

BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – July 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, P.L. 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 let everyone in the flag salute.

Roll Call: Klimko, Heinrich, Noone, McDonald, Conry, Higgins, Thompson
Absent: None
Also Present: Pat Titus, Acting Borough Clerk; Leslie Parikh, Borough Attorney;
Dawson Bloom, Borough Engineer; Natasha Turchan, Interim Borough
Manager; and Lieutenant Teter

CORRESPONDENCE:

There was no correspondence at this meeting.

MINUTES:

Regular Meeting Minutes May 17, 2016

Motion was made by Noone, seconded by Klimko, to approve the Regular Meeting minutes of May 17, 2016.

Ayes: 6, Nays: 0; Abstentions: 1 (Higgins)

Regular Meeting Minutes July 5, 2016

Motion made by Noone, seconded by Klimko, to approve the Regular Meeting minutes of July 5, 2016.

Council Discussion:

Per Councilman Thompson’s request, comments made regarding the Clean Communities Grant will be added to the minutes.

Ayes: 6; Nays, 0; Abstentions: 1 (Conry)

AUDIENCE:

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

Louann LinepenseL - 309 N. Prospect Street

Ms. LinepenseL addressed Council regarding 8-10 inches of raw sewage in basement on May 24, 2016 due to the main sewer line being clogged. This caused a huge amount of damage to her home and belongings. Calls made to the Borough were not returned. Most of the damage is covered by her insurance, but a TORT claim submitted to the Borough's insurance company for the minimal balance was denied. Ms. LinepenseL stated she is very grateful for the help provided to her by the Road Department. She is asking for the Borough to resubmit her TORT claim. After a brief discussion, a motion was made by Conry, seconded by Noone, to resubmit Ms. LinepenseL's TORT claim to the insurance company. All were in favor.

Pete Mulligan – 46-48 Carlton Avenue

Mr. Mulligan addressed Council in regards to flooding issues at his home for the past five years. Pictures were reviewed by the Borough Engineer and Mr. Mulligan would like the Borough to obtain a set of drawings from the school district as prepared from Top Line Construction that show what was put in the ground and what was existing prior to the project. Mr. Mulligan discussed the issues with the Borough Engineer and Borough Attorney. Attorney Parikh will send a letter to the schools requesting these drawings.

Alice Thompson - 50 S. Wandling Avenue

Ms. Thompson addressed Council regarding trees and garbage in the creek after a recent storm. Mayor McDonald will have the Road Department Supervisor look into removing the tree.

Cynthia Valle - 26 McKinley Avenue

Ms. Valle stated she owns a business at 145 Route 31 South. She addressed Council regarding the many accidents occurring at the intersection of Hillcrest Avenue and Route 31. She would like a "No Left Turn" sign on each side of Hillcrest Avenue. The Borough Engineer will look into this. Ms. Valle would also like to see a larger merge sign on Route 31 near Borough Park. Mr. Higgins will add this to the Streets Committee list. The Borough Engineer will reach out to the DOT. Ms. Valle would like the speed limit monitored in that area. Lieutenant Teter suggested Ms. Valle call him in the office and stated the Police Department has been unsuccessful in getting "No Left Turn" signs from the DOT at that intersection.

Susan Sloan – 89 Grand Avenue

Mrs. Sloan addressed Council stating the amount of tractor trailers on Routes 31 and 57 has increased tremendously. Lieutenant Teter will contact the State Police Truck Unit asking them to increase their inspections.

Hearing no further comments, a motion was made by Noone, seconded by Conry, to close the audience portion of the meeting. All were in favor.

REPORTS:

A motion was made by Heinrich, seconded by Noone, to receive and file the reports from the Road Department, Municipal Court, Recreation, and the Manager's Personnel Report. All were in favor.

COMMITTEE REPORTS:

Councilman Higgins stated the Streets Committee is waiting for DOT approval of their permit application with regards to the crosswalk. The Borough Engineer stated he will be ready to go out to bid once the approved application is received. Councilman Higgins stated the Road Department began working on the catch basins. The Engineer contacted Tilcon for the application to schedule paving of the roads previously approved. He explained paving is done through the Morris County Cooperative. A letter is needed from the Gas, Water, and Electric Companies as to their 5-year plan of projects in Washington Borough. The Borough should provide those companies of a list of roads to be paved. This will be discussed at the next Streets Committee meeting. The Streets Committee discussed the drainage issues at the Middle School and getting a site plan from the school board. A motion was made by Noone, seconded by Klimko, to approve the Engineer to do limited survey work and analysis to find a solution to the drainage issues in that area in an amount not to exceed \$3,500.00.

ROLL CALL: Klimko, Heinrich, Noone, McDonald, Conry, Higgins,
Thompson

Ayes, 7; Nays, 0

Motion Carried

The Engineer explained the drainage issues at the bridge on Route 57 near Warren Hills Memorial Home.

Councilman Higgins stated the Sewer Committee discussed Phase 2 at Gardner's Court. The Engineer stated bids should be received within a week to ten days. The lowest bidder will be presented to Council.

OLD BUSINESS:

There was no Old Business at this meeting.

ORDINANCES:

Mayor McDonald stated Ordinance #3-2016, An Ordinance Repealing Chapter 42 of the Code of the Borough of Washington and Replacing it with a New Chapter 42, "Fire Prevention Code", is being pulled. The public hearing and adoption will take place at a later date once it is properly advertised.

Mayor McDonald entertained a motion to introduce Ordinance #4-2016. A motion was made by Heinrich and seconded by Noone.

ROLL CALL: Heinrich, Noone, Klimko, McDonald, Conry, Higgins, Thompson
Ayes: 7; Nays 0
Motion Carried

The Ordinance as read by title only by the Clerk: **Ordinance #4-2016, An Ordinance Providing Funding for Road Improvements for the Borough of Washington and Appropriating \$65,000 for Such Purposes.**

ORDINANCE #4-2016
BOROUGH OF WASHINGTON

AN ORDINANCE PROVIDING FUNDING FOR ROAD
IMPROVEMENTS FOR THE BOROUGH OF WASHINGTON AND
APPROPRIATING \$65,000 FOR SUCH PURPOSE

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN AND STATE OF NEW JERSEY, AS FOLLOWS:

Section 1. The Borough of Washington, in the County of Warren, New Jersey, authorizes for various road improvements in the Borough, including but not limited to the following roads: Fillmore, Jefferson, North Lincoln Avenue, including all work and materials necessary therefore and incidental thereto for the Borough of Washington, to be funded from the sources specified in Section 2 of the Ordinance.

Section 2. The amount of \$65,000 is hereby appropriated for the purposes stated in Section 1 of the Ordinance and which amount was funded from the Capital Improvement Fund in the amount of \$65,000.

Section 3. In connection with the purpose and the amount authorized in Sections 1 and 2 hereof, the Borough determines the purpose described in Section 1 hereof is not a Current Expense and is an improvement which the Borough of Washington may lawfully make as a general improvement.

Section 4. All ordinances or parts of ordinances which are inconsistent with the terms of this Ordinance be and the same are hereby repealed to the extent of their inconsistency.

Section 5. This Ordinance shall take effect immediately upon due passage and publication according to law.

A motion was made by Heinrich, seconded by Conry, to approve on first reading.

ROLL CALL: Heinrich, Noone, Klimko, McDonald, Conry, Higgins, Thompson
Ayes: 7; Nays 0
Motion Carried

The Clerk stated the public hearing on Ordinance #4-2016 will be August 16, 2016 and the advertisement of the public hearing will be in the Star Gazette on July 29, 2016.

A motion was made by Heinrich, seconded by Thompson, to approve the dates of the public hearing and advertisement in the Star Gazette.

ROLL CALL: Heinrich, Noone, Klimko, McDonald, Conry, Higgins, Thompson
Ayes: 7; Nays 0
Motion Carried

NEW BUSINESS:

Mayor McDonald stated that the Borough Clerk has been suspended for a term of 60 days due to an on-going investigation. A sub-committee consisting of Deputy Mayor Heinrich, Councilwoman Noone, and Mayor McDonald has been formed to search for a new manager. There is a job ad on the League of Municipalities' website. Mayor McDonald has been in contact with two companies that provide temporary services.

Resolution #112-2016 Redemption of a Tax Certificate

RESOLUTION #112-2016

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 \$701.40 for taxes or other municipal liens assessed for the year 2014 in the name of Polonko, Isle as supposed owner, and in said assessment and sale were described as 42 Cornish St., Block 99 Lot 17, which sale was evidenced by Certificate #15-00047; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 7-14-16 and before the right to redeem was cut off, as provided by law, Richard Stambp, 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 \$1,410.33 which is the amount necessary to redeem Tax Sale Certificate #15-00047.

NOW THEREFORE BE IT RESOLVED, on this 19th day of July, 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 \$3,010.33 (This consists of \$1,410.33 Certificate Amount redeemed + \$1,600.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 99 Lot 17 from the tax office records.

Resolution #112-2016 was moved on a motion by Noone, seconded by Klimko, and approved.

ROLL CALL: Klimko, Heinrich, Noone, McDonald, Conry, Higgins, Thompson
Ayes: 7; Nays 0
Motion Carried

Resolution #113-2016 Redemption of a Tax Sale Certificate

RESOLUTION #113-2016

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 US Bank Cust/ Empire VI, 2 Liberty Place, 50 South 16th Street, Ste 1950, Philadelphia, PA 19102-2513, in the amount of \$15,588.92 for taxes or other municipal liens assessed for the year 2013 in the name of Planned Investment Equities/Dennis Shuman, as supposed owner, and in said assessment and sale were described as 165 E. Washington Avenue, Block 80 Lot 2, which sale was evidenced by Certificate #14-00047; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 7-14-16 and before the right to redeem was cut off, as provided by law, Planned Investment Equities/Dennis Shuman claiming to have an interest in said lands, did redeem said lands claimed by US Bank Cust/ Empire VI by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$35,096.81, which is the amount necessary to redeem Tax Sale Certificate #14-00047.

NOW THEREFORE BE IT RESOLVED, on this 19th day of July, 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/ Empire VI, 2 Liberty Place, 50 South 16th Street, Ste 1950, Philadelphia, PA 19102-2513 in the amount of \$39,096.81 (This consists of \$35,096.81 Certificate Amount redeemed + \$4,000.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 80 Lot 2 from the tax office records.

Resolution #113-2016 was moved on a motion by Noone, seconded by Klimko, and approved.

ROLL CALL: Klimko, Heinrich, Noone, McDonald, Conry, Higgins, Thompson
Ayes: 7; Nays 0
Motion Carried

VOUCHERS:

Mayor McDonald entertained a motion to approve the vouchers and claims in the amount of \$814,171.14

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

Councilman Higgins questioned the Millpond decommissioning. The Borough Engineer explained.

Mayor McDonald questioned the overtime for Municipal Clerk. N. Turchan will look into this.

ROLL CALL: Klimko, Heinrich, Noone, McDonald, Conry, Higgins, Thompson
Ayes: 7; Nays 0; Abstentions: 1 (Thompson – Fire and EMS only)
Motion Carried

RECAP:

There was no recap at this meeting.

COUNCIL REMARKS:

Councilman Thompson thanked the DPW and Fire Department for their efforts during the recent storm and for ensuring the safety of the residents.

Councilwoman Klimko thanked the Road Department did a fantastic job getting the town back opened up. She thanked the residents for being patient during the process.

Councilman Higgins stated past-Fire Chief Cammarotta previously came before Council to discuss a bill for damages which has been mishandled. Mayor McDonald stated he advised Mr. Cammarotta to speak with Ms. VanWhy at Borough Hall to correct it. Councilman Higgins stated the bill has been outstanding for almost a year. The Borough Attorney will contact Councilman Higgins to discuss the Codebook Committee.

Council took a ten minute recess before going into Executive Session.

EXECUTIVE SESSION:

A motion was made by Higgins, seconded by Conry, to enter into Executive Session.

Ayes: 7 Nays 0

Motion Carried

RESOLUTION #124-2016
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.

Council came out of Executive Session.

A motion was made by Noone, seconded by Conry, that as of July 12, 2016, Natasha Turchan shall be paid \$350.00 per week as a stipend to be Acting Borough Manager until such time Council appoints another Borough Manager.

ROLL CALL: Klimko, Heinrich, Noone, McDonald, Conry, Higgins, Thompson
Ayes: 7; Nays 0
Motion Carried

ADJOURNMENT:

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

Ayes: 7; Nays: 0
Motion Carried