

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – June 8, 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, Thompson, Higgins
Noone

Also Present: Kristine Blanchard, RMC Borough Manager/Clerk
Ann Kilduff, Acting Borough Clerk
Dawson Bloom, Municipal Engineer

EXECUTIVE SESSION:

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

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

Ayes: 7, Nays: 0

Motion Carried

RESOLUTION # 96-2016

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 Heinrich, to go out of Executive Session.

Ayes: 7, Nays: 0
Motion Carried

Mayor McDonald stated that the reason for the Executive Session was the letter of resignation from Kristine Blanchard as the Borough Manager effective July 22, 2016. Ms. Blanchard will remain on as the Borough Clerk after that.

A motion was made by Higgins, seconded by Conry to accept Manager Blanchard's resignation letter. Council expressed appreciation as to everything Ms. Blanchard has done for the Borough of Washington as manager.

Ayes: 7, Nays: 0
Motion Carried

CORRESPONDENCE:

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

1. Road Department
2. Zoning/Code Enforcement
3. Board of Health

Council Discussion:

Mayor McDonald stated that there are two other items of correspondence from Councilwoman Klimko that do not need to be discussed publicly.

Ayes: 7, Nays: 0
Motion Carried

COUNCIL APPEARANCE:

Trust for Public Land, Draft Ballot Language – Linda Oral, Conservation Finance Department and Greg Socha, Senior Project Manager

Ms. Oral provided hard copies of the feasibility schedule that the Trust for Public Land researched and published to Council. Ms. Oral also provided a chart showing how much money could be raised through local property tax increases and how much that would cost for the average household. Ms. Oral discussed the results of a voter survey that was conducted in late April by their consultant, Chisholm Strategies. They reached out to seven hundred fifty four households and read the draft ballot language to four hundred thirty people who showed the support for a potential ballot measure of 2 to 1. There were some residents who were opposed but would be open to changing their minds with more information provided along with a large percentage of people who weren't sure and needed more information. Ms. Oral noted that if the governing body did decide to move forward with placing the question on the November 8th ballot that there would have to be some type of outreach program so that voters would understand exactly what the question was and how it would benefit the Borough of Washington. The Trust for Public Land has conducted almost five hundred ballot measure campaigns around the country since 1996

and have won eighty one percent of them. Ms. Oral added that some of the draft ballot language came directly from the state statute that has authorized New Jersey communities to increase their own property taxes. Ms. Oral recommended an increase of two cents per hundred dollars of assessed value which would cost about twenty eight dollars per average household. Ms. Oral added that one of the reasons the Trust for Public Land encourages ballot measures at the local level is because there is county and statewide funds available with some requiring a match. Mr. Socha confirmed that this ballot measure would go a long way in helping the Borough of Washington access a lot county and statewide funding. Ms. Oral and Mr. Socha addressed many of the questions and concerns brought up by Council.

A motion made by Noone to add the question on the ballot with a period of no more than ten years. Hearing no second, motion dies. Mayor McDonald noted that Council can reconsider and has until August to make this decision so there is room for more discussion.

COUNCIL COMMITTEE REPORTS:

Sewer Committee

Councilman Higgins stated that the first phase of the South Prospect Street sewer project has been completed and residents are ecstatic. There has been more work in some of the homes in the area than anticipated but overall there is positive feedback. Councilman Higgins added that the permits have been approved for the second phase which is the construction of the pump station. Mr. Bloom noted that there is an issue with the median on Gardeners Court since the roadway itself is a combination of some pavement and some gravel. Mr. Bloom recommends that a new roadway be constructed along Gardeners Court. Mr. Bloom also stated that discussion needs to be had with the residents as to what gets placed in that median area in the roadway because the Borough would not want to have issues years from now with tree roots intruding on the sewer main. Mr. Bloom added that a decision will have to be made whether to maintain the median or remove it all together which will allow more room for thru traffic and make paving and plowing much easier. Chief Cicerelle commented that the current configuration of that area is a nightmare and he would rather see the median removed. Councilman Higgins added that Council is responsible for making the decision but he would like to survey the residents in the Gardeners Court area. Councilwoman Klimko agreed to formulate the survey to the residents regarding replacing or removing the median.

Streets Committee

Mr. Bloom stated that the Streets Committee met last week to review the list of streets to be paved in the Borough for 2016. There are a significant number of streets that will be completed this year as part of the paving program. Mr. Bloom added that the Streets Committee will have a final list of streets for approval at the next Council Meeting. Mr. Bloom also stated that the Streets Committee has been looking at the drainage issues at the corner of Fisher Avenue and O'Shea Street and the various options to address the situation. Mr. Bloom intends for the Borough to re-grade the road as part of the paving program so all the drainage flows into one basin and drains towards the property that the Borough owns across the street which should take care of the drainage issues.

Mr. Bloom presented the Safe Routes to School Grant at the previous Council Meeting and added that submission for the grant needs to be completed by June 20th. The grant was discussed at the Streets Committee and the decision was made to focus on the area around the Taylor Street School. Mr. Bloom will work on a concept and scope of repairs that will be in the neighborhood of \$250, 000 as recommended from the state as to what a minimum grant request should be.

Mr. Bloom developed four concepts for reconstructing the mid-block crossing at the request of Council. Councilman Higgins added that the crosswalk is in such a state of disrepair that the State of New Jersey has directed the Borough to make the necessary repairs otherwise the state will make the repairs the way they want and give the Borough the bill. Mr. Bloom stated that the first concept includes the elimination of the bump outs and the other three concepts includes keeping the bump outs as they are but with variations in materials and configurations. Mr. Bloom added with keeping the bump outs, the roadway will not have enough width for two way traffic to move through the area during the construction process. Mr. Bloom presented all four concepts to Council and the audience noting that the final concept does have to be submitted to the State of New Jersey for review and approval by the Department of Transportation. John Montaverde from the Washington Borough BID asked Mr. Bloom if there was any scenario where the clock did not get moved back. Mr. Bloom replied that the clock would be moved in all of the scenarios. Another member of the audience suggested moving the crosswalk over towards the pocket park. Council discussed the feasibility of potentially moving the crosswalk. Mr. Bloom replied that it certainly could be considered but he would have to receive approval from the State of New Jersey to move the crosswalk and submit a new striping plan. Mr. Bloom discussed many different scenarios and addressed the concerns of the local business owners in the audience. Councilman Heinrich suggested that Council conduct another open meeting which is better advertised to inform residents and business owners of the meeting topic. Councilman Higgins asked Mr. Bloom to find out from the state what has to be done in order to move the crosswalk over to the pocket park and how long the process will take. Mayor McDonald suggested that the discussion refer back to the Streets Committee and let the committee decide how to notice and hold the next hearing. Councilman Higgins would like to hold the next Streets Committee meeting on Monday, June 13th at 5:30 at Finelli Engineering.

AUDIENCE:

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

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

Ayes: 7, Nays: 0
Motion Carried

NEW BUSINESS:

Resolution #87-2016 Redemption of Tax Certificate

RESOLUTION #87-2016

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 FWDSL & Associates LP, 17 W. Cliff St., Somerville, NJ 08876, in the amount of \$469.09 for taxes or other municipal liens assessed for the year 2014 in the name of Gaston, Charles E. & Loree as supposed owners, and in said assessment and sale were described as 313 Belvidere Avenue, Block 6 Lot 64, which sale was evidenced by certificate #15-00003; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 5-16-16 and before the right to redeem was cut off, as provided by law, Comerica Bank on behalf of Corelogic Tax Service claiming to have an interest in said lands, did redeem said lands claimed by FWDSL & Associates LP by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,165.23 which is the amount necessary to redeem Tax Sale Certificate #15-00003.

NOW THEREFORE BE IT RESOLVED, on this 8th day of June, 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 **\$2,365.23** (This consists of \$1,165.23 Certificate Amount redeemed + \$1,200.00

Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 6 Lot 64 from the tax office records.

Resolution #88-2016 Redemption of Tax Certificate

RESOLUTION #88-2016

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 Sunshine ST Cert V/BankUnited, 7900 Miami Lakes Drive West, 3rd Floor, Miami Lakes, FL 33016, in the amount of \$146.47 for taxes or other municipal liens assessed for the year 2013 in the name of Elmalhy, Amr & Genevieve as supposed owners, and in said assessment and sale were described as 83 Lenape Trail, Block 101 Lot 15.49, which sale was evidenced by Certificate #14-00080; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 5-11-16 and before the right to redeem was cut off, as provided by law, Comerica Bank on behalf of Corelogic Tax Service, claiming to have an interest in said lands, did redeem said lands claimed by Sunshine ST Cert V/BankUnited, by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$17,304.43 which is the amount necessary to redeem Tax Sale Certificate #14-00080.

NOW THEREFORE BE IT RESOLVED, on this 8th day of June, 2016 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Sunshine ST Cert V/BankUnited, 7900 Miami Lakes Drive, 3rd Floor, Miami Lakes, FL 33016 in the amount of **\$35,804.43** (This amount consists of \$17,304.43 Certificate Amount redeemed + \$18,500.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 101 Lot 15.49 from the tax office records.

Resolution #89-2016 Redemption of Tax Certificate

RESOLUTION #89-2016

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 JU Solo 401K Trust, 42 Huntington Rd, Basking Ridge, NJ 07920, in the amount of \$525.12 for taxes or other municipal liens assessed for the year 2014 in the name of Ricci, Matteo A. as supposed owner, and in said assessment and sale were described as 26 Fisher Ave., Block 76 Lot 3, which sale was evidenced by Certificate #15-00037; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 5-17-16 and before the right to redeem was cut off, as provided by law, Wells Fargo, claiming to have an interest in said lands, did redeem said lands claimed by JU Solo 401K Trust by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,222.07 which is the amount necessary to redeem Tax Sale Certificate #15-00037.

NOW THEREFORE BE IT RESOLVED, on this 8th day of June, 2016 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to JU Solo 401K Trust, 42 Huntington Rd, Basking Ridge, NJ 07920 in the **amount of \$2,522.07** (This consists of \$1,222.07 Certificate Amount redeemed + \$1,300.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 76 Lot 3 from the tax office records.

Resolution #90-2016 Redemption of Tax Certificate

RESOLUTION #90-2016

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 JU Solo 401K Trust, 42 Huntington Rd, Basking Ridge, NJ 07920, in the amount of \$182.22 for taxes or other municipal liens assessed for the year 2014 in the name of Pell, Edward & Diane as supposed owners, and in said assessment and sale were described as 80 Lenape Trail, Block 101 Lot 15.18, which sale was evidenced by Certificate #15-00050; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 5-17-16 and before the right to redeem was cut off, as provided by law, Wells Fargo, claiming to have an interest in said lands, did redeem said lands claimed by JU Solo 401K

Trust by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$716.76 which is the amount necessary to redeem Tax Sale Certificate #15-00050.

NOW THEREFORE BE IT RESOLVED, on this 8th day of June, 2016 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to JU Solo 401K Trust, 42 Huntington Rd, Basking Ridge, NJ 07920 in the **amount of \$816.76** (This consists of \$716.76 Certificate Amount redeemed + \$100.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 101 Lot 15.18 from the tax office records.

Resolution #91-2016 Refund Overpayment on 2015 Real Estate Taxes

RESOLUTION #91-2016

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

WHEREAS, according to the Tax Collector's records, there is an overpayment of \$1,143.29 on 2016 2nd Quarter Regular Taxes paid on property located at 44 West Stewart Street also known as Block 14 Lot 16, and in the name of Floyd, Laralyn; and

WHEREAS, North American Title and Lereta Tax Service had both paid the 2016 2nd Quarter Regular Taxes when the property changed ownership, resulting in the overpayment; and

WHEREAS, the Tax Collector has been resolving the matter of tax overpayments and has received a written request from Lereta Tax Service that the overpayment be refunded to them.

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 \$1,143.29 payable to:

Lereta
1123 Park View Drive
Covina, CA 91724
Attn: Central Refunds

Resolution #92-2016 Adjust Sewer Billings

RESOLUTION # 92-2016
A RESOLUTION TO ADJUST SEWER BILLINGS IN
ACCORDANCE WITH CHAPTER 70, SECTION 28B OF
THE CODE OF THE BOROUGH OF WASHINGTON.

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

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

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

WHEREAS, all parties affected by this resolution will be notified of the action taken, in writing, and notified of an opportunity to appear, in person, at a formal hearing of the governing body, if dissatisfied with the decisions made herein.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the following changes in the sewer service charge(s) are approved:

BLOCK/LOT	NAME/ADDRESS	
REASON/ADJUSTMENT		
79/6	Jonathan & Caitlin Pristas 44 Beethoven Ave. Washington, NJ 07882	Change in Use (2) to (1) E.D.U. Effective: July 2016

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.

Resolutions #87-2016, #88-2016, #89-2016, #90-2016, #91-2016 and #92-2016 were moved on a motion made by Noone, seconded by Higgins and approved.

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

Resolution #93-2016 Approval of Items of Revenue and Appropriations

RESOLUTION #93-2016

**RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND
APPROPRIATIONS NJSA 40A: 4-87**

WHEREAS, NJSA 40A: 4-87 provides that the Director of Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Washington in the County of Warren State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$2,000.00 which is now available from the State of New Jersey

BE IT FURTHER RESOLVED, that the like sum of \$2,000.00 is hereby appropriated under the caption of Other Expenses – Sustainable Jersey.

Resolution #94-2016 Approval of Items of Revenue and Appropriations

RESOLUTION #94-2016

**RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND
APPROPRIATIONS NJSA 40A: 4-87**

WHEREAS, NJSA 40A: 4-87 provides that the Director of Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Washington in the County of Warren State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$17,393.03 which is now available from the State of New Jersey, Clean Communities Account

BE IT FURTHER RESOLVED, that the like sum of \$17,393.03 is hereby appropriated under the caption of Other Expenses – Clean Communities.

Resolution #95-2016 Approval of Items of Revenue and Appropriations

RESOLUTION #95-2016

**RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND
APPROPRIATIONS NJSA 40A: 4-87**

WHEREAS, NJSA 40A: 4-87 provides that the Director of Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Washington in the County of Warren State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$3,604.65 which is now available from the State of New Jersey

BE IT FURTHER RESOLVED, that the like sum of 3,604.65 is hereby appropriated under the caption of Other Expenses – recycling Tonnage

Resolutions #93-2016, #94-2016 and #95-2016 were moved on a motion made by Higgins, seconded by Thompson and approved.

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

Ayes: 7, Nays: 0

Motion Carried

Resolution #97-2016 Authorizing the Assignment of a Municipal Tax Certificate Utilizing the Jones Act Procedure

RESOLUTION #97-2016

RESOLUTION AUTHORISING THE ASSIGNMENT OF THE MUNICIPAL TAX CERTIFICATE FOR BLOCK 94.01 LOT 7 UTILISING JONES ACT PROCEDURES.

WHEREAS, Block 94.01 Lot 7 was sold to the Borough of Washington at the tax Sale on October 16, 2015; and

WHEREAS, the Governing Body of the Borough of Washington, Warren County, desires to exercise its rights to assign this municipal lien; and

WHEREAS, the Governing Body desires to exercise Jones Act procedures available to the Borough; and

WHEREAS, the Governing Body authorized Borough Tax Collector to conduct the assignment of the municipal lien in accordance with the Jones Act requirements of the law

NOWHEREFORE, the Governing Body of the Washington Borough authorizes Borough Tax Collector to conduct the assignment of the municipal lien of Block 94.01 Lot 7.

Resolution #97-2016 was moved on a motion made by Conry, seconded by Higgins and approved.

Council Discussion:

Mayor McDonald noted that this resolution is in regards to the tax lien on the former carpet store and there are people interested in acquiring the tax lien. Mayor McDonald added that the Jones Act authorizes the Borough of Washington to sell the tax lien to those individuals interested. This resolution does come at the recommendation of CFO Turchan.

Ayes: 7, Nays: 0
Motion Carried

Resolution #98-2016 Liquor License Transferring a Retail Consumption License from Felix's Tavern to William's Irish Tavern, LLC

RESOLUTION #98-2016

**RESOLUTION TRANSFERRING RETAIL CONSUMPTION LICENSE
NUMBER #2121-33-007-002 (Felix's Tavern) to Williams Irish Tavern LLC- A
PERSON TO PERSON TRANSFER**

WHEREAS, application has been made to the Borough Clerk, Kristine Blanchard, for the transfer of Liquor License #2121-33-007-002, presently held by Felix's Tavern; and

WHEREAS, Felix's Tavern, have submitted their consent to the transfer of Retail Consumption License #2121-33-007-002 to Williams Irish Tavern LLC; and

WHEREAS, in the case of a person-to-person transfer, the transferor and transferee, do hereby affirm that the transferee is aware of all obligations outstanding to the New Jersey Alcoholic Beverage Manufacturers, wholesalers and distributors, and that either the transferee has assumed any such obligations or the obligations will have been or will be satisfied by the transferor out of the proceeds of the sale of the license business; and

WHEREAS, the necessary background investigations have been done by the Washington Township Police Department, both state and federal, have been received and are in order to proceed with the transfer of this Retail Consumption License; and

THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Washington, Warren County, New Jersey do hereby consent and approve of this

transfer of liquor license for a Retail Consumption License #2121-33-007-002 presently held by Felix's Tavern.

Resolution #98-2016 was moved on a motion made by Higgins, seconded by Conry and approved.

Council Discussion:

Councilwoman Noone asked if this resolution to transfer the license allows the new owner to open his business at the current location. Mayor McDonald replied that it is his understanding that the location will remain the same and this resolution is just to transfer ownership of the license.

Ayes: 7, Nays: 0
Motion Carried

VOUCHERS:

Mayor McDonald entertained a motion to approve the vouchers and claims in the amount of \$647,980.26

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

Council Discussion:

Councilman Thompson asked about the mileage reimbursement on page one of the vouchers. Mayor McDonald replied that anyone who uses their personal vehicle for Borough of Washington business can obtain a mileage reimbursement.

Roll Call: Heinrich, Klimko, Conry, Higgins, McDonald,
Thompson, Noone
Ayes: 7, Nays: 0
Abstain: (1) Thompson (Fire & EMS only)
Motion Carried

COUNCIL REMARKS:

Councilwoman Noone thanked everyone who helped with the Green Festival and the opening of the Farmer's Market which was a success. Councilwoman Noone added that she is hoping that since the Farmer's Market is open through September 24th, it brings in a lot of foot traffic to the downtown businesses and is looking for additional ways to promote both the Farmer's Market and local businesses.

Councilman Higgins stated that Council needs to return to Executive Session to discuss a letter received from the Washington Township Administrator. Councilman Higgins also stated that he believes Council should establish a Policy Committee to review current policies and add those that are needed. Mayor McDonald answered that before a committee is formed there should be discussion with the manager and attorney to see where boundaries lie.

Councilwoman Klimko asked for an update on the timeclock issue. Mayor McDonald replied that is one of the issues that he will be working on during his vacation time. Councilwoman Klimko also raised the issue of the ordinance that is over two years old which required the street signs updated. Mayor McDonald added that the curbs need to be painted on some newly authorized spaces as well. Councilwoman Klimko added that Council had received a letter from the Washington Township Police Department requesting that the yellow curbs be painted. Mayor McDonald noted that the D.P.W. is down one person and is hopeful that someone will be hired by the end of the month.

Councilman Thompson raised the issue of a lot of weeds downtown near the trees and sidewalks. Mayor McDonald replied that he had no answer at this time except that issue may be waiting for seasonal help. Councilwoman Noone added that Gary Pohorely and the Green Team along with some boy scouts have begun to clean up the weeds but it is a big job and Mr. Pohorely is looking for more volunteers. Councilwoman Klimko brought up the fact that Council was told the CLAP Program would be able to assist with curb painting and weeding and that has not happened yet.

Mayor McDonald stated that GovPilot which is a new program that Council implemented has requested to use the Borough of Washington's name as a form of advertising and asked the governing body if there were any objections. Hearing no objections, Mayor McDonald will let GovPilot know that they can advertise the Borough of Washington as a new client.

EXECUTIVE SESSION:

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

Ayes: 7 Nays: 0

Motion Carried

RESOLUTION # 96-2016

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: 7, Nays: 0
Motion Carried

ADJOURNMENT:

Hearing no further business, a motion was made by Higgins, seconded by Thompson to adjourn the meeting at 9:25 p.m.

Ayes: 7, Nays: 0
Motion Carried

Mayor Scott McDonald

Kristine Blanchard, RMC Borough Clerk