

BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – October 18, 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, Higgins, Klimko, McDonald, Noone, Thompson

Absent: Heinrich

Also Present: Ann Kilduff, Borough Clerk; Jasmine Lim, Interim Borough Manager;
and Dawson Bloom, Borough Engineer

CORRESPONDENCE

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

1. From James Messina re: Property on S. Wandling; Block 100, Lot 52
2. From Diane Pueraro re: Family Guidance After School Program
3. Borough of Chester’s Resolution #2016-106

Ayes: 6 Nays: 0

Motion Carried

Councilman Higgins questioned the letter from James Messina. Interim Manager Lim will look into the property.

A motion was made by Higgins, seconded by Noone, to prepare a resolution in support of the Borough of Chester’s Resolution #2016-106. Mayor McDonald suggested Council read Assembly No. 3686 prior to the next meeting.

Ayes: 6 Nays: 0

Motion Carried

MINUTES

Regular Meeting Minutes October 4, 2016

A motion was made by Conry, seconded by Noone, to approve the Regular Meeting minutes of October 4, 2016.

Ayes: 6 Nays: 0
Motion Carried

Executive Session Minutes of the Regular Meeting of October 4, 2016. (Proofed for Content Only)

A motion was made by Conry, seconded by Noone, to approve the Executive Session Minutes of the Regular Meeting held October 4, 2016.

Ayes: 6 Nays: 0
Motion Carried

AUDIENCE

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

Susan Turner – 144 Railroad Avenue, Washington Township

S. Turner spoke of the closing of Railroad Avenue by the railroad tracks and how it will affect the residents. She is concerned police and fire vehicles will not be able to get down their street and the residents will not receive the protection they may need. S. Turner would like to see more police presence on Railroad Avenue to reduce speeding. Mayor McDonald spoke of the meeting held with Norfolk Southern and suggested residents express their concerns to Assemblymen DiMaio and Peterson, Senator Doherty, the Commissioner of the Department of Transportation, the Governor and the Lieutenant Governor. Councilman Higgins would like to have a public meeting with the railroad company.

Laura Duffy – 64 W. Warren Street

L. Duffy spoke of the feral cat problem in the Borough. Animal Control Officer Kim Sillett was present and agreed this is a huge problem, stating she has received many complaints. Abandoned properties have become a shelter for feral cats. K. Sillett and L. Duffy discussed different options and their costs with Council. Grants are available for the handling of feral cats. Councilman Thompson would like to have a monthly report from the Animal Control Officer. Councilwoman Klimko asked K. Sillett to look at the Blairstown area to see how they handle the feral cat issue.

Michelle Kelly – 70 W. Warren Street

M. Kelly spoke of overnight parking issues on her street. She would like the Borough to reinforce removing cars from the streets at night. M. Kelly feels two-sided parking makes roads

congested and cars have been parking too close to street corners which impedes vision. Councilman Higgins will discuss this at the next Streets Meeting.

Denise Coleman – 138 Railroad Avenue

D. Coleman stated she is in favor of closing Railroad Avenue. She is in favor of progress and feels closing Railroad Avenue would reduce speeding and help keep the children safe. D. Coleman would like to see a traffic light or “No Left Turn” sign by the Dairy Queen at Route 31 and Broad Street.

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

Ayes: 6 Nays: 0
Motion Carried

REPORTS

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

1. Washington Township Police – Press Release for September 30, 2016
2. Washington Township Police – Press Release for October 6, 2016
3. Washington Township Police – Monthly Report for September
4. Municipal Court – Monthly Report for September
5. Fire Prevention – Monthly Report for September
6. Zoning/Code Enforcement - Monthly Report for September

Ayes: 6 Nays: 0
Motion Carried

COMMITTEE REPORTS

Councilman Higgins stated the Streets and Sewer Committee will meeting on Monday.

OLD BUSINESS

The discussion regarding feral cats was discussed during the public portion of the meeting.

NEW BUSINESS

Resolution #153-2016 – A 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

RESOLUTION 153-2016
A RESOLUTION TRANSFERRING RETAIL CONSUMPTION LICENSE
NUMBER 2121-33-007-002 (T/A FELIX'S TAVERN)
TO WILLIAMS IRISH TAVERN, LLC
A PERSON-TO-PERSON TRANSFER

WHEREAS, application has been made to the Borough Clerk for the transfer of Liquor License #2121-33-007-002, presently held by Washington Inn Inc. t/a Felix's Tavern; and

WHEREAS, Washington Inn, Inc. t/a Felix's Tavern has submitted their consent to the transfer of Retail Consumption License #2121-33-007-002; 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.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Washington, Warren County, New Jersey does hereby consent and approve of this transfer of liquor license for a Retail Consumption License #2121-33-007-002 presently held by Washington Inn, Inc. t/a Felix's Tavern.

Resolution 153-2016 was moved on a motion by Conry, seconded by Klimko, and approved.

Ayes: 6; Nays: 0
Motion Carried

Resolution #155-2016 – A Resolution of the Borough of Washington Eliminating Longevity Payments

RESOLUTION 155-2016
RESOLUTION OF THE BOROUGH OF WASHINGTON
ELIMINATING LONGEVITY PAYMENTS

WHEREAS, the Borough of Washington eliminated longevity payments to CWA employees in 2005; and

WHEREAS, the longevity payments to non-union employees was also eliminated in 2005; and

WHEREAS, the elimination of longevity payments to non-union employees is not reflected in the Borough's Non-Union Personnel Policy; and

WHEREAS, the Borough has not updated the Non-Union Personnel Policy since May 6, 2003.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Washington, County of Warren that

1. The formal policy of the Borough is to eliminate longevity payments to all employees; and
2. That when next updated, the Non-Union Personnel Policy will not include a longevity section.

Resolution 155-2016 was moved on a motion by Klimko, seconded by Conry, and approved.

Ayes: 4; Nays: 1 (Thompson); Abstentions: 1 (Higgins)
Motion Carried

Resolution 156-2016 – Resolution Authorizing the Use of the Washington Borough Municipal Building as an Evacuation Center for the Family Guidance After School Programs at Taylor Street and Memorial Elementary Schools

Resolution 156-2016 was moved on a motion by Conry, seconded by Noone, and approved. Councilman Thompson clarified the hours the building could be used.

Ayes: 6; Nays: 0
Motion Carried

A motion was made by Klimko, seconded by Thompson, to add a statement regarding the liability responsibility of the children while in the Municipal Building to Resolution 158-2016.

Ayes: 6; Nays: 0
Motion Carried

RESOLUTION 156-2016
RESOLUTION AUTHORIZING THE USE OF THE WASHINGTON
BOROUGH MUNICIPAL BUILDING AS AN EVACUATION CENTER
FOR THE FAMILY GUIDANCE AFTER SCHOOL PROGRAMS
AT TAYLOR STREET AND MEMORIAL ELEMENTARY SCHOOLS

WHEREAS, Family Guidance Center of Warren County operates the after school programs at Taylor Street and Memorial Elementary Schools; and

WHEREAS, in order to be prepared for an emergency, Family Guidance Center of Warren County has requested authorization to utilize the Washington Borough Municipal Building in the event either or both schools are required to be evacuated.

NOW, THEREFORE BE IT RESOLVED by Borough Council of the Borough of Washington that authorization is hereby granted to Family Guidance Center of Warren County to utilize the Municipal Building in the event either or both Taylor Street and Memorial Elementary Schools are required to be evacuated.

BE IT FURTHER RESOLVED that Family Guidance Center of Warren County will maintain adequate staffing to properly supervise the children while in the Municipal Building.

BE IT FURTHER RESOLVED that Family Guidance Center of Warren County will execute a facility use agreement with the Borough and provide the appropriate Certificate of Insurance.

Resolution 157-2016 – Resolution of the Borough of Washington Prohibiting Personal Use of Municipal Vehicles

**RESOLUTION 157-2016
RESOLUTION OF THE BOROUGH OF WASHINGTON
PROHIBITING PERSONAL USE OF MUNICIPAL VEHICLES**

BE IT RESOLVED by the Borough Council of the Borough of Washington, County of Warren that a policy prohibiting personal use of municipal vehicles is hereby adopted.

BE IT FURTHER RESOLVED that any employee authorized to use municipal vehicles for commuting to/from work have a fringe benefit value added to the gross income reported on the employee's W-2 unless the vehicle meets the "qualified non-personal vehicle" criteria specified by the Internal Revenue Service.

Resolution 157-2016 was moved on a motion by Higgins, seconded by Conry, and approved.

Ayes: 6; Nays: 0
Motion Carried

Resolution 158-2016 – Resolution of the Borough of Washington Monitoring the Management of the Borough's Ratable Base

RESOLUTION 158-2016
RESOLUTION OF THE BOROUGH OF WASHINGTON
MONITORING MANAGEMENT OF THE BOROUGH'S RATABLE BASE

WHEREAS, monitoring management of the Borough's ratable base is fundamental to helping to ensure fiscal stability.

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Washington, County of Warren that a policy is hereby established wherein the Borough Tax Assessor is required to notify the Borough Council, Borough Manager and Chief Financial Officer of all tax appeals upon filing, but no later than June 1st of each year.

Resolution 158-2016 was moved on a motion by Noone, seconded by Conry, and approved.

Ayes: 6; Nays: 0
Motion Carried

Resolution 159-2016 – Resolution of the Borough of Washington Supporting Submission of Application for NJ DOT – Transportation Alternatives Program

RESOLUTION 159-2016
RESOLUTION OF THE BOROUGH OF WASHINGTON
SUPPORTING SUBMISSION OF APPLICATION FOR
NEW JERSEY DEPARTMENT OF TRANSPORTATION
TRANSPORTATION ALTERNATIVES PROGRAM

WHEREAS, the Borough of Washington is applying for funding to conduct pedestrian safety improvements including sidewalk replacement, ADA compliant curb ramps, crosswalks and signage within the Borough of Washington; and

WHEREAS, the project will help to continue and improve the promotion and encouragement of pedestrian access and safety for school children, residents and the commercial district to these important community activity centers:

- a. Taylor Street Elementary School
- b. Washington Borough Town Hall
- c. United States Post Office
- d. The Vault Youth Center
- e. Habitat for Humanity of Warren County
- f. Washington Public Library
- g. Warren Hills Middle School
- h. Washington Memorial Elementary School

WHEREAS, maintenance of the facility, once constructed, will be assumed by the Borough of Washington with the exception of (1) local ordinances that places maintenance responsibility with each individual property owner, and (2) those crosswalks on State Highways.

NOW, THEREFORE BE IT RESOLVED, by the Council of the Borough of Washington that it hereby supports the submission of a grant application for the Transportation Alternatives Program within the State of New Jersey Department of Transportation and authorizes the Mayor, Manager and the Municipal Clerk to execute any and all documents necessary and related to the submission of said grant application or grant agreement.

Resolution 159-2016 was moved on a motion by Conry, seconded by Higgins, and approved.

Ayes: 6; Nays: 0
Motion Carried

Resolution 160-2016 – Resolution Establishing the Monitoring of PILOT and Redevelopment Agreements

**RESOLUTION 160-2016
RESOLUTION ESTABLISHING THE MONITORING OF
PILOT AND REDEVELOPMENT AGREEMENTS**

WHEREAS, Payments In Lieu of Taxes (PILOTs) and Redevelopment Agreements may be used as tools for economic development; and

WHEREAS, it is imperative that PILOT and Redevelopment Agreements be monitored to ensure that the terms of such agreements are complied.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Washington, County of Warren that:

1. The Borough Manager is designated as the monitor for PILOT and Redevelopment agreements, and
2. The Borough Manager shall develop and implement a documented process to track the requirements of each PILOT and Redevelopment Agreement.

Resolution 160-2016 was moved on a motion by Higgins, seconded by Thompson, and approved.

Ayes: 6; Nays: 0
Motion Carried

Resolution 161-2016 – Resolution Updating the Personnel Policies Relating to Non-Union Employees

Resolution 161-2016 was moved on a motion by Conry, seconded by Noone. After a brief discussion, both motions were removed and discussion tabled until after Executive Session.

Resolution 162-2016 – Resolution Extending the Option Agreement for Grant of Easement and Right-of-Way with NJ American Water

Resolution 162-2016 was moved on a motion by Higgins and seconded by Conry.

Councilman Higgins asked for clarification of this resolution. After a brief discussion, both motions were removed and a motion was made by Higgins, seconded by Noone, to table Resolution 162-2016 until the November 1, 2016 meeting pending attorney review.

Ayes: 6; Nays: 0

Motion Carried

Resolution 163-2016 – Resolution Authorizing the Contract with Tilcon to Pave Borough Roads

RESOLUTION 163-2016

RESOLUTION AUTHORIZING TILCON TO PAVE BOROUGH ROADS

WHEREAS, various roads in the Borough are in need of repaving; and

WHEREAS, the Borough is a member of the Morris County Cooperative Purchasing Council which awarded the 2016 paving contract to Tilcon; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Washington, County of Warren that Tilcon is authorized to perform the Borough's 2016 road paving project, not to exceed a total cost of \$276,000.

Resolution 163-2016 was moved on a motion by Conry, seconded by Noone, and approved.

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

Ayes: 6; Nays: 0

Motion Carried

Councilman Higgins requested J. Lim contact the Railroad Company and the Commissioner of the Department of Transportation regarding a public presentation on the proposed closing of Railroad Avenue. Councilwoman Klimko would like them to notify all residents in the Borough and Township who would be affected by this closing once a presentation date is scheduled.

The Mayor and Council received and reviewed the CY 2016 Best Practice Inventory Worksheet. The Borough's score was 24 (80%). A motion was made by Higgins, seconded by Conry, to acknowledge review of and to approve the Best Practices submission for 2016.

Ayes: 6; Nays: 0
Motion Carried

VOUCHERS

A motion was made by Conry, seconded by Noone, to approve the vouchers and claims in the amount of \$502,928.29.

ROLL CALL: Conry, Noone, Higgins, Klimko, Thompson, McDonald
Ayes: 6; Nays 0; Abstentions: 1 (Thompson–Fire/EMS only)
Motion Carried

RECAP

J. Lim will get information on the property mentioned in Mr. Messina's letter, work with the Animal Control Officer to obtain information from other municipalities on the handling of feral cats, and contact Department of Transportation and the Railroad Company regarding a public presentation.

COUNCIL REMARKS

Councilman Higgins stated the Borough has many drainage and sewer issues. Council has not been receiving monthly reports from the sewer plant and should be made aware any time they are called to a residence. J. Lim will inform Veolia. Councilwoman Klimko would like to know Veolia's maintenance schedule and proper procedures. Councilman Higgins stated he is pleased with the work being done to renovate Star Plaza. He and Mayor McDonald would like to request 2017 rates from the Borough professionals. J. Lim will contact them.

Mayor McDonald reminded everyone that Hometown Halloween will be held on October 31st from 3:00 to 5:00 pm. The President of the Washington Square Homeowners Association requested to be notified if the Borough releases any additional bond monies for that property.

Council took a short recess before entering into Executive Session.

EXECUTIVE SESSION

A motion was made by Noone, seconded by Conry, to approve Resolution 164-2016 - Authorizing Executive Session for the purpose of discussing a collective bargaining agreement matter, pending litigation matters, and contractual matters at 8:35 pm.

Ayes: 6 Nays: 0
Motion Carried

RESOLUTION # 164-2016
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: _____ CWA _____);

_____ 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: DPW Equipment, Auditor's Report _____ The public disclosure of such information at this time would have a potentially negative impact on the municipality's position in the litigation or negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

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

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

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

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

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

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

A motion was made by Conry, seconded by Noone, to come out of Executive Session at 9:30 pm.

Ayes: 6 Nays: 0
Motion Carried

Resolution 161-2016 – Resolution Updating the Personnel Policies Relating to Non-Union Employees

**RESOLUTION 161-2016
RESOLUTION UPDATING THE PERSONNEL POLICIES
RELATING TO NON-UNION EMPLOYEES**

WHEREAS, there is a need to update personnel policies relating to non-union employees

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Washington, County of Warren that:

1. Full time, non-union employees shall receive the same medical, prescription, dental and vision benefits as CWA covered employees, unless otherwise superseded by the Code of the Borough of Washington and/or New Jersey State Statutes or regulations, and
2. Non-union employees shall receive the same number of leave days as CWA covered employees, unless otherwise superseded by the Code of the Borough of Washington and/or New Jersey State Statutes or regulations.

BE IT FURTHER RESOLVED that effective January 1, 2017, non-union employees shall receive no payments for unused sick days accrued after January 1, 2017. Unused sick days accrued prior to January 1, 2017 shall be subject to the previously established maximum payment of \$15,000.00.

Resolution 161-2016 was moved on a motion by Conry, seconded by Noone, and approved.

ROLL CALL: Conry, Noone, Higgins, Klimko, Thompson, McDonald
Ayes: 6; Nays: 0
Motion Carried

ADJOURNMENT

Hearing no further business, a motion was made by Thompson, seconded by Conry, to adjourn the meeting at 9:32 pm.

Ayes: 6 Nays: 0
Motion Carried

Mayor Scott McDonald

Ann Kilduff, RMC Borough Clerk