

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – October 20, 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;
Tara St. Angelo, Municipal Attorney; Dawson Bloom,
Municipal Engineer

MINUTES:

Regular Meeting – October 6, 2015

Motion made by Heinrich, seconded by Noone to approve the Regular Meeting minutes of October 6, 2015

Ayes: 7 Nays: 0
Motion Carried

COUNCIL APPEARANCE:

Recreation Restructure – Victor Cioni, Recreation Chairman

At this time, Mayor McDonald recused himself from the conversation and Deputy Mayor Heinrich facilitated the meeting.

Chairman Cioni stated that he would like to discuss the possibility of restructuring the Recreation Director position. Chairman Cioni added that not only has it been challenging retaining a Recreation Director but also the seasonal park worker. Every year it is difficult to find qualified candidates for the six month period at only ten or eleven dollars an hour. Chairman Cioni asked Council for a full time DPW worker to be hired and outsourced to Recreation from April through October giving Recreation the consistency that it needs. Chairman Cioni added that Recreation would pay for the CPO certification for this position as well as the Chemical weed and feed / fertilization certification. This certification would eliminate the yearly cost of a third party doing the weed and feed treatments at the parks and pool and could also be utilized by the Borough for their downtown parking lots and other properties. Chairman Cioni stated that Recreation would still have to hire another seasonal worker because there are always two but it would be so much easier only having to search for and train one rather than two. Chairman Cioni added that currently the Borough pays a DPW seasonal worker \$11,000 per year and Recreation pays the entire amount for the second full time seasonal worker. Chairman Cioni proposed bringing in a full time DPW worker which once you subtract the \$11,000 already being paid the salary is not a big issue but it's the pension and benefits costs that can add up. However, Chairman Cioni feels the costs associated are well worth it to have the consistency within Recreation and it would benefit the entire community. Manager Blanchard cautioned that Council is just beginning the budget process for 2016 and would need some time to work with the numbers. Councilman Higgins asked Manager Blanchard to check into the Civil Service roles and which title this job description would fall under and what is required. Manager Blanchard replied that this position would be a Laborer 1 which is the lowest position for a DPW employee. Councilman Higgins asked the \$5,000 to \$6,000 cost for utilizing a third party company to close and winterize the pool. Chairman Cioni replied that there is a lot of work to do to properly close and winterize the pool, baby pool, splash pad and bath house as well as turning the water on in the spring. Chairman Cioni added that a one benefit of having a dedicated year round full time DPW worker is that this individual could learn the winterization and opening process and could eventually perform the tasks necessary for the process and save the Borough the cost of using a third party company. Councilwoman Klimko suggested that if Council is unable to provide a full time DPW employee, perhaps paying a dollar or two more per hour out of the Recreation budget would attract more candidates. Chairman Cioni replied that more of the problem than the amount of money per hour is the fact that it is a seasonal position and not many people can only work six months out of the year and Recreation needs consistency.

At this time, Mayor McDonald re-facilitated the meeting.

CORRESPONDENCE:

Mayor McDonald stated that Council has correspondence from Trans Options regarding the Annual Recognition Breakfast as well as an additional piece of correspondence on

Council's desks. Mayor McDonald added that the Borough received a framed certificate for attaining New Jersey Smart Workplace status.

A motion was made by Heinrich, seconded by Noone to receive and file the correspondence.

Ayes: 7, Nays: 0
Motion Carried

AUDIENCE:

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

John Montaverde - Executive Director, Washington Borough BID

Mr. Montaverde stated that Councilwoman Noone provided a great presentation of the Farmer's Market to the BID and it will continue next year with some changes to the advertising schedule. Mr. Montaverde added that the future BID events are Small Business Saturday on November 28th and the Hometown Holiday on Saturday, December 5th. The Night of the Living BID Costume Party is Thursday October 29th at the Mediterranean Bistro from 6:00 pm to 9:00 pm.

Jay Arrington – Poetry in Motion Productions

Mr. Arrington updated Council with the fact that he has severed ties with the former partners that he appeared with at the last Council Meeting and is now moving forward on his own under the name Poetry in Motion Productions. Mr. Arrington added that the business plan is still the same as previously presented and still wishes to move forward with the project. Councilman Higgins asked Mr. Arrington why he severed ties with his former partners. Mr. Arrington replied that there was a disagreement within the terms of the lease and the organization did not want to move forward. Mr. Arrington added that because of his passion for the project he wishes to move forward with his own organization. Mr. Arrington stated that the parent organization of Music / Art of NJ which is consisted of Ron Foster, Harold Foster, John Ming and Leon Farmer Moses are no longer part of the project. Mr. Arrington added that Jerome Eben with American Institute of Architects is still on board and is sponsoring the statewide design competition which will have a registration fee associated as a means to raise funds. Councilman Heinrich asked Mr. Arrington if the \$50,000 requested from the Borough of Washington to assist with the cost of the roof repairs is contingent on purchasing the building and the project moving forward. Mr. Arrington replied that he does not plan on purchasing the building right away and has had numerous conversations with the owner, Mr. Dennis Schuman. Mr. Arrington intends to lease the building with the intent to buy.

Councilman Heinrich added that he wouldn't be comfortable with Council making a decision like that with the tax payer's money and that the community should be involved with the decision. Mayor McDonald added that for the question to be on the ballot it would have had to been to the Board of Elections by the end of August. Mr. Arrington added that he realizes that he would not have access to the funds until April 2016 even if the amount he is requesting from Council is approved. Councilman Higgins asked Mr. Arrington what would happen if Council provided the funds requested but he was unable to secure any other grants and was not able to raise the funds anticipated. Mr. Arrington. Councilman Higgins added that there is no guarantee that if Council provided the funds that the project would succeed. Mr. Arrington replied that there are no guarantees. Councilman Higgins asked if Mr. Arrington requested funds from the Washington BID. Mr. Montaverde replied that the BID is operating at a deficit and would not be able to contribute in a financial capacity at this time but can offer advertising support or anything else to help out. Councilwoman Klimko commented that the community cares very much about the theatre building and there may be residents within the community that may be able to donate their time and resources to get the building up to par. Councilman Higgins asked Mr. Arrington if he was looking for Council to provide a definitive answer in regards to the funds requested by a certain date. Mr. Arrington replied that he is in a holding pattern until he receives an answer from Council unless he obtains the funds from another source. Councilwoman Conry recommended that Mr. Arrington move forward with some ideas to obtain funds from other sources instead of solely waiting on Council's response. Mr. Arrington confidently stated that one way or another he plans on making this project happen. Mayor McDonald added that he would like to help Mr. Arrington and would like to meet with him. Councilman Heinrich urged Mr. Arrington to get word of his project in the newspapers and spread the word that assistance is needed. Mr. Montaverde added that the BID can help get the message about the project out to the community.

Peter Michel - 28 South Lincoln Avenue

Mr. Michel asked if a development like the Town Center Project would need to follow the standards outlined by the Soil Erosion and Sediment Control Act and approved by the Planning Board. Mr. Bloom replied that that would typically be taken care of as part of the Planning Board application process. Mr. Bloom added that the process has already been completed and the information has been provided to the Warren County Soil Erosion District. Mr. Michel also expressed concerns over the possibility of asbestos in the building and possible health concerns for those in the immediate area during the remediation process. Mayor McDonald added that Mr. Michel's letter of concern addressed to the Planning Board is on their next agenda.

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

Ayes: 7, Nays: 0
Motion Carried

REPORTS:

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

1. Washington Township Police Department – September 2015
2. Municipal Court Report – September 2015
3. Warren County Board of Health Report – October 14, 2015

Council Discussion:

Councilman Heinrich noted that in numerous Board of Health reports there is notification that sewage and food is floating down the Shabbecong Creek from the Washington Diner. Manager Blanchard commented that it is the same issue that has had no change in it's status. Municipal Engineer Dawson Bloom replied that Finelli Engineering is actively pursuing the issue with the diner and the Warren County Health Department. Councilman Higgins would like an immediate fix to the issue or the Department of Environmental Protection needs to be notified. Mr. Bloom replied that he will follow up with the Warren County Board of Health as to the status.

Ayes: 7, Nays: 0
Motion Carried

COMMITTEE REPORTS:

Shared Services Committee

Manager Blanchard noted that there needs to be a Shared Services Committee Meeting with the Washington Township Police Department and she would like to hold that meeting next Monday at 4:00 p.m.

OLD BUSINESS:

Washington Community Solar – Update

Mr. Bloom stated that he recently had a conference call with representatives from Washington Community Solar to discuss the Power Purchase Agreement. Mr. Bloom

added that late last year Washington Community Solar informed Council that there was an issue and they could not hook up a single solar service for both the Sewer Plant and the D.P.W. and they were proposing to do the Sewer Plant as originally intended and the D.P.W. with it's own solar array. Mr. Bloom stated that Washington Community Solar had an engineer perform a study at their cost which revealed that the roof structure of the D.P.W. garage was capable of holding the solar arrays needed. For Washington Community Solar to move forward there are some changes to deadline dates and minor rate changes that need to be made to the Power Purchase Agreement.

A motion made by Noone, seconded by Conry to extend the deadline date for Washington Community Solar to be active by March 15, 2016.

Ayes: 7, Nays: 0
Motion Carried

Councilman Heinrich added that he would like to have the Washington Borough School District / Washington Borough Power Purchase Agreement added to the next Council Agenda.

NEW BUSINESS:

Resolution #164-2015 Stop Payment of Payroll Check

RESOLUTION #164-2015

A RESOLUTION TO AUTHORIZE STOP PAYMENT AND REPLACE CHECK

WHEREAS, check #2448 was issued September 15, 2015 on the Borough of Washington Payroll Account in the net amount of \$128.96 and made payable to Aubrey L. Holzman;

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 #2448.

Resolution #164-2015 was moved on a motion made by Noone, seconded by Conry and approved.

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

Resolution #165-2015 Ryan Homes – Release SE Winter Grading Bonds

RESOLUTION #165-2015

**A RESOLUTION AUTHORIZING THE RELEASE OF S. E. WINTER GRADING
BONDS FOR RYAN HOMES HELD IN TRUST BY THE BOROUGH OF
WASHINGTON**

WHEREAS, Ryan Homes has requested the following cash bonds to be released:

	Bl. 73.02, Lots 38, 39, 40 & 41:	\$10,000.00 (\$2,500.00 per lot)
	Bl. 73.02, Lots 35, 36, & 37:	\$ 7,500.00 (\$2,500.00 per lot)
	Bl. 73.02, Lots 42 & 43:	\$ 5,000.00 (\$2,500.00 per lot)
	Bl. 73.02, Lots 9, 10, 11 & 12:	\$10,000.00 (\$2,500.00 per lot)
	Bl. 73.01, Lots 30, 31, 32 & 33:	\$10,000.00 (\$2,500.00 per lot)
	Bl. 73.01, Lots 34, 35, 36 & 37:	\$10,000.00 (\$2,500.00 per lot)
	Bl. 73.01, Lots 27, 28 & 29:	\$19,500.00 (\$6,500.00 per lot)
total)		
	Bl. 73.01, Lots 38, 39, 40 & 41:	\$16,000.00 (\$4,000.00 per lot)
	Bl. 73.01, Lots 42 & 43:	\$ 5,000.00 (\$2,500.00 per lot)
	Total Cash Surety:	\$93,000.00

WHEREAS, Andrew S. Holt, PE, PP, CME, Borough Engineer has submitted letters noting that inspections have been performed for the soil erosion and sediment control for the above-captioned lots and found the work to be satisfactory;

WHEREAS, Suburban Consulting Engineers recommends the cash deposits in the amount of \$93,000.00 be released at this time from the Ryan Homes S.E. Winter Grading Bond Account #7760883376.

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 Municipal Treasurer is hereby authorized to issue a check to Ryan Homes for the Cash Surety in the amount of \$93,000.00.

Resolution #165-2015 was moved on a motion made by Conry, seconded by Heinrich and approved.

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

Ayes: 7, Nays: 0

Motion Carried

Resolution #166-2015 O/L Redemption Block 26 Lot 4

RESOLUTION #166-2015

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 FWDSL & Associates LP, 5 Cold Hill Rd S Ste:11, Mendham, NJ 07945, in the amount of \$693.09 for taxes or other municipal liens assessed for the year 2012 in the name of Dudar, Mark P. & Linda A. as supposed owners, and in said assessment and sale were described as 20 Jackson Avenue, Block 26 Lot 4, which sale was evidenced by Certificate #13-00017; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 10-13-15 and before the right to redeem was cut off, as provided by law, EastWest Bank on behalf of Lereta 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 \$2,547.39 which is the amount necessary to redeem Tax Sale Certificate #13-00017.

NOW THEREFORE BE IT RESOLVED, on this 20th day of October, 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 **\$3,847.39** (This amount consists of \$2,547.39 Certificate Amount redeemed + \$1,300.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 26 Lot 4 from the tax office records.

Resolution #166-2015 was moved on a motion made by Conry, seconded by Thompson and approved.

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

Resolution #167-2015 Grant Application – Resurfacing of Broad Street

RESOLUTION #167-2015

**APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT
AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF
TRANSPORTATION FOR THE RESURFACING OF BROAD STREET
PROJECT**

WHEREAS, Washington Borough, Warren County, New Jersey has given Finelli Consulting Engineers the approval to submit this grant on the behalf of the Borough of Washington,

NOW, THEREFORE, BE IT RESOLVED that Committee of the Borough of Washington formally approves the grant application for the above stated project,

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as **MA-2016-Resurfacing of Broad Street-00272** to the New Jersey Department of Transportation on behalf of the Borough of Washington.

BE IT FURTHER RESOLVED that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Washington and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Resolution #168-2015 Grant Application – Resurfacing of North Prospect Street

RESOLUTION #168-2015

**APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT
AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF
TRANSPORTATION FOR THE RESURFACING OF NORTH PROSPECT
STREET PROJECT**

WHEREAS, Washington Borough, Warren County, New Jersey has given Finelli Consulting Engineers the approval to submit this grant on the behalf of the Borough of Washington,

NOW, THEREFORE, BE IT RESOLVED that Committee of the Borough of Washington formally approves the grant application for the above stated project,

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as **MA-2016-Resurfacing of N. Prospect Street-00271** to the New Jersey Department of Transportation on behalf of the Borough of Washington.

BE IT FURTHER RESOLVED that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Washington and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Resolutions #167-2015 and #168-2015 were moved on a motion made by Conry, seconded by Heinrich and approved.

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

VOUCHERS:

Mayor McDonald entertained a motion to approve the vouchers and claims in the amount of \$798,701.71

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

Council Discussion:

Councilman Higgins asked about charges under the current fund related to the Pleasant Valley Mill Dam inspections. Manager Blanchard replied that is an internal error and the charge should be moved over to the sewer fund. Councilman Higgins also asked about

the charge from Dove Environmental Education for their Critter and Litter Craft Workshop. Councilwoman Noone replied that the workshop was held in conjunction with the Washington BID's Festival in the Borough. Councilman Higgins asked about the charges in regards to Washington Community Solar. Manager Blanchard replied that the charge is being reimbursed through Developer's Escrow by Washington Community Solar. Councilman Higgins asked about the office supply charges that came out of the sewer operating account. Manager Blanchard replied that those charges for storage boxes are for the sewer department and not for Veolia. Councilman Higgins also asked about the status of the Head Works project which Manager Blanchard replied that she will check and report back.

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

Ayes: 7, Nays: 0

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

Motion Carried.

RECAP:

Manager Blanchard will set up a Shared Services Committee Meeting for Monday with the Washington Township Police Department. Manager Blanchard will look into the civil service and get an estimated pension and benefits costs associated with the recreation park worker. Manager Blanchard along with Mr. Bloom will follow up with the Warren County Board of Health regarding the issues with the diner. Manager Blanchard will pass along the information regarding the RFP for the solar project as well as adding it to the next Council Meeting agenda. Manager Blanchard will also obtain an update on the Head Works project.

COUNCIL REMARKS:

Councilman Heinrich reminded everyone that the Senior Advisory Committee will be holding a 1950's Sock Hop this Saturday from 6:00pm until 10:00pm and asked Manager Blanchard to add the details to the information sign outside in front of Borough Hall. Councilman Heinrich added that Councilwoman Klimko was able to secure a lot of donations for the event.

Councilwoman Noone stated that she had attended the Town Hall Meeting about heroin addiction and recovery at Warren County Community College on October 8th along with a lot of representatives from Warren County. Councilwoman Noone expressed to Council that there are a lot of resources here in Washington to help with alcohol and drug abuse but there is still a lot that needs to be done. Mayor McDonald added that he also

attended the meeting and noted that most of the people in attendance were either an elected official or a stakeholder and not many participants from the general public.

Councilwoman Conry asked how the time clocks worked out for the seasonal staff at the park. Manager Blanchard replied that the time clocks were not installed at the pool until the end of the season so they will be up and running for next year.

Councilman Higgins asked about the roads in the Borough that were approved for paving this year. Mr. Bloom replied that the roads were submitted to Tilcon and he is waiting on a date from them. Manager Blanchard added that the paving is now taking place at the end of October and that update is in her Manager's Report. Councilman Higgins also asked about the status of the sidewalk on Green Street. Manager Blanchard replied that the purchase order has been done on the Borough's end and Mr. Bloom is working with the contractor to set up a date for the work to be completed. Mr. Bloom will contact the Mr. Maguire to assure him that the work will be completed soon. Councilman Higgins added that he noticed a lot of boxes stacked up in the Finance Office at Borough Hall and wanted to make sure that the climate controlled room designated for storage at the Sewer Plant was being utilized. Manager Blanchard replied that the room at the Sewer Plant is being used and those boxes in the Finance Office are marked for destruction.

Councilman Higgins asked for an update on the Gardeners Court Sewer Project. Mr. Bloom replied that he has two bids for the work and he is waiting for one more which he hopes to have by tomorrow. Councilman Higgins commented that at the last meeting a resident spoke about the weeds and trash in the area around the Dollar Store and noted that although the weeds have been cut there is still a lot of trash along the fence that needs to be addressed. Councilman Higgins asked when the CLAP participants would be available to the Borough. Manager Blanchard replied that the request is in and she is waiting to hear a date. Councilman Higgins also stated that he spoke with Stan Prater from JCP&L in regards to placing an inverted speed bump at the end of North Lincoln Avenue and Mr. Prater is under the impression that it is Borough owned property. Manager Blanchard will reach out and speak to Mr. Prater. Councilman Higgins asked Council to think about obtaining requests for professional services which will help in the budget process for the year 2016. Councilman Higgins also asked for an update on the Washington Cemetery. Mayor McDonald replied that the Washington Cemetery asked for a meeting with the Planning Board's Technical Review Committee to find out what could be done if they purchased the entire piece of land. The Washington Cemetery opened an escrow account in order to pay for the professionals involved and Mayor McDonald stated that there is no application before the Planning Board at this time. Lastly, Councilman Higgins asked Mr. Montaverde if the BID should be assisting Mr. Arrington and the Washington Theatre possibly instead of Council. Mr. Montaverde replied that when Mr. Arrington presented to the BID there was no business plan in place yet and no monetary involvement was requested. Mr. Montaverde added that the topic will be discussed at the next BID meeting.

Councilwoman Klimko stated that she was under the impression the Borough would have access to CLAP participants once they had completed cleaning up the Warren County

Fairgrounds. Manager Blanchard replied that the Borough is on their list however no date of availability had been provided to her yet. Councilwoman Klimko stated that she had discussed two ordinance issues with Manager Blanchard prior to the meeting. Manager Blanchard added that Attorney Parikh is revamping the ordinance in regards to cars parking on the street as well as the landlord registration ordinance. Councilwoman Klimko added that there still needs to be discussion on the trailer ordinance. Manager Blanchard replied that she pulled the ordinance and added that it was adopted as is and modifications still need to be made. Councilwoman Klimko also added that the Borough has signs posted that have no ordinances to support them such as the Fire Department Only parking in the Municipal Building's parking lot. Councilman Higgins replied that the Streets Committee needs to work on rewriting the parking ordinances to give the Code Enforcement Officer the ability to enforce the ordinances but if that is the only change that the motion could be drafted through Council immediately

A motion made by Conry, seconded by Higgins to amend the parking ordinance to provide the Code Enforcement Officer with the ability to enforce the parking ordinances.

Ayes: 7, Nays: 0
Motion Carried.

Councilman Thompson asked if the tree in front of Borough Hall will be lit for the Christmas season again this year. Manager Blanchard replied that the order for the lights has already been put in and it is the same cost as last year.

Mayor McDonald mentioned that the Borough had the pleasure of hosting Congressman Scott Garrett at the BID's Festival in the Borough. Mayor McDonald added that Congressman Garrett spent about an hour downtown and is also interested in recognizing the death of Evan Murray in some way.

EXECUTIVE SESSION:

At this time, Mayor McDonald stated that an Executive Session is needed. A motion was made by Conry, seconded by Thompson to enter into Executive Session after a ten minute recess.

Ayes: 7 Nays: 0
Motion Carried

RESOLUTION # 171-2015

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 Conry, seconded by Thompson, to go out of Executive Session.

Ayes: 7, Nays: 0
Motion Carried

Resolution #170-2015 Consent Order In the Affordable Housing Declaratory Judgment

RESOLUTION #170-2015

**RESOLUTION AUTHORIZING THE BOROUGH
ATTORNEY TO SIGN A CONSENT ORDER IN THE
AFFORDABLE HOUSING DECLARATORY JUDGMENT
ACTION (IMO APPLICATION OF THE BOROUGH OF
WASHINGTON, DKT #WRN- L-000230-15)**

WHEREAS, the Borough of Washington (the “Borough”) instituted a declaratory judgment action seeking a judicial declaration that the Borough’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 in the Superior Court of New Jersey, Chancery Division, Warren County, Docket No. L-000230-15 (hereinafter “Declaratory Judgment Action”) in compliance with the Supreme Court’s directives in In Re Adoption of N.J.A.C. 5:96 and 5:97 by NJ Council on Affordable Housing; and

WHEREAS, Washington Station Venture, LP, owner of real property designated as Block 97, Lots 3 and 4 and Block 97.01, lot 1, and Washington Venture Investment, Ltd., owner of property designated as Block 97, Lot 2, (collectively “Proposed Intervenor”) have filed an application to intervene in the Declaratory Judgment Action; and

WHEREAS, the New Jersey Declaratory Judgment Act requires that “all persons having or claiming any interest which would be affected by the declaration shall be made parties to the proceeding.” N.J.S.A. 2A:15-56; R. 4:33-1;

WHEREAS, in the *Mount Laurel* declaratory judgment actions, as per Judge Wolfson’s decision in In re Monroe, Docket No. MID-L-3365-15 (Law. Div. July 9, 2015), interested parties may intervene, but their intervention is “limited to the question of whether the particular town has complied with its constitutional housing obligations.” The right to intervene in these actions “does not extend so far as to authorize [intervenor] to contest the municipality’s site selections and/or methods of compliance by suggesting or claiming that other sites (owned or controlled by them) are superior to, or perhaps, better suited for an inclusionary development;” and

WHEREAS, the Proposed Intervenor is entitled to intervene and the proposed answer filed with the Court in connection with the Motion to Intervene complies with the above-referenced Court decision.

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

1. The attached Consent Order is hereby approved.
2. The Borough Attorney is hereby authorized to sign same.

3. This Resolution shall take effect immediately.

Resolution #170-2015 was moved on a motion made by Noone, seconded by Heinrich and approved.

Ayes: 7, Nays: 0
Motion Carried

At this time Councilwoman Noone made a motion to present Donald Henry with a proclamation in honor of his thirty years of service with the Borough of Washington, seconded by Conry.

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 9:00 p.m.

Ayes: 7, Nays: 0
Motion Carried

Mayor Scott McDonald

Kristine Blanchard, RMC Borough Clerk