

BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – October 4, 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: Conry, Heinrich, Higgins, Klimko, McDonald, Noone, Thompson
Absent: None
Also Present: Ann Kilduff, Borough Clerk; Attorney Leslie Parikh; Dawson Bloom, Borough Engineer; and Lieutenant Teter

PROCLAMATION

Mayor McDonald read the following proclamation:

***PROCLAMATION DESIGNATING
OCTOBER 10, 2016 AS
“PUT THE BRAKES ON FATALITIES DAY”***

WHEREAS, across the nation, traffic crashes caused 35,092 fatalities in 2015, and are the leading cause of death for young people ages 15 to 34; and,

WHEREAS, in New Jersey, 562 individuals lost their lives in traffic crashes in 2015; and,

WHEREAS, alcohol-related crashes accounted for 28.0 percent of the State’s traffic fatalities, while 26 percent of all fatal crashes involved traveling at unsafe speeds; and,

WHEREAS, motorcyclists, bicycle riders and pedestrians face increased risks on New Jersey’s roadways, as people opt for alternative modes of transportation; and,

WHEREAS, 50 motorcyclists, 17 bicyclists and 173 pedestrians were killed in New Jersey in traffic-related crashes in 2015; and,

WHEREAS, safer driving behaviors such as buckling up every ride; obeying posted speed limits; stopping for pedestrians in crosswalks and using crosswalks when walking; avoiding aggressive driving behaviors; never driving impaired; wearing proper safety gear while riding a motorcycle or bicycle; and, focusing solely on driving by avoiding distractions, can dramatically reduce the number of traffic-related injuries and deaths;

NOW, THEREFORE, BE IT RESOLVED that, I Scott McDonald, Mayor of the Borough of Washington, County of Warren, do hereby proclaim October 10, 2016 as “Put the Brakes on Fatalities Day®” and call upon everyone to put these lifesaving behaviors into practice to improve safety on the roadways in our community and throughout the State.

COUNCIL APPEARANCE

Detective Walter Koch explained a unified electronic reporting system for dealers in precious metals and other secondhand goods and requested Council pass an ordinance similar to the one passed by Washington Township. Council discussed with Detective Koch. Mayor McDonald would like the Attorney and various businesses review the proposed ordinance and provide comments.

CORRESPONDENCE

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

1. From the Warren County Prosecutor’s Office re: An Informational Session on the Impact of the Legalization of Marijuana
2. From the Warren Hills School Security Program Director re: Placing a Crossing Guard on Carlton Avenue in front of the Middle School

Lieutenant Teter provided Council with a letter recommending the addition of a crossing guard on Carlton Avenue. After a brief discussion, a motion was made by Higgins, seconded by Klimko, to instruct the Interim Manager to contact the school official to discuss the crossing guard situation at the Middle School.

Ayes: 7 Nays: 0
Motion Carried

MINUTES

Special Meeting Minutes of September 14 and September 15 and the Regular Meeting Minutes September 20, 2016

A motion was made by Conry, seconded by Noone, to approve the Special Meeting minutes of September 14 and September 15 and the Regular Meeting minutes of September 20, 2016.

Ayes: 7 Nays: 0
Motion Carried

Executive Session Minutes of the Special Meetings of September 14 and September 15 and the Regular Meeting of September 20, 2016. (Proofed for Content Only)

A motion was made by Conry, seconded by Noone, to approve the Executive Session Minutes of the Special Meetings held September 14 and September 15 and the Regular Meeting held September 20, 2016.

Ayes: 7 Nays: 0

Motion Carried

AUDIENCE

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

John Monteverde – Business Improvement District

J. Monteverde stated the Festival in the Borough was a huge success and had a much larger attendance than in the past. He thanked his staff their effort and the Washington Township Police Department for the extra officer presence and crossing guards. Due to recent events, bomb sniffing dogs and Homeland Security were also present during the Festival. J. Monteverde updated Council and the audience on upcoming events.

Edna Detlefs – 27 Fisher Avenue

E. Detlefs thanked the Road Department for the nice job they've done paving the roads. The company cutting trees for JCP&L left large branches behind. Bamboo is growing out of control. She is concerned about the safety of the residents because large trucks are driving on people's property and cars are going the wrong way on one-way streets due to the Railroad Company closing streets. Councilman Higgins will discuss street signs for truck drivers at the next Streets Committee meeting. E. Detlefs discussed ATV riders with Councilwoman Conry.

Tan Meiner - 19 Fisher Avenue

T. Meiner thanked the Road Department for paving the roads. Bamboo is a health concern for her and requested it be mowed. She is also concerned with people's safety with cars going the wrong way.

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

Ayes: 7 Nays: 0

Motion Carried

REPORTS

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

1. Washington Township Police – Monthly Report for August

2. Washington Township Police – Press Release for September 7, 2016
3. Washington Township Police – Press Release for September 13, 2016
4. Washington Township Police – Press Release for September 22, 2016
5. Warren County Health Department – Monthly Report for September
6. Manager’s Report of Personnel for September
7. Road Department - Monthly Report for September

Ayes: 7 Nays: 0
Motion Carried

COMMITTEE REPORTS

D. Bloom stated he met with the Streets Committee. Bids for the Route 57 Mid-Block Crossing are due on October 28th. The Highway Occupancy Permit will be submitted to the DOT next week. Safety issues were resolved at the Pocket Park with the help of the DPW and electrical issues are being addressed. The Borough is responsible for repairs needed to the municipal parking lot. D. Bloom will be focusing on connecting areas of the community and sidewalks on Carlton Avenue in the TAP Grant.

OLD BUSINESS

Ordinance 8-2015 – An Ordinance Fixing the Salary and Wages for Certain Municipal Officials and Repealing Portions of Prior Inconsistent Salary and Wage Ordinances for the Years Beginning January 1, 2016.

ORDINANCE #8-2015
AN ORDINANCE FIXING THE SALARY AND WAGES
OF CERTAIN MUNICIPAL OFFICIALS AND REPEALING
PORTIONS OF PRIOR INCONSISTENT SALARY AND WAGE ORDINANCES FOR
THE YEARS BEGINNING JANUARY 1, 2016

SECTION 1. The annual salaries, wages and salary and wage ranges for the municipal officials and employees of the Borough of Washington hereinafter named shall be as follows:

SCHEDULE A - FULL-TIME CLASSIFIED

| <u>POSITION TITLE</u> | <u>SALARY OR WAGE RANGE</u> |
|---|-----------------------------|
| Account Clerk, Keyboarding Clerk2 | \$34,624 - \$52,902 AN |
| Administrative Clerk | \$47,913 - \$73,808 AN |
| Assistant Municipal Tax Collector | \$41,914 - \$63,353 AN |
| Building Maintenance Worker | \$42,819 - \$55,239 AN |
| Clerk1 (NC) | \$20,127 - \$29,930 AN |
| Code Enforcement Officer/Zoning Officer | \$47,560 - \$65,319 AN |
| Equipment Operator, Keyboarding Clerk3 | \$51,368 - \$66,271 AN |

| | |
|---------------------------------------|------------------------|
| Laborer1 (NC) | \$38,817 - \$51,298 AN |
| Library Assistant, Keyboarding Clerk1 | \$30,563 - \$46,139 AN |
| Library Director | \$50,000 - \$84,081 AN |
| Road Repairer3 | \$57,315 - \$72,576 AN |
| Road Repairer Supervisor | \$62,148 - \$75,726 AN |
| Senior Account Clerk | \$49,908 - \$67,109 AN |
| Supervising Library Assistant | \$36,947 - \$55,015 AN |
| Truck Driver (NC) | \$46,074 - \$61,254 AN |

SCHEDULE B - PART-TIME CLASSIFIED

| | |
|---|-----------------------|
| Account Clerk | \$8.38 - \$26.50 Hr. |
| Animal Control Officer | \$2,750 - \$13,316 AN |
| Building Service Worker | \$8.38 - \$26.50 Hr. |
| Clerk1 (NC) | \$8.38 - \$26.50 Hr. |
| Code Enforcement Officer (Title Code #01285) | \$8.38 - \$31.80 Hr. |
| Code Enforcement Officer/Zoning Officer (Title Code #05897) | \$8.38 - \$31.80 Hr. |
| Deputy Municipal Emergency Management Coordinator | \$2,000 - \$3,180 AN |
| Deputy Registrar of Vital Statistics | \$1,500 - \$1,802 AN |
| Fire Official | \$20.00 - \$31.80 Hr. |
| Fire Prevention Specialist | \$15.00 - \$26.50 Hr. |
| Keyboarding Clerk1 | \$8.38 - \$26.50 Hr. |
| Librarian1 (Title Code #07569) | \$18.00 - \$31.80 Hr. |
| Library Director | \$36.00 - \$59.36 Hr. |
| Library Assistant (NC-Title Code #07467) | \$8.38 - \$26.50 Hr. |
| Municipal Recycling Coordinator | \$1,000 - \$3,180 AN |
| Senior Library Assistant (C-Title Code #03416) | \$8.38 - \$26.50 Hr. |
| Zoning Officer (Title Code #04338) | \$8.38 - \$31.80 Hr. |

SCHEDULE C - UNCLASSIFIED SERVICE

| | |
|---|---|
| Chief Financial Officer | \$15,500 - \$63,600 AN |
| Council Members | \$2,000 - \$3,000 AN |
| Deputy Municipal Clerk | \$8.38 - \$26.50 Hr. or \$50./meeting stipend |
| Mayor | \$2,500 - \$3,500 AN |
| Municipal Clerk | \$48,833 - \$82,031 AN |
| Municipal Department Head | \$15,000 - \$79,500 AN or \$8.38 - \$43.50 Hr. |
| Municipal Emergency Management Coordinator | \$ 2,000 - \$ 6,360 AN |
| Municipal Manager (when not combined with Mun. Clerk) | \$80,000 - \$120,000 AN |
| Municipal Manager (when combined with Mun. Clerk) | \$20,000 - \$31,800 AN |
| Tax Assessor | \$25,500 - \$48,420 AN |

| | |
|----------------------|------------------------|
| Tax Collector (F.T.) | \$46,623 - \$73,808 AN |
| Tax Collector (P.T.) | \$14,500 - \$31,800 AN |

SCHEDULE D - UNCLASSIFIED SERVICE
(TEMPORARY OR SEASONAL)

| | |
|---|---|
| Acting or Interim Department Head or Executive Management | \$10.00 - \$53.00 Hr |
| Assistant Recreation Supervisor(s) (Swim Team) | \$8.38 - \$26.50 Hr. |
| Cashier | \$8.38 - \$26.50 Hr. |
| Equipment Operator | \$8.38 - \$26.50 Hr. |
| Food Service Manager | \$8.38 - \$26.50 Hr. |
| Food Service Worker | \$8.38 - \$26.50 Hr. |
| Laborer1 (NC) | \$8.38 - \$26.50 Hr. |
| Life Guard | \$8.38 - \$26.50 Hr. |
| Maintenance Worker 1, Grounds | \$8.38 - \$26.50 Hr. |
| Municipal Department Head | \$17.00 - \$31.80 Hr. |
| Recreation Supervisor Swimming (Swim Lessons) | \$8.38 - \$26.50 Hr. |
| Recreation Supervisor Swimming (Swim Team) | \$8.38 - \$26.50 Hr. |
| Secretary, Board/Commission (Board of Adjustment, Shade Tree, Planning Board, Recreation Department, General Admin.) | \$ 500 - \$4,240 AN or \$8.38 - \$26.50 Hr.) |
| Supervisor Baths & Pools | \$8.38 - \$26.50 Hr. |
| Truck Driver (NC) | \$8.38 - \$26.50 Hr. |

SECTION 2. Salaries herein shall be payable at the rate fixed in equal installments twice a month. Wages shall be payable twice a month. Any annual salary may be re-calculated to an hourly wage for any position unless restricted by collective bargaining agreement. Any and all fees received by officials and employees of the Borough of Washington shall be paid unto the municipality.

SECTION 3. Any salary and wage ordinance adopted prior to the adoption of this ordinance with provisions inconsistent with the provisions of Section 1 of this ordinance shall, to the extent of any inconsistency and only to the extent of the inconsistency, be repealed.

SECTION 4. In the event the position becomes vacant or no figure is listed, then the figures noted in the column with the heading "salary or wage range" shall be utilized by the appointing authority and any salary or wage paid within this range shall be deemed appropriate and valid.

SECTION 5. The Supervisor of Streets in possession of a valid Certificate as Certified Public Works Manager shall have added to their base pay \$6,000.00 per year to be paid twice per month.

SECTION 6. A public works employee who works eight hours in one day out of title in a job classification with a higher salary or wage range shall be entitled to additional compensation for that day at the rate of his or her current rate of pay plus ten (10%) percent.

SECTION 7. An employee who has medical coverage under a spouse's health benefit plan (not including the NJ SHEBP) and waives participation in the Borough of Washington health benefits program shall be compensated at the rate of \$2,000 per annum prorated to compensate the employee for only those pay periods when the Borough is no longer obligated to make health benefit payments.

SECTION 8. The rates contained herein shall become effective January 1, 2016.

A motion was made by Heinrich, seconded by Noone to re-introduce Ordinance 8-2015 on final passage.

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

The Clerk read Ordinance 8-2015 by title only. Mayor McDonald opened the public hearing of Ordinance 8-2015. Seeing no one, a motion was made by Higgins, seconded by Thompson, to close the public portion of Ordinance 8-2015.

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

A motion was made by Heinrich, seconded by Noone, to re-adopt Ordinance 8-2015 on second reading.

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

Resolution 146-2016 Resolution Establishing a Complete Streets Policy

RESOLUTION 146-2016

RESOLUTION ESTABLISHING A COMPLETE STREETS POLICY

WHEREAS, the Mayor and Council of the Borough of Washington recognizes the need to accommodate all modes of travel on Borough streets, including pedestrians, bicyclists, motorists, and public transit users; and

WHEREAS, the Borough of Washington seeks to meet the transportation needs of all its citizens by providing road networks that are safer, healthier, more livable and welcoming to everyone, regardless of age and ability; and

WHEREAS, the Mayor and Council defines Complete Streets as roadways designed and operated to enable safe, attractive, and comfortable access and travel for all users, including pedestrians, bicyclists, motorists and public transport users of all ages and abilities; and,

WHEREAS, Complete Streets may include wider sidewalks, pedestrian intersection treatments, bicycle facilities, enhances landscaping, and transit accommodations so that users are able to safely and comfortable move along and across a complete street.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF WASHINGTON IN THE COUNTY OF WARREN AND STATE OF NEW JERSEY, that the Common Council hereby establishes a Complete Streets Policy, which directs Borough staff to accommodate all modes of travel, including pedestrians, cyclists and transit riders, to the highest degree possible when redesigning the public right-of-way or during the review of a land use application that affects the public right-of-way.

Resolution 146-2016 was moved on a motion by Noone, seconded by Conry, and approved.

Ayes: 7; Nays: 0
Motion Carried

ORDINANCES

Ordinance 6-2016 – An Ordinance Providing Funding for Fire Equipment for the Borough of Washington and Appropriating \$10,000 for Such Purpose (Second Reading, Public Hearing and Adoption)

**ORDINANCE NO. 6-2016
BOROUGH OF WASHINGTON**

AN ORDINANCE PROVIDING FUNDING FOR FIRE EQUIPMENT FOR THE BOROUGH OF WASHINGTON AND APPROPRIATING \$10,000 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 acquisition of fire equipment, including but not limited to, self-contained breathing

apparatus equipment for the Borough of Washington to be funded from the sources specified in Section 2 of the Ordinance.

Section 2. The amount of \$10,000 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 \$10,000.

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 Conry, seconded by Noone to introduce Ordinance 6-2016 on final passage.

ROLL CALL: Conry, Noone, Heinrich, Klimko, McDonald
Ayes: 5; Nays: 0 Abstentions: 2 (Higgins, Thompson)
Motion Carried

The Clerk read Ordinance 6-2016 by title only. Mayor McDonald opened the public hearing of Ordinance 6-2016. Seeing no one, a motion was made by Heinrich, seconded by Klimko, to close the public portion of Ordinance 6-2016.

ROLL CALL: Heinrich, Klimko, Conry, Noone, McDonald
Ayes: 5; Nays: 0 Abstentions: 2 (Higgins, Thompson)
Motion Carried

A motion was made by Conry, seconded by Klimko, to adopt Ordinance 6-2016 on second reading.

ROLL CALL: Conry, Klimko, Heinrich, Noone, McDonald
Ayes: 5; Nays: 0 Abstentions: 2 (Higgins, Thompson)
Motion Carried

NEW BUSINESS

Resolution #149-2016 – A Resolution Imposing a Halloween Curfew and Establishing Observance of Trick-or-Treat in the Borough of Washington

RESOLUTION 149-2016

**A RESOLUTION IMPOSING A HALLOWEEN CURFEW
AND ESTABLISHING OBSERVANCE OF TRICK-OR-TREAT
WITHIN THE BOROUGH OF WASHINGTON**

WHEREAS, Halloween Night and several nights before and after have historically been nights when acts of criminal mischief and vandalism have increased throughout the Borough; and

WHEREAS, the Borough of Washington desires to take some action to help reduce the likelihood of such incidents by establishing a **suggested curfew** to assist parents and lawful guardians of minor children; and

WHEREAS, said curfew is viewed as an important part of maintaining the peace and order of the community and all persons are strongly urged to cooperate with the Washington Township Police Department by abiding by the curfew; and

WHEREAS, the door to door solicitation of treats is a tradition enjoyed by many as well as an annoyance and inconvenience to others and, therefore, needs to be regulated to provide for the safety, health, and welfare of all persons within the community.

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 there is hereby established a suggested curfew for all person seventeen (17) years of age or younger of 9:00 pm from Friday, October 28, 2016 up to and including Monday, October 31, 2016. Curfew shall be extended for school sponsored events to one (1) hour after the conclusion of the event.

BE IT FURTHER RESOLVED, that Trick-or-Treat Night shall be observed within the Borough of Washington on Monday, October 31, 2016 from 3:00 p.m. to 7:00 p.m.

Resolution 149-2016 was moved on a motion by Higgins, seconded by Klimko, and approved.

Ayes: 7; Nays: 0
Motion Carried

Resolution #150-2016 – A Resolution for Redemption of Tax Certificate as per NJSA 54:5

RESOLUTION #150-2016
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 December 5, 2013 to Tower Fund Services as Custodian for Ebury Fund, LLC , PO Box 37695, Baltimore, MD 21297-3695 in the amount of \$1,462.56 for taxes or other municipal liens assessed for the year 2012 in

the name of Dunlop, David A. as supposed owners, and in said assessment and sale were described as Block 70 Lot 8, which sale was evidenced by Certificate #13-00025; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 9-27-16 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 Tower Fund Services as Custodian for Ebury Fund, LLC by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$3,967.58, which is the amount necessary to redeem Tax Sale Certificate #13-00025.

NOW THEREFORE BE IT RESOLVED, on this 4th day of October, 2016 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Tower Fund Services as Custodian for Ebury Fund, LLC, PO Box 37695, Baltimore, MD 21297-3695 in the amount of **\$5,667.58** (This amount consists of \$3,967.58 Certificate Amount redeemed + \$1,700.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 70 Lot 8 from the tax office records.

Resolution 150-2016 was moved on a motion by Conry, seconded by Klimko, and approved.

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

Resolution 151-2016 – Resolution Authorizing the Execution of a Lease Agreement Between the Borough of Washington, County of Warren and the New Jersey Department of Transportation

RESOLUTION 151-2016

**RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT
BETWEEN THE BOROUGH OF WASHINGTON, COUNTY OF WARREN
AND THE NEW JERSEY DEPARTMENT OF TRANSPORTATION**

WHEREAS, the New Jersey Department of Transportation has offered to lease a small parcel located on the corner of Route 31 and Route 57, known as Route 30, Section 9, Parcels W40 and 41X, more commonly known as Lot 7.01 of Block 26 in the Borough of Washington, to the Borough of Washington, on a month to month basis; and

WHEREAS, the Borough is currently utilizing this parcel for the Washington Borough sign, and is desirous of continuing to do so.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Washington, County of Warren authorizes the Borough Manager to execute a month to month lease agreement with the New Jersey Department of Transportation.

BE IT FURTHER RESOLVED that the Borough shall pay a monthly rent of one dollar (\$1.00) per month in advance.

Resolution 151-2016 was moved on a motion by Noone, seconded by Conry, and approved. Councilman Higgins discussed payment of the sign with Council.

ROLL CALL: Noone, Conry, Heinrich, Klimko, Thompson, McDonald
Ayes: 6; Nays: 1 (Higgins)
Motion Carried

Resolution 152-2016 – Resolution Authorizing Professional Services Contract with Public Works Management, LLC for Preparation and Management of a Request for Interest in Providing Contract Operation Services for the Borough’s Wastewater System

RESOLUTION 152-2016

AUTHORIZING PROFESSIONAL SERVICES CONTRACT WITH PUBLIC WORKS MANAGEMENT, LLC FOR PREPARATION AND MANAGEMENT OF A REQUEST FOR INTEREST IN PROVIDING CONTRACT OPERATION SERVICES FOR THE BOROUGH’S WASTEWATER SYSTEM

WHEREAS, the Borough Council of the Borough of Washington has a need to contract the services of a consultant to prepare and manage a Request for Interest in Providing Contract Operation Services for the Borough’s Wastewater System as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A.4 or 20.5 as appropriate because highly specialized expertise on, and knowledge of, the Borough’s Wastewater system are required; and

WHEREAS, the Purchasing Agent has certified that the costs of this contract may, or will, exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, for budgetary purposes, the Borough Council of the Borough of Washington would like to have this contract reflect a not-to-exceed figure of \$29,700 with an hourly fee of \$150.00 and to include copying and digitizing expenses as detailed in a proposal from Public Works Management LLC dated May 10, 2016; and

WHEREAS, prior to execution of the contract, Public Works Management LLC shall complete and submit a Business Entity Disclosure Certification, which certifies that Public

Works Management LLC has not made any reportable contributions to a political or candidate committee in the Borough of Washington in the previous one year, and that the contract will prohibit Public Works Management LLC from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer has certified to the Borough Clerk that funds are available in the following budget account:

Sewer Utility Operating Account 05-2016-56-502-2-28

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Washington enter into a contract with Public Works Management LLC as described herein; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the Chief Financial Officer and Public Works Management LLC.

Resolution 152-2016 was moved on a motion by Noone, seconded by Conry, and approved.

ROLL CALL: Noone, Conry, Heinrich, Klimko, Thompson, McDonald
Ayes: 6; Nays: 0; Abstentions: 1 (Higgins)
Motion Carried

Resolution 153-2016 – Resolution Transferring Retail Consumption License #2121-33-007-002 (Washington Inn, Inc. t/a Felix’s Tavern) to Williams Irish Tavern, LLC - A Person-to-Person Transfer

Mayor McDonald stated Resolution 153-2016 is being pulled as the paperwork is not in order.

VOUCHERS

A motion was made by Conry, seconded by Heinrich, to approve the vouchers and claims in the amount of \$866,609.07.

Council Discussion:

Councilwoman Klimko asked for an explanation of a Clean Communities event and a mileage reimbursement.

ROLL CALL: Conry, Heinrich, Higgins, Noone, Thompson, McDonald
Ayes: 6; Nays 1 (Klimko); Abstentions: 1 (Thompson–Fire/EMS only)
Motion Carried

RECAP

The Clerk will ask the Interim Manager to contact the Warren Hills School District to discuss the addition of a crossing guard at the Middle School.

COUNCIL REMARKS

Councilwoman Conry thanked J. Monteverde and all those involved in a great Festival in the Borough.

Councilwoman Noone thanked the Business Improvement District and volunteers for the best Festival in the Borough and thanked those who supported the Farmers' Market. Councilwoman Noone reminded everyone the Borough 5K is this coming Saturday.

Councilman Heinrich thanked J. Monteverde for a great job with the Festival in the Borough as well as the Police Department and all those involved with the Festival.

Councilman Higgins thanked everyone involved with the Festival in the Borough. With regards to a newly formed Facebook page, Councilman Higgins doesn't feel Council deserves the heat it is getting on that page. He invites anyone with questions, comments or concerns to come to a meeting to get direct answers from Council.

Councilwoman Klimko thanked those involved with the Festival in the Borough and the Farmers' Market. She would like an update on the feral cat situation and asked for the status of the Borough's ordinances. Attorney Parikh will speak with the Interim Manager on this.

Councilman Thompson thanked the Business Improvement District for the Festival in the Borough. He asked if the tree outside Borough Hall will be lit at Christmas. Mayor McDonald stated it will be done in conjunction with the BID's Hometown Holiday event.

Mayor McDonald congratulated J. Monteverde and the Business Improvement District for a wonderful Festival in the Borough. Charitable organization Ghana 4E is sponsoring an Art Show beginning Saturday in the Stover Building to gather computers and set up a school in Ghana. Mayor McDonald invited everyone to attend.

Council took a short recess before entering into Executive Session.

EXECUTIVE SESSION

A motion was made by Noone, seconded by Conry, to approve Resolution 154-2016 Authorizing Executive Session for the purpose of discussing pending litigation, personnel matters, contract negotiations and attorney/client privilege matters at 8:42 pm.

Ayes: 7 Nays: 0

Motion Carried

RESOLUTION # 154-2016
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: _____ 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.);

X 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: Borough Manager 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 Noone, seconded by Conry, to come out of Executive Session at 9:42 pm.

Ayes: 7 Nays: 0
Motion Carried

ADJOURNMENT

Hearing no further business, a motion was made by Higgins, seconded by Noone, to adjourn the meeting at 9:43 pm.

Ayes: 7 Nays: 0
Motion Carried

Mayor Scott McDonald

Ann Kilduff, RMC Borough Clerk