

BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – November 14, 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; Matthew Hall, Borough Manager; Tara St. Angelo, Borough Attorney; Dawson Bloom, Borough Engineer; and Councilwoman-elect Cynthia Valle

CORRESPONDENCE

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

1. Letter to Warren Hills School District re: the addition of a Crossing Guard at the Warren Hills Regional Middle School

Ayes: 7 Nays: 0

Motion Carried

MINUTES

Regular Meeting Minutes November 1, 2016

A motion was made by Noone, seconded by Conry, to approve the Regular Meeting minutes of November 1, 2016.

Ayes: 7 Nays: 0

Motion Carried

Executive Session Minutes of the Regular Meeting of November 1, 2016. (Proofed for Content Only)

A motion was made by Noone, seconded by Conry, to approve the Executive Session Minutes of the Regular Meeting held November 1, 2016.

Ayes: 7 Nays: 0

Motion Carried

AUDIENCE

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

Jeannine Gleba – 141 Sunrise Terrace

J. Gleba congratulated those who won the election and thanked Mayor McDonald and Councilwoman Conry for their contribution to the Borough. She updated Council on the status of the Code Book updates and would like Council to make this a priority and encumber money during the upcoming budget discussions. M. Hall will work with J. Gleba. J. Gleba stated the Hometown Hero wall in Borough Hall was started by her son and would like the program to continue. She would like the Streets Committee to add Sunrise Terrace to the list of roads in need of repair and would like the Borough to install time clocks as discussed years ago.

Hearing no further comments, a motion was made by Conry, 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 Conry, to receive and file the following reports:

1. Manager's Personnel Report for October
2. Washington Township Police – Press Release for October 28, 2016
3. Washington Township Police – Monthly Report for October
4. Veolia Wastewater Systems – Monthly Report for September
5. Zoning/Code Enforcement – Monthly Report for October
6. Recreation Department – Monthly Revenue Report for October
7. Recreation Director – Monthly Report for October

Council discussed whether residents can own chickens. T. St. Angelo will provide Council with sample ordinances regarding this. Councilwoman Klimko asked for the reason trees were taken down at the park. Councilwoman Conry explained they only removed trees that had fallen during a storm and damaged a fence.

Ayes: 7 Nays: 0
Motion Carried

COMMITTEE REPORTS

There were no Streets Committee or Sewer Committee reports at this meeting.

OLD BUSINESS

D. Bloom stated two bids were received for the Midblock Crosswalk. Tony and Son bid \$138,700 and Your Way Construction bid \$183,900. Both bids are higher than his estimate and what was budgeted. Council discussed the bids, funding, and options. Council tabled further discussion until the next meeting where D.

Bloom will provide an amount to be paid by the contractor for Police coverage during construction as well as a letter from Finelli Consulting Engineers stating a not to exceed amount for their oversight of the project.

NEW BUSINESS

Resolution #172-2016 – Resolution Supporting the Creation of Handicapped Parking Spaces and Zones Along NJ Route 57 (Washington Avenue)

RESOLUTION #172-2016

RESOLUTION SUPPORTING THE CREATION OF HANDICAPPED PARKING SPACES AND ZONES ALONG NJ ROUTE 57 (WASHINGTON AVENUE)

WHEREAS, the Borough of Washington (“Borough”) has requested a survey of handicapped parking locations along Route 57 (“Washington Avenue”) from the New Jersey Department of Transportation (“NJDOT”), and desires to establish an appropriate number of *Handicapped Parking Spaces*, as well as a *Handicapped Parking Zone*; and

WHEREAS, pursuant to N.J.S.A. 39:4-8-4(c), the Borough is required to adopt a resolution of support for promulgation of a *Traffic Regulation Order (TRO)*; and

WHEREAS, in accordance with the provisions of N.J.S.A. **39:4-197.5**, the following street locations are designated as *Handicapped Parking Spaces*, which are for use by persons who have been issued special identification cards, plates, or placards by the New Jersey Division of Motor Vehicles, or a temporary placard issued by the Chief of Police, no other person shall be permitted to park in these spaces; and

WHEREAS, in accordance with the provisions of N.J.S.A. **39.4-197.6**, the following street locations are designated as *Handicapped Parking Zones* in front of a residence occupied by a handicapped person, which are for a vehicle owned by the handicapped person or by another occupant of the residence who is a member of the immediate family of the handicapped person, and equipped with a windshield placard or wheelchair symbol license plates issued by the New Jersey Division of Motor Vehicles, and no other person shall be permitted in these spaces;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey, that the following areas be designated as *Handicapped Parking Spaces*:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
NJ Route 57 (Washington Avenue)	South	Beginning at a point 241 feet east of the easterly curb line of South Wandling Avenue and extending to a point 22 feet easterly therefrom.
NJ Route 57 (Washington Avenue)	South	Beginning at a point 71 feet east of the easterly curb line of South Wandling Avenue and extending to a point 22 feet easterly therefrom.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey, that the following areas be designated as *Handicapped Parking Zones*:

<u>Name of Street</u>	<u>Side</u>	<u>Plate/Placard #</u>	<u>Location</u>
NJ Route 57 (Washington Avenue)	North	P1595709	Beginning at a point 117 feet west of the westerly curb line of Grand Avenue to a point 22 feet westerly therefrom.

Resolution 172-2016 was moved on a motion by Conry, seconded by Thompson, and approved.

Ayes: 7; Nays: 0
Motion Carried

Resolution #173-2016 – A Resolution for Redemption of Tax Certificate as per NJSA 54:5 - Block 6, Lot 68

RESOLUTION #173-2016
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 21, 2016 to FWDSL & Associates LP, 17 W. Cliff St., Somerville, NJ 08876, in the amount of \$453.20 for taxes or other municipal liens assessed for the year 2015 in the name of Ettore, Debbie as supposed owner, and in said assessment and sale were described as 170 North Lincoln Avenue, Block 6 Lot 68, which sale was evidenced by certificate #16-00012; and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 11-4-16 and before the right to redeem was cut off, as provided by law, Debbie Ettore 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 \$514.26 which is the amount necessary to redeem Tax Sale Certificate #16-00012.

NOW THEREFORE BE IT RESOLVED, on this 14th day of November, 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 **\$1,814.26** (This consists of \$514.26 Certificate Amount redeemed + \$1,300.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 6 Lot 68 from the tax office records.

Resolution 173-2016 was moved on a motion by Heinrich, seconded by Conry, and approved.

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

Resolution 174-2016 – Resolution Authorizing the Cancellation of General Capital Ordinance Balance

RESOLUTION # 174 -2016
A RESOLUTION AUTHORIZING CANCELLATION OF
GENERAL CAPITAL ORDINANCE BALANCE

WHEREAS, there are open balances in old capital ordinance; and

WHEREAS, the projects authorized in those ordinances are completed; and

WHEREAS, it is a good practice to cancel old outstanding ordinances; and

WHEREAS, cancelled funded amounts will be deposited in the Capital Improvement Fund.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Washington, in the County of Warren, State of New Jersey as follows:

1. The Governing Body hereby authorizes cancellation of the outstanding balances in the capital ordinance listed below:

16-04 \$54,457.10 (FUNDED)

Resolution 174-2016 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 175-2016 – Resolution Requesting Approval of Items of Revenue and Appropriations NJSA 40A:4-87

RESOLUTION #175-2016
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 \$3,474.00 which is now available from the other municipalities within Warren County

BE IT FURTHER RESOLVED, that the like sum of \$3,474.00 is hereby appropriated under the caption of Other Expenses – Municipal Alliance.

Resolution 175-2016 was moved on a motion by Higgins, seconded by Thompson, and approved.

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

Resolution 176-2016 – Resolution Authorizing System Modification to the Borough’s Wastewater Treatment Plant by Veolia Water North America – North East, LLC

RESOLUTION # 176 -2016
RESOLUTION AUTHORIZING SYSTEM MODIFICATION TO THE BOROUGH’S
WASTEWATER TREATMENT PLANT BY VEOLIA WATER
NORTH AMERICA – NORTHEAST, LLC

WHEREAS, on June 16, 1998, U.S. Filter Operating Services, now operating through successor affiliate Veolia Water North America – Northeast, LLC, was awarded a contract for the design, operations and maintenance of the Borough’s Waste Water Treatment Plant; and

WHEREAS, according to Article VIII, Section 8.5(B) of the Agreement, the Borough may authorize modifications to the Waste Water Treatment System; and

WHEREAS, negotiations have occurred to the satisfaction of both parties in order to make certain modifications to the Borough’s Waste Water Treatment System; and

WHEREAS, the Mayor and Council have decided that authorizing such modifications would be in the best interest of the Borough.

NOW, THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Washington, authorize certain modifications to the Waste Water Treatment System in accordance with the attached Amendment.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Borough Manager, Chief Financial Officer, and Veolia Water North America – Northeast, LLC.

BE IT FURTHER RESOLVED, that Veolia Water North America – Northeast, LLLC shall award a contract with Bartha Construction within thirty (30) days from the signature of this agreement.

Resolution 176-2016 was moved on a motion by Conry, seconded by Thompson, and approved.

Council Discussion

Councilman Higgins discussed Resolution 176-2016 and the reason for the contract modifications with D. Bloom. Councilman Higgins would like a statement added to the Resolution stating a contract must be awarded with Bartha Construction within 30 days of adoption. Council agreed pending the change.

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

Ayes: 7; Nays: 0

Motion Carried

Resolution 177-2016 – Authorizing Budget Transfers for Fiscal Year 2016 Appropriations in the Amount of \$118,300.00 in the Current Fund

RESOLUTION 177-2016

**AUTHORIZING BUDGET TRANSFERS FOR FISCAL YEAR 2016 APPROPRIATIONS
IN THE AMOUNT OF \$118,300.00 IN THE CURRENT FUND**

WHEREAS, N.J.S.A. 40A: 4-58 provides for appropriations transfers during the last two (2) months of the fiscal year, when it has been determined that it is necessary to expend for any of the purposes specified in the budget an amount in the excess of the sum appropriated therefore and where it has been further determined that there is an excess in any appropriation over and above the amount deemed to be necessary to fulfill the purpose of such appropriation.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Borough of Washington, County of Warren, State of New Jersey, the Chief Financial Officer Natasha S. Turchan, be and the same is hereby authorized to make transfers among the Fiscal Year 2016 Budget in the amount of \$118,300.00 in the Current Fund as follows:

	TO:	FROM:
Legal		
Other Expenses	60,000.00	
Engineering		
Other Expenses	45,000.00	
Financial Administration		
Other Expenses	1,000.00	
Insurance		

Liability Insurance	300.00
General Government	
General Admin	
Salaries and Wages	5,000.00
Other Expenses	12,000.00
Mayor and Council	
Other Expenses	3,000.00
Municipal Clerk	
Salaries and Wages	15,000.00
Tax Assessment	
Salaries and Wages	3,000.00
Construction Code	
Local Code Enforcement	
Salaries and Wages	5,000.00
PEOSHA	
Other Expenses	1,000.00
Insurance	
Group Health Insurance	15,000.00
Public Works	
Streets and Roads	
Salaries and Wages	48,300.00
Building and Grounds	
Other Expenses	10,000.00
Statutory expenditures	
Social Security	
Other Expenses	10,000.00
DCRP	
Other Expenses	

3,000.00

\$118,300.00 \$118,300.00

Resolution 177-2016 was moved on a motion by Conry, seconded by Heinrich, and approved.

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

VOUCHERS

A motion was made by Conry, seconded by Higgins, to approve the vouchers and claims in the amount of \$912,342.12.

Council Discussion

Mayor McDonald questioned a developer's escrow COAH fund transfer. This line item was pulled pending an explanation.

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

RECAP

There was no recap at this meeting.

COUNCIL REMARKS

Councilman Heinrich wished everyone a Happy Thanksgiving. He congratulated those who won the recent election and thanked Mayor McDonald and Councilwoman Conry their time and service.

Councilwoman Noone thanked Mayor McDonald and Councilwoman Conry for their service and congratulated the new members of Council.

Councilwoman Conry would like Council to follow-up on a home business at 103 Park Avenue and the demolition of the house at 149 N. Lincoln Avenue. She enjoyed her time on Council and encouraged Council to have a better dress code. Councilman Heinrich agreed a better dress code is needed.

Mayor McDonald congratulated Cynthia Valle, Councilman Thompson and Mayor-elect Higgins. He stated it was a pleasure to serve as Mayor for nine years and would like Council to keep the progress going. Mayor McDonald wished everyone a Happy Thanksgiving.

Councilman Thompson thanked Mayor McDonald and Councilwoman Conry and congratulated Mayor-elect Higgins and Councilwoman-elect Cynthia Valle.

Councilwoman Klimko congratulated the new members of Council and stated it was a pleasure working with Mayor McDonald and Councilwoman Conry. She wished everyone a Happy Thanksgiving and thanked M. Hall and A. Kilduff for their time on Election Day.

Councilman Higgins stated November 10th was the 241st birthday of the US Marine Corps and wished everyone a Happy Thanksgiving. He and M. Hall discussed having the house at 149 N. Lincoln Avenue demolished by the end of the year. Councilman Higgins thanked Mayor McDonald and Councilwoman Conry for their service to the Borough. He feels everyone sitting on Council has the best interest of the Borough at heart. He has been made aware of inappropriate support during the election process. Personal attacks are inexcusable and not tolerated. Moving forward, M. Hall will be an important part of the Borough's process and Councilman Higgins has full confidence in him. Council needs to work on their communication and needs to be more proactive. He would like a status of meeting recap items at the following meeting.

Council took a short recess before entering into Executive Session.

EXECUTIVE SESSION

A motion was made by Noone, seconded by Conry, to approve Resolution 178-2016 - Authorizing Executive Session for the purpose of discussing a collective bargaining agreement matter and two pending litigation matters at 8:25 pm.

Ayes: 7 Nays: 0
Motion Carried

RESOLUTION # 178-2016
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;

X_____A collective bargaining agreement, or the terms and conditions thereof (Specify contract: CWA);

_____A matter involving the purchase, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed; Real Estate Acquisitions

_____Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

_____Investigations of violations or possible violations of the law;

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

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

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

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

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

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

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

A motion was made by Conry, seconded by Higgins, to come out of Executive Session at 8:48 pm.

Ayes: 7 Nays: 0
Motion Carried

Councilman Higgins requested M. Hall follow up with Borough Professionals for updated pricing for 2017 services for the next meeting.

Mayor McDonald stated the GovPilot GIS maps and tax information is now on the website. The remainder of the items will be on the website by year-end.

Councilwoman Klimko would like the website to be updated on a regular basis. M. Hall agrees and has already spoken to the Borough's website company.

ADJOURNMENT

Hearing no further business, a motion was made by Higgins, seconded by Noone, to adjourn the meeting at 8:55 pm.

Ayes: 7 Nays: 0
Motion Carried

Mayor Scott McDonald

Ann Kilduff, RMC Borough Clerk