

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – April 19, 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, Conry, McDonald, Higgins, Noone

Absent: Thompson

Also Present: Pat Titus, Acting Borough Clerk
Leslie Parikh, Municipal Attorney

CORRESPONDENCE:

A motion was made by Conry, seconded by Klimko to receive and file the correspondence.

Ayes: 6, Nays: 0
Motion Carried

Michael Bray – Request for Block Party

A motion was made by Higgins, seconded by Conry to approve the Request for a Block Party from Michael Bray.

Ayes: 6, Nays: 0
Motion Carried

MINUTES:

Regular Meeting Minutes - March 1, 2016

Motion made by Heinrich, seconded by Klimko to approve the Regular Meeting minutes of March 1, 2016.

Ayes: 6, Nays: 0
Motion Carried

AUDIENCE:

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

Mr. Jay Arrington – Poetry in Motion Productions

Mr. Arrington provided Council with an update on the progress of the Washington Theatre project in reference to his petition to the Council for inclusion in the budget. Mr. Arrington received a twenty five year lease from the owner of the building which is currently under attorney review. Mr. Arrington added that it his intention to only be in the lease for approximately nine months at which point he intends to purchase the property. Mr. Arrington also added that Poetry in Motion has received their tax exempt status from the State of New Jersey and should have their tax exempt status from the federal government by June. Mr. Arrington stated that he has received a fiscal sponsorship from another non-profit organization that will collect money on his behalf if needed. Mayor McDonald reminded Mr. Arrington that the money that the Borough allocated was removed from the budget. Mayor McDonald added that there was a motion to include the theatre project in the budget and the vote was 3-3 which caused the motion to fail. Mr. Arrington stated that despite the Borough not allocating any funds in their budget, he is pressing forward with trying to list the Washington Theatre as a historical site, working on various matching grants and partnering with Habitat for Humanity to work on fundraising.

Mr. Rich Maguire – 234 West Washington Avenue

Mr. Maguire provided an update to Council in regards to Washington Celebrates America. Mr. Maguire stated that he took over the event in 2008 and has paperwork that states that the group was formed in 1994 with Alan Fischer, former manager as one of the chair holders of the committee along with Kathy Halpin keeping the organization going and growing. Mr. Maguire added that there have been some financial setbacks with a major one being the cost of Washington Township Police Department which was not an issue before the police merger. Mr. Maguire stated that the group has been dealing with the extra expenses over the years by increased donations and fundraising. Mr. Maguire said that in January the committee was informed by the Borough of Washington that they could no longer cover the committee under their insurance, which he understands is most

likely due to a lawsuit from 2011. Mr. Maguire informed Council that he received one quote of \$2,400 for the cost of insurance which is an added burden that he's not sure if the committee can sustain. Mr. Maguire added that if there is no solution this may be the end of the Washington Celebrates America committee. Attorney Parikh replied that this is the first time she is hearing of this situation and will reach out to Manager Blanchard tomorrow to get more background information and report back to Council.

Reverend Bauknight – Mt. Pisgah AME Church

Reverend Bauknight expressed her concern over the issue of making a left hand turn out of the PNC Bank. Lieutenant Teter from the Washington Township Police Department replied that the no left hand turn signs located at the bank are not authorized signs from the Department of Transportation therefore can not be enforced by police. Councilman Higgins asked that Manager Blanchard contact Municipal Engineer Bloom and the D.O.T. to look into the no left turn out of PNC Bank for safety purposes. Reverend Bauknight asked Council if there will be a meeting between Mt. Pisgah AME Church, JCP&L and the Borough of Washington in regards to the entrance on North Lincoln Avenue. Mayor McDonald replied that Mr. Prater from JCP&L has spoken to himself along with Manager Blanchard in regards to the property and agreed that the residents of North Lincoln, along with the Mt. Pisgah AME Church can speak to Mr. Prater directly. Councilman Higgins added that he would like to attend as well once a date and time has been established. Reverend Bauknight also stated that the Mt. Pisgah AME Church is interested in purchasing a residence on Jackson Avenue to use as a church outreach location with a site manager. Mayor McDonald suggested that Reverend Bauknight follow up with Mr. Rudy Bescherer to make sure nothing else is needed before moving forward.

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

Ayes: 6, Nays: 0
Motion Carried

REPORTS:

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

1. Municipal Court Report – March
2. Road Department – March
3. Code Enforcement Report – February & March
4. Health Department Report - April

Ayes: 6, Nays: 0
Motion Carried

COUNCIL COMMITTEE REPORTS:

Streets Committee –

Councilman Higgins stated that the Streets Committee met with Municipal Engineer Bloom along with John Montaverde and Ed Rossi from the BID and discussed the mid-block crossing. Members of the BID firmly believe that the bump outs will slow traffic through that downtown area. After much lengthy discussion, it was decided to hold an open forum meeting to let the community know what the plans are for the mid-block crossing, getting feedback from those in attendance and moving forward after that. Mayor McDonald suggested that the Streets Committee schedule the open forum as soon as possible in order to move forward. Councilman Higgins also stated that he went and looked at Park Avenue and there is approximately a fifteen foot space between Route 31 and where the paving started on Park Avenue. Councilman Higgins suggested that the DPW fill in some of the holes and also Manager Blanchard contact Municipal Engineer Bloom and the EPA to see why the paving did not continue to the beginning of Route 31.

Sewer Committee –

Councilman Higgins provided Council with an update on the South Prospect Street sewer project. Councilman Higgins added that the only thing that the first phase of the project is waiting on is the materials. There are two manholes that have to be custom made which are in the process of being done. Councilman Higgins also added that the end of the contract with the sewer plant needs to be discussed in executive session.

ORDINANCES:

Ordinance #2-2016 An Ordinance of the Borough of Washington to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank. (Public Hearing/Adoption).

A motion made by Higgins, seconded by Conry to introduce Ordinance #2-2016 on final passage and have the clerk read by title and publication statement.

Roll Call: Conry, Noone, Heinrich, McDonald, Higgins, Klimko
Ayes: 6, Nays:0
Motion Carried

The Clerk read Ordinance #2-2016 An Ordinance of the Borough of Washington to

Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank.

ORDINANCE # 2-2016

CALENDAR YEAR 2016

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND TO ESTABLISH A CAP BANK**

(N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough of Washington in the County of Warren finds it advisable and necessary to increase its CY 2016 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough of Washington hereby determines that a 3.5 % increase in the budget for said year, amounting to \$102,355.61 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Borough of Washington hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough of Washington, in the County of Warren, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2016 budget year, the final appropriations of the Washington Borough shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$ 102,355.61, and that the CY 2016 municipal budget for the Washington Borough be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Public Hearing:

Hearing no comments from the public, a motion was made by Higgins, seconded by Conry to close the public hearing of Ordinance #2-2016.

Roll Call: Conry, Noone, Heinrich, McDonald, Higgins, Klimko
Ayes: 6, Nays: 0
Motion Carried

A motion was made by Heinrich, seconded by Higgins to adopt Ordinance #2-2016 on final passage.

Roll Call: Conry, Noone, Heinrich, McDonald, Higgins, Klimko
Ayes: 6, Nays: 0
Motion Carried

PUBLIC HEARING OF THE 2016 MUNICIPAL BUDGET:

A motion was made by Heinrich, seconded by Higgins to Introduce the 2016 Municipal Budget for Adoption.

Roll Call: Conry, Noone, Heinrich, McDonald, Higgins, Klimko
Ayes: 6, Nays: 0
Motion Carried

Mayor McDonald opened the Public Hearing of the 2016 Municipal Budget.

Mr. Tom Ferry – Municipal Auditor

Mr. Ferry provided Council with an overview of the 2016 Municipal Budget. Mr. Ferry discussed that there was a 0.75% decrease in the Net Valuation Taxable from 2015 to 2016 and a 2.98% increase in the Borough Budget from 2015 to 2016. Mr. Ferry provided Council with an analysis of the current fund and sewer fund budgets. Councilman Higgins thanked Mr. Ferry and CFO Turchan for doing a great job and working with Council to maintain a flat budget.

Hearing no comments from the public, a motion made by Higgins, seconded by Heinrich to close the public hearing on the Adoption of the 2016 Municipal Budget.

Ayes: 6, Nays: 0
Motion Carried

ADOPTION OF THE 2016 MUNICIPAL BUDGET

A motion made by Higgins, seconded by Klimko to approve the Adoption of the 2016 Municipal Budget.

Roll Call: Conry, Noone, Heinrich, McDonald, Higgins, Klimko
Ayes: 6, Nays: 0
Motion Carried

NEW BUSINESS:

Resolution #74-2016 Redemption of Tax Sale Certificate

RESOLUTION #74-2016

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

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

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 16, 2015 to US Bank Cust for Actlien Holding Inc., 50 South 16th St., Suite 2050, Philadelphia, PA, 19102 in the amount of \$685.22 for taxes or other municipal liens assessed for the year 2014 in the name of Dawson, Ralph & Marilyn supposed owners, and in said assessment and sale were described as 24 W. Warren St., Block 19.01 Lot 5, which sale was evidenced by

certificate #15-00010; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 3-28-16 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 Actlien Holding Inc. by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,381.54 which is the amount necessary to redeem Tax Sale Certificate #15-00010.

NOW THEREFORE BE IT RESOLVED, on this 19th day of April, 2016 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 Actlien Holding Inc., 50 South 16th St., Suite 2050, Philadelphia, PA 19102 in the amount of **\$2,481.54** (This consists of \$1,381.54 Certificate Amount redeemed + \$1,100.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 19.01 Lot 5 from the tax office records.

Resolution #75-2016 Redemption of Tax Sale Certificate

RESOLUTION #75-2016

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, 17 W. Cliff St., Somerville, NJ 08876, in the amount of \$4,826.44 for taxes or other municipal liens assessed for the year 2013 in the name of Stucy, Susan as supposed owner, and in said assessment and sale were described as 33 Lenape Trail, Block 101 Lot 13.20, which sale was evidenced by certificate #14-00075; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 4-14-16 and before the right to redeem was cut off, as provided by law, Susan Stucy 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 \$20,660.43 which is the amount necessary to redeem Tax Sale Certificate #14-00075.

NOW THEREFORE BE IT RESOLVED, on this 19th day of April, 2016 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, 17 W. Cliff St., Somerville, NJ 08876 in

the amount of **\$35,660.43** (This consists of \$20,660.43 Certificate Amount redeemed + \$15,000.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 101 Lot 13.20 from the tax office records.

Resolutions #74-2016 and #75-2016 were moved on a motion made by Noone, seconded by Heinrich and approved.

Roll Call: Klimko, Conry, Heinrich, Higgins, McDonald, Noone
Ayes: 6, Nays: 0
Motion Carried

At this time, Mayor McDonald discussed the phone survey questions that were prepared by the Trust for Public Land.

A motion made by Noone, seconded by Conry to approve the three questions prepared by the Trust for Public Land.

Ayes: 6, Nays: 0
Motion Carried

VOUCHERS:

Mayor McDonald entertained a motion to approve the vouchers and claims in the amount of \$322,881.23

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

Roll Call: Heinrich, Klimko, Conry, Higgins, McDonald, Noone
Ayes: 6, Nays: 0
Motion Carried

RECAP:

Ms. Titus will have Manager Blanchard notify the Washington Township Police Department and the Washington Borough Fire Department of the Block Party. Manager Blanchard will also speak to Municipal Engineer Bloom regarding the no left turn when exiting from PNC Bank. Ms. Titus will also have Manager Blanchard discuss filling the

potholes at the end of Park Avenue and Route 31 with Municipal Engineer Bloom and D.P.W.

COUNCIL REMARKS:

Councilman Heinrich noted that he had two residents request that the vegetation waste pick up start earlier than the first week in May. Councilman Heinrich would like Manager Blanchard to look into the possibility of moving the vegetation pick up two weeks earlier next year. Councilman Higgins added that the waste pick up is a contractual service and the contract would need to be amended. Councilman Heinrich also noted that the Senior Advisory Committee will be holding a dance at the Borough Park pavilion on Saturday, May 14th. The Sands Casino trip is Saturday, April 23rd.

Councilwoman Noone stated that April 23rd is the Arts, Crafts & Craft Beers Festival in the Borough from 10:00am to 5:00pm. Councilwoman Noone added that Washington Borough received a \$2,000 Sustainable Jersey Small Grant through the Washington Borough Green Team and the Washington Borough BID for expanding the Farmer's Market. Councilwoman Noone also updated Council on the progress that volunteers made clearing brush and trees in an area that is now called Shabecong Park. Councilwoman Noone added that there have been volunteers from Warren Hills Regional High School, The College of New Jersey, the Phillipsburg Youth Corps, as well as Sunshine Tree & Landscape all working together. Councilwoman Noone thanked the D.P.W. for their pick up and disposal of everything that was cleared from the area.

Councilwoman Conry reminded Council that the NAACP is having their Scholarship Dance this weekend and she thanked Councilman Higgins and Mayor McDonald for their contributions.

Councilman Higgins asked if Council scheduled a public information session regarding the mid-block Crossing, would it have to be advertised as a special meeting. Attorney Parikh replied that the information session should be advertised as a public meeting.

Councilwoman Klimko reminded Council of the Senior Advisory Committee dance/picnic on May 14th. Councilwoman Klimko thanked the Recreation Commission for their approval for shuffle board tables, horse shoe pits, and a bocce ball court.

EXECUTIVE SESSION:

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

Ayes: 6 Nays: 0
Motion Carried

RESOLUTION # 76-2016

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;

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

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

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

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

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

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

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

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

Ayes: 6, Nays: 0
Motion Carried

ADJOURNMENT:

Hearing no further business, a motion was made by Heinrich, seconded by Conry to adjourn the meeting at 9:20 p.m.

Ayes: 6, Nays: 0
Motion Carried

Mayor Scott McDonald

Kristine Blanchard, RMC Borough Clerk