

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – July 5, 2016**

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, Heinrich, McDonald, Thompson, Higgins Noone

Absent: Conry

Also Present: Ann Kilduff, Acting Borough Clerk

CORRESPONDENCE:

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

1. Request for Turn the Town Teal in September 2016
2. Block Party Request – Jackson Avenue July 16th from 12:00 p.m. – 2:00 p.m.

Ayes: 6, Nays: 0
Motion Carried

A motion made by Higgins, seconded by Thompson to approve both the request for Turn the Town Teal in September, 2016 and the Block Party Request for Jackson Avenue on July 16th from 12:00 p.m. – 2:00 p.m.

Council Discussion:

Mr. Gary Taylor who resides on Jackson Avenue noted that last year there were approximately 125 people at the block party and he requested he would like to block off

the road a few hours earlier to start setting up for the party. Mayor McDonald replied that he did not see any issues with that.

Ayes: 6, Nays: 0
Motion Carried

MINUTES:

Regular Meeting Minutes May 3, 2016

Motion made by Noone, seconded by Heinrich to approve the Regular Meeting minutes of May 3, 2016.

Council Discussion:

Mayor McDonald noted that page 9 of the regular meeting minutes states that Mayor McDonald entertained a motion to approve the vouchers when in fact it was Deputy Mayor Heinrich.

Ayes: 6, Nays: 0
Motion Carried

AUDIENCE:

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

Pete Mulligan – 46-48 Carlton Avenue

Mr. Mulligan addressed Council in regards to his flooding issues in his Carlton Avenue home. Mr. Mulligan added that approximately one year ago he met with the Streets Committee, the D.P.W. and the municipal engineer and he feels that everyone wants to sweep his issues under the rug. Mr. Mulligan stated that he has hired an attorney and even though the Warren Hills Board of Education performed the work, the Borough of Washington owns the road and gave the school board permission to perform the work. Mr. Mulligan said that every time it rains he gets water in his basement and that had never happened prior to the work performed by Top Line Construction. Mr. Mulligan provided pictures of his flooding issues to Council.

Jennifer Lambordi – 96 McDonald Street

Ms. Lambordi expressed her support of the resolution to authorize a referendum ballot

question regarding the establishment of an open space trust fund. Ms. Lambordi feels this opportunity to preserve open space in the Borough of Washington is very important because it will allow extra funding to come in through the county and the state.

Gary Taylor – 18 Jackson Avenue

Mr. Taylor stated that he had complained about New Jersey American Water running heavy equipment all through the night during the week and plans to sign a complaint with the Board of Public Utilities. Mr. Taylor added that about two years ago the road was paved and it looked wonderful. Two years later it looks terrible due to NJAW tearing up half the road and they should be forced to pave the entire length of the road. Mr. Taylor provided pictures of the damaged road to Council. Mr. Taylor added that a lot of motorists cut through on Jackson Avenue to avoid the traffic on Belvidere Avenue so the road takes a lot of wear and tear. Councilman Higgins stated that he was under the impression from Municipal Engineer Bloom that it was a requirement for NJAW to repave the entire road when the project was complete.

Mike Franks – 43 Nunn Avenue

Mr. Franks encouraged Council to allow the referendum ballot question regarding the establishment of an open space trust fund. Mr. Franks feels that the Borough should take advantage of some funds that may be out there as well as contributing towards preserving open space in the Borough.

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

Ayes: 6, Nays: 0
Motion Carried

NEW BUSINESS:

Resolution #109-2016 Authorizing a Referendum Ballot Question Regarding the Establishment of an Open Space Trust Fund

RESOLUTION #109-2016

AUTHORIZING A REFERENDUM BALLOT QUESTION REGARDING THE ESTABLISHMENT OF AN OPEN SPACE TRUST FUND PURSUANT TO NJSA 40:12-15.7

WHEREAS the Borough of Washington possesses several areas of open space and natural preservation areas within the Borough for the benefit of the public at large; and

WHEREAS the Borough seeks to obtain the approval of the voters for expanding its natural open space program and the funding mechanisms for the same; and

WHEREAS N.J.S.A. 40:12-15.7(a)(1)(a) provides that the governing body of any municipality may submit to the voters of the municipality in a general election a proposition authorizing imposition of an annual levy for an amount or at a rate deemed appropriate for any or all of the purpose of the acquisition of lands for conservation purposes; and

WHEREAS N.J.S.A. 19:37-1 provides that the governing body of any municipality may ascertain the sentiment of the legal voters of the municipality upon any question or policy pertaining to the government or internal affairs thereof by the submission of such question to a vote of the electors in the municipality at any election to be held therein, by adopting at any regular meeting an ordinance or resolution requesting the Clerk of the County to print upon the official ballots to be used at the next ensuing general election a certain proposition to be formulated and expressed in the ordinance or resolution in concise form; provided that such request shall be filed with the County Clerk not later than 81 days previous to the election.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey does hereby request that the following referendum question be placed on the November 8, 2016 general election ballot:

Washington Borough Open Space Trust Fund

Shall the Borough of Washington establish an Open Space and Recreation Trust Fund through an annual levy of up to 0.02 per \$100.00 of assessed real property value for a period not to exceed five years, for the purpose of protecting water quality in ponds and streams; conserving natural areas, and developing, maintaining and acquiring lands for recreation and conservation, including the improvement of recreational facilities, with spending based on the recommendations of a citizens oversight committee and all funds subject to an annual public audit?

Interpretive Statement

A "yes" vote will permit Washington Borough to establish an Open Space and Recreation Trust Fund with an annual levy of up to 0.02 per \$100 of assessed real property value. The average owner would pay \$28 per year, which is equal to \$2.33 per month, for a period of 5 years. Funds can only be used for the development, maintenance and acquisition of lands for recreation and land and water conservation purposes. An oversight committee of local citizens would advise the Borough on how the funds should be spent. Every year there would be a public audit of all

expenditures. The Funds would enable Washington to leverage matching grants from the County and State.

_____ YES _____ NO

BE IT FURTHER RESOLVED The Mayor and Council hereby further request that the Warren County Clerk print the aforementioned question and explanatory statement on the official ballot for the Borough of Washington for the General Election to be held on November 8, 2016.

BE IT FURTHER RESOLVED A certified copy of this resolution shall be forwarded to the Warren County Clerk.

Resolution #109-2016 was moved on a motion made by Noone, seconded by Heinrich and approved.

Council Discussion:

Councilman Higgins commented for the record that he is not in favor of any new tax for the Borough residents however he is in support of having the residents vote for the referendum.

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

Ayes: 6, Nays: 0

Motion Carried

VOUCHERS:

Mayor McDonald entertained a motion to approve the vouchers and claims in the amount of \$504,065.61

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

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

Ayes: 6, Nays: 0

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

Motion Carried

Mayor McDonald stated that Jersey Central Power & Light has a list of critical care customers or those who are in need of emergency electrical service during a power

outage. If anyone knows of someone in that situation and who is not on JCP&L's list, please have them contact JCP&L so that they may have their critical care equipment powered.

RECAP:

Acting Clerk Kilduff will have Manager Blanchard make the change on page 9 of the May 3, 2016 minutes and she will forward the pictures from Mr. Mulligan to Mr. Bloom from Finelli Engineering.

COUNCIL REMARKS:

Councilman Thompson commented that the D.P.W. is working hard to clean up brush and repair damaged roads from the storm.

Councilwoman Klimko remarked that she was driving through some of the alley ways in the Borough and they look beautiful for the first time in a long time thanks to the D.P.W. Councilwoman Klimko thanked Washington Celebrates America for the 4th of July festivities and noted that the parade and fireworks were wonderful.

Councilman Higgins stated that he would like to have a Streets Committee and Sewer Committee meeting on July 18th at 2:00 p.m. at the office of Finelli Engineering.

Councilman Heinrich thanked the D.P.W., Washington Borough Fire Department, and the Washington Township Police Department for their response during the storm. Councilman Heinrich added that it's his understanding that the New Jersey American Water Company is obligated to pave the entire length of Jackson Avenue. Mr. Taylor replied that he spoke to the supervisor on the job who believes that NJAW was only intending to pave half the road. Councilwoman Klimko asked Mayor McDonald to have Manager Blanchard look at the contract from NJAW.

Councilwoman Noone agreed with Councilwoman Klimko that the 4th of July events were great and thanked everyone that volunteers for Washington Celebrates America.

Mayor McDonald added that as always the parade and fireworks display were wonderful as usual. Mayor McDonald also stated that there was a lot of flooding from the intense rain on June 28th. There are some drainage issues that just couldn't handle the water at that intense rate and he will work with Manager Blanchard on the issues he is aware of. Councilwoman Klimko added that she thought that some of the catch basins that were supposed to be regularly maintained on a weekly basis have not been kept up with. Councilman Higgins added that the storm dropped almost five inches of rain in less than one hour which is hard to handle.

EXECUTIVE SESSION:

At this time, Mayor McDonald stated that an Executive Session is needed. A motion was made by Noone, seconded by Heinrich to enter into Executive Session.

Ayes: 6 Nays: 0
Motion Carried

RESOLUTION #111 -2016

AUTHORIZING EXECUTIVE SESSION

WHEREAS, the Open Public Meetings Act; *N.J.S.A. 10:4-6 et seq.*, declares it to be the public policy of the State to insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

WHEREAS, the Open Public Meetings Act also recognizes exceptions to the right of the public to attend portions of such meetings; and

WHEREAS, the Mayor and Council find it necessary to conduct an executive session closed to the public as permitted by the *N.J.S.A. 40:4-12*; and

WHEREAS, the Mayor and Council will reconvene in public session at the conclusion of the executive session;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey that they will conduct an executive session to discuss the following topic(s) as permitted by *N.J.S.A. 40:4-12*:

_____A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public (Provision relied upon: _____);

_____A matter where the release of information would impair a right to receive funds from the federal government;

_____A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

_____A collective bargaining agreement, or the terms and conditions thereof (Specify contract: _____);

_____ A matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed; Real Estate Acquisitions

_____ Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

_____ Investigations of violations or possible violations of the law;

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

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

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

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

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

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

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

A motion was made by Higgins, seconded by Klimko, to go out of Executive Session.

Ayes: 6, Nays: 0
Motion Carried

Councilman Higgins asked if anyone is aware of any sewer related issues on Gardener's Court during or after the storm from last week. Councilwoman Klimko replied that she was informed from a resident in that area that she had no smell or sewage and since the new line has been installed, the foul odor has dissipated.

ADJOURNMENT:

Hearing no further business, a motion was made by Noone, seconded by Higgins to adjourn the meeting at 7:36 p.m.

Ayes: 6, Nays: 0
Motion Carried

Mayor Scott McDonald

Kristine Blanchard, RMC Borough Clerk