Council Discussion:

Councilman Higgins noted that on the Washington Township Police Report there is a concerning number of CDS/Alcohol Incidents and Domestic/Family Issues. Councilman Higgins would like Manager Blanchard to request a better breakdown from the Washington Township Police Department of the incidents and also which town they took place in so the issues can be addressed within the community

Ayes: 7, Nays: 0

Motion Carried

## **COMMITTEE REPORTS:**

### **Streets Committee**

Councilman Higgins stated that the Streets Committee met last Tuesday with Municipal Engineer, Dawson Bloom. The committee discussed and narrowed down the roads that will be paved this year based on cost. Mr. Bloom stated that the Borough will pave the portion of Park Avenue not done through the current Environmental Protection Agency project in that area. Mr. Bloom added that also on the list is Presidential Drive from Flower Avenue to Harding Avenue, West Warren Street from Lincoln Avenue to Belvidere Street, all of East Warren Street, and Stewart Street from Grand Avenue to Lincoln Avenue. Councilwoman Conry asked if the E.P.A. was finished with their project on Park Avenue. Manager Blanchard will reach out to the E.P.A. for an update. Councilman Higgins stated that the committee also discussed the mid block crossing and possibly paving, shortening up the entrance ways, and marking the crosswalk. Mr. Bloom added that the paving of North Lincoln Avenue is not complete along with both Filmore and Jefferson Streets. Mr. Bloom also stated that the committee discussed the 2015 New Jersey State Aid applications and the committee decided that North Prospect Street from Carlton Avenue to Route 57 and Broad Street from Upper Park Drive up to Route 57 as well would be the two applications that the Borough would submit. Mayor McDonald asked if there was any discussion on Grand Avenue. Councilman Higgins replied that Grand Avenue is going to be a major expense at over \$1.5 million for paving, sidewalks and curbs and the \$150,000 grants would not begin to cover the costs. Councilman Higgins added that if the Borough was to spend the large amount money to repair Grand Avenue then it needs to be done right and not just paving. Councilman Higgins commented that the Streets Committee is trying to get as many of the Borough roads paved as possible with the funds available and added that next year there needs to be more money added to the budget in order to get more roads or larger roads paved. Councilwoman Conry asked if the handicapped spaces in the park were repaved yet. Manager Blanchard replied that they have not been done yet but will be.

### **Sewer Committee**

Mr. Bloom stated that the plans for the South Prospect Street sewer project are complete and in finalizing the plans it was determined that the last home on Gardeners Court has an issue with a sag in their sewer line. In discussions with the Sewer Committee, repairing only a portion of that line leaves the possibility for issues down the road so the entire line will be replaced. Mr. Bloom added that the estimate for the cost of the pump station has now decreased significantly which aids in the cost

of the line replacement which will correct the situation. Mr. Bloom stated that the line replacement and the pump station repairs can be done separately because the Gardeners Court portion of the work does not require a Treatment Works Approval permit since it is a replacement. In the meantime, the T.W.A. can be submitted for the pump station portion of the project. Mr. Bloom added that the contract with Veolia does not have to be amended; simply the new set of plans would need to be attached to the contract document.

A motion made by Higgins to approve the South Prospect Street/Gardeners Court sewer project plans, seconded by Conry.

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

Ayes: 6, Nays: 0

Abstain: (1) Klimko

Motion Carried.

Mr. Bloom also stated that Quick Check hook up to the Borough's sewer is now complete and he is working with Quick Check to determine what the yearly fee will be depending on an estimation of their E.D.U.s. Mr. Bloom commented that the Borough is on track for the permit renewal for the sewer plant and is moving forward. Mr. Bloom also added that discussed at the committee meeting was the possibility of the E.P.A. looking to direct their discharge over to the sewer plant which has now changed and the E.P.A. will discharge into the groundwater with some intermittent need to discharge to the sewer plant. Mr. Bloom will work with Manager Blanchard and the E.P.A. to get a better understanding and to estimate the fees that would be associated.

## **NEW BUSINESS:**

### **Resolution #148-2015 Redemption of Tax Certificate**

#### **RESOLUTION #148-2015**

#### **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 \$577.75 for taxes or other municipal liens assessed for the year 2013 in the name of Thomas, Anthony J. & Stefania A. as supposed owners, and in said assessment and sale were described as 41 Youmans Ave., Block 94 Lot 32, which sale was evidenced by Certificate #14-00060; and

**WHEREAS**, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 8-17-15 and before the right to redeem was cut off, as provided by law, LoanCare 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 \$1,479.69 which is the amount necessary to redeem Tax Sale Certificate #14-00060.

**NOW THEREFORE BE IT RESOLVED**, on this 15th day of September, 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 **\$2,779.69** (This amount consists of \$1,479.69 Certificate Amount redeemed + \$1,300.00 Premium).

**BE IT FURTHER RESOLVED**, that the Tax Collector is authorized to cancel this lien on Block 94 Lot 32 from the tax office records.

#### **Resolution #149-2015 Adjust Sewer Billings**

#### **RESOLUTION # 149-2015**

#### **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:

<b>BLOCK/LOT</b>	<b>NAME/ADDRESS</b>	
<b>REASON/ADJUSTMENT</b>		
101/5	Shabbecong Properties, LLC 325 W. Washington Ave. Washington, NJ 07882	Change in Use (.5) to (3) E.D.U.'s Effective: October
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 #150-2015 Redemption of Tax Certificate**

**RESOLUTION #150-2015**

**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 \$182.65 for taxes or other municipal liens assessed for the year 2013 in the name of Roland, Madeline & Vincent as supposed owners, and in said assessment and sale were described as 33 Lambert St., Block 2.11 Lot 33, which sale was evidenced by Certificate #14-00009; and

**WHEREAS**, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 9-9-15 and before the right to redeem was cut off, as provided by law, Comerica Bank on behalf of Caliber Home Loans 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 \$18,491.99 which is the amount necessary

to redeem Tax Sale Certificate #14-00009.

**NOW THEREFORE BE IT RESOLVED**, on this 15th day of September, 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 **\$32,491.99** (This amount consists of \$18,491.99 Certificate Amount redeemed + \$14,000.00 Premium).

**BE IT FURTHER RESOLVED**, that the Tax Collector is authorized to cancel this lien on Block 2.11 Lot 33 from the tax office records.

**Resolution #151-2015 Refund Overpayment of Taxes**

**RESOLUTION #151-2015**

**A RESOLUTION TO REFUND OVERPAYMENT ON 2015 REAL ESTATE TAXES**

**WHEREAS**, according to the Tax Collector's records, there is an overpayment of \$1,317.29 on 2015 3rd Quarter Regular Taxes paid on property located at 319 Belvidere Avenue, also known as Block 6 Lot 61, and in the name of Lauziere, Charles M.; and

**WHEREAS**, Arbor Title Services and Corelogic Tax Service had both paid the 3rd Quarter 2015 property taxes, resulting in the overpayment; and

**WHEREAS**, the Tax Collector has been resolving the matter of tax overpayments and has received a written request from Charles M. Lauziere that the overpayment be refunded to him.

**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 \$1,317.29 payable to:

Charles M. Lauziere  
319 Belvidere Avenue  
Washington, NJ 07882

Resolutions #148-2015, #149-2015, #150-2015 and #151-2015 were moved on a motion made by Conry, seconded by Heinrich and approved.

Ayes: 7, Nays: 0  
Motion Carried

**VOUCHERS:**

Mayor McDonald entertained a motion to approve the vouchers and claims in the amount of \$1,207,101.62

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

Council Discussion:

Councilman Thompson asked about the charge on page four for the micro fiber towels. Manager Blanchard replied that the Department of Public Works purchases them as necessary when they are washing their trucks. Councilman Thompson also inquired about the charge on page eleven for the tennis court reservation fee. Councilwoman Conry replied that the fee is to reserve the courts for the summer tennis clinic offered through Recreation.

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

Ayes: 7, Nays: 0

Abstain: (1) Thompson (Fire, EMS, & Tractor Supply only)

Motion Carried.

**RECAP:**

Manager Blanchard will set up a Sewer Committee Meeting with the Environmental Protection Agency. Manager Blanchard will reach out to the Washington Township Police Department for a better breakdown of their reports. Manager Blanchard will also reach out the E.P.A. for an update on the ongoing work on the Park Avenue project. At this time, Mr. Dawson Bloom addressed the issue on Green Street and stated to Council that he has received two bids from contractors for the sidewalk replacement in front of 23 Green Street. Mr. Bloom added that one proposal was for approximately \$10,000 and the other proposal was for \$8,600 so if Council chooses, the lowest bid is for \$8,600 which is from a very reputable local paving company.



A motion made by Higgins with a not to exceed \$8,600 for the work to be performed on Green Street, seconded by Noone.

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

Ayes: 7, Nays: 0

Motion Carried.

Councilwoman Noone mentioned to Council that with the recent Pedestrian Safety Program she thought it may be a good idea to add a crosswalk across Route 57 at the intersection of School Street which is a location where pedestrians cross frequently. Mr. Bloom replied that adding a crosswalk on Route 57 would require an application to the Department of Transportation for a mid block crossing and would have to do some research because there may be a restriction on the number of mid block crossings allowed within a certain distance. Manager Blanchard cautioned Council on taking on an expense like this at the end of the year.

#### **COUNCIL REMARKS:**

Councilwoman Conry inquired about the handicapped parking spaces in front of the Warren County Pharmacy. Councilwoman Conry added that there are two parking spaces but only one sign so it causes confusion as to which space to park in. Councilwoman Klimko added that Council had previously agreed to keep the two handicapped spaces in front of the pharmacy. Mr. Bloom replied that there is a parking plan that was approved by the State of New Jersey. Manager Blanchard replied that those two handicapped spaces are in that approved plan. Mr. Bloom will check into it and if so the N.J.D.O.T. should provide an additional sign.

Councilman Thompson asked for an update on the water tower on Washburn Avenue. Manager Blanchard replied that New Jersey American Water just performed the site work to see where the tower would be placed and they would like to get together with the Borough and Mr. Bloom to discuss the feasibility. Councilman Thompson also asked for an update on Washington Community Solar. Mr. Bloom replied that Washington Community Solar wanted to have a conference call last week however they never provided the Borough with the number for the conference call so Manager Blanchard will get in touch with them. Councilman Thompson asked about the status of the time clocks. Manager Blanchard replied that she will get the time clocks done for this year.

Councilman Higgins recommended that Council Members try to attend the League of Municipalities Annual Conference in Atlantic City in November. Councilman Higgins asked Mr. Bloom if there are plans to move forward with the decommissioning of the Millpond Dam this year. Mr. Bloom replied that he is in the process of communicating with the State Preservation Office regarding a ruling that indicated that a historical architectural study needs to be completed before the Borough moves forward.

Councilman Higgins also added that he spoke to Reverend Bauknight in regards to North Lincoln Avenue and cars are driving faster than ever on the newly paved area. Councilman Higgins stated that Reverend Bauknight plans to speak to Stan Prater at JCP&L to see if it is possible to place a dip in the road on their end to slow traffic down. Councilman Higgins also mentioned that Reverend Bauknight asked about the house located at 149 North Lincoln Avenue. Manager Blanchard replied that the house is in the foreclosure process which can take quite a while. Councilman Higgins added that the Mt. Pisgah AME Church also has some issues with signs and barrels from the Warren Hills Middle School that may be on the church property.

Councilman Thompson stated that in regards to North Lincoln Avenue the residents and church members would like two signs alerting motorists that children are playing. Councilman Thompson added that there are many children playing in the area and sometimes in the roadway. Attorney Parikh will have to check to see if the signs need to be added via ordinance. Councilwoman Klimko would also like to see a school zone sign on Carlton which would alert drivers that there is a school in the area. Attorney Parikh will also look into the requirements that need to be met in order to place a sign that it is a school zone.

**EXECUTIVE SESSION:**

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

Ayes: 7 Nays: 0  
Motion Carried

**RESOLUTION # 162-2015**

**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: 7, Nays: 0  
Motion Carried

## **Resolution #152-2015 Approving Update on Affordable Housing Expert Report**

### **RESOLUTION #152-2015**

#### **APPROVING UPDATE ON AFFORDABLE HOUSING EXPERT REPORT**

**WHEREAS**, the Borough of Washington Warren County has filed 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**, the Borough of Washington entered into a Municipal Shared Services Defense Agreement (hereinafter “MSSDA”) in order to hire Dr. Robert W.

Burchell via Rutgers University to produce an expert report in order to establish the Township's affordable housing obligation; and

**WHEREAS**, Dr. Burchell is unable to perform his duties under the MSSDA due to health issues; and

**WHEREAS**, Rutgers seeks to terminate the MSSDA; and

**WHEREAS**, it has been proposed to the member municipalities to hire Econsult Solutions, having an address at 1435 Walnut Street, Suite 300, Philadelphia, PA 19102, to replace Dr. Burchell because Econsult appears to be the only qualified expert in the area of New Jersey affordable housing obligations.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Governing Body of the Borough of Washington as follows:

1. The Borough of Washington hereby authorizes the substitution of Econsult as an expert under the MSSDA
2. The Mayor be and is hereby authorized to execute an addendum to the MSSDA to that effect subject to approval of the Borough Attorney.
3. This Resolution shall take effect immediately.

Resolution #152-2015 was moved on a motion made by Noone, seconded by Conry and approved.

Ayes: 7, Nays: 0  
Motion Carried

**ADJOURNMENT:**

Hearing no further business, a motion was made by Noone, seconded by Thompson to adjourn the meeting at 8:15 p.m.

Ayes: 7, Nays: 0  
Motion Carried

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Mayor Scott McDonald

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Kristine Blanchard, RMC Borough Clerk