

BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – January 17, 2017

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 Higgins 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 Express-Times and posted on the Bulletin Board of Borough Hall stating the time, place and purpose of the meeting as required by law.”

Mayor Higgins led everyone in the flag salute.

Roll Call: Heinrich, Higgins, Klimko, Noone, Thompson, Valle

Absent: None

Vacancy: One

Also Present: Ann Kilduff, Borough Clerk; Matthew Hall, Borough Manager; Attorneys Leslie Parikh and Tara St. Angelo; and Susan Gruel, Borough Planner

PROCLAMATION

Mayor Higgins read a proclamation to the audience designating January 22-28, 2017 as School Choice Week.

**Proclamation Designating
January 22-28, 2017 as
Washington Borough School Choice Week**

WHEREAS, all children in Washington Borough should have access to the highest quality education possible; and

WHEREAS, Washington Borough recognizes the important role that an effective education plays in preparing all students in Washington Borough to be successful adults; and

WHEREAS, quality education is critically important to the economic vitality of Washington Borough; and

WHEREAS, Warren County is home to a variety of high quality public and non-public schools from which parents can choose for their children, in addition to families who educate their children in the home; and

WHEREAS; educational variety not only helps to diversify our economy, but also enhances the vibrancy of our community; and

WHEREAS, Washington Borough has many high quality teaching professionals in all types of school settings who are committed to educating our children; and

WHEREAS, School Choice Week is celebrated across the country by millions of students, parents, educators, schools and organizations to raise awareness of the need for effective educational options.

NOW, THEREFORE, I, David Higgins, Mayor of the Borough of Washington, County of Warren, do hereby recognize January 22-28, 2017 as Washington Borough School Choice Week and I call this observance to the attention of all our citizens.

Mayor Higgins presented former Councilwoman Ethel Conry with a Proclamation for her service to Washington Borough.

**PROCLAMATION HONORING THE SERVICE OF
COUNCILWOMAN ETHEL CONRY**

WHEREAS, Ethel Conry completed her term as Councilwoman of the Borough of Washington on December 31, 2016, and has been a member of the Washington Borough Council since 2012; and

WHEREAS, Ethel Conry has served the Borough of Washington and the greater Warren County area as Chairperson of the Trustee Board of First Baptist Church of Anderson, President of the Choir of First Baptist Church of Anderson, Vice President of the NAACP Chapter of Warren & Sussex County, and Chairwoman of the Warren County Human Relations Commission; and

WHEREAS, Ethel Conry also served on various committees including Recreation and Planning Board within the Borough and served with dedication and commitment; and

WHEREAS, Ethel Conry will be remembered by her colleagues for her eagerness to help others, commitment to local government and dedication to the community of the Borough of Washington; and

WHEREAS, Ethel Conry has performed her duties on the Council as a hardworking member who only sought after the best interest for the Community of the Borough of Washington; and

WHEREAS, the Mayor and Council of the Borough of Washington, desire to express the appreciation of the entire community to Ethel Conry for her dedicated years of service to the Borough of Washington.

NOW, THEREFORE, BE IT PROCLAIMED by David Higgins, Mayor of the Borough of Washington, in the County of Warren, State of New Jersey, that the heartfelt appreciation of the Mayor and Council of the Borough of Washington and all its residents are hereby expressed for the many years of public service performed by Ethel Conry.

BE IT FURTHER PROCLAIMED that the Proclamation be duly embossed, signed by the Mayor, publicly presented to Ethel Conry on January 17, 2017, and forever recorded in the official records of the Borough of Washington, as an everlasting tribute to Ethel Conry by an appreciative and thankful community.

Mayor Higgins presented former Mayor Scott McDonald with a Proclamation for his service to Washington Borough.

PROCLAMATION HONORING THE SERVICE OF MAYOR SCOTT MCDONALD

WHEREAS, Scott McDonald completed his second full term as popularly elected Mayor on December 31, 2016; and

WHEREAS, Scott McDonald has resided in the Borough of Washington for 25 years and served in municipal government in various capacities for nearly all of that time, including nine years as Mayor having been both appointed by Council and popularly elected by the people of Washington; and

WHEREAS, Scott McDonald has also served on the New Jersey League of Municipalities Legislative Committee which serves to advance the interests of municipal governments and their residents across the State of New Jersey, the Washington Borough Business Improvement District Board of Directors of which he was a founding member, the Warren/Sussex County NAACP; and

WHEREAS, it is fitting and proper that Council of the Borough of Washington community recognize and commemorate this honor; and

WHEREAS, Scott McDonald has served with the utmost dedication, perseverance, and leadership not only as a Council Member for the Borough of Washington but also as Mayor; and

WHEREAS, Scott McDonald will always be remembered by his colleagues for his willingness to help others, commitment to local government, and dedication to Washington Borough; and

WHEREAS, the Mayor and Council, of the Borough of Washington, desire to express the appreciation of the entire community to Scott McDonald for his many years of outstanding service and commitment to the Borough of Washington.

NOW, THEREFORE, BE IT PROCLAIMED by David Higgins, Mayor of the Borough of Washington, in the County of Warren, State of New Jersey, that the heartfelt appreciation of the Mayor and Council of the Borough of Washington and all its residents are hereby expressed for the many years of public service and leadership performed by Scott McDonald.

BE IT FURTHER PROCLAIMED that this Proclamation be duly embossed, signed by the Mayor, publicly presented to Scott McDonald on January 17, 2017, and forever recorded in the official records of the Borough of Washington, as an everlasting tribute to Scott McDonald by an appreciative and thankful community.

EXECUTIVE SESSION

A motion was made by Thompson, seconded by Noone, to approve Resolution 2017-27 - Authorizing Executive Session for the purpose of discussing a pending litigation matter at 7:09 pm.

Ayes: 6 Nays: 0
Motion Carried

RESOLUTION # 2017-27
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 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;

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.);

_____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 Noone, seconded by Klimko, to come out of Executive Session at 8:04 pm.

Ayes: 6 Nays: 0
Motion Carried

Attorney St. Angelo and S. Gruel left the meeting.

CORRESPONDENCE

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

1. Letter from Senate President Stephen Sweeney re: Thank You for Resolution in Support of Ralph and David's Law

Ayes: 6; Nays: 0
Motion Carried

MINUTES

Regular Meeting Minutes of December 20, 2016 and of the Special Meeting of December 27, 2016

A motion was made by Noone, seconded by Thompson, to approve the Regular Meeting minutes of December 20, 2016 and of the Special Meeting of December 27, 2016.

Ayes: 5; Nays: 0; Abstain: 1 (Valle)
Motion Carried

Regular Meeting Minutes of January 3, 2017

A motion was made by Noone, seconded by Thompson, to approve the Regular Meeting minutes of January 3, 2017.

Ayes: 5; Nays: 0; Abstain: 1 (Klimko)
Motion Carried

Executive Session Minutes of the Regular Meeting of December 20, 2016 and of the Special Meeting of December 27, 2017. (Proofed for Content Only)

A motion was made by Noone, seconded by Thompson, to approve the Executive Session Minutes of the Regular Meeting held December 20, 2016 and of the Special Meeting held December 27, 2016.

Ayes: 5 Nays: 0 Abstain: 1 (Valle)
Motion Carried

AUDIENCE

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

Gary Pohorley - 115 Wayne Street

G. Pohorley stated he is a member of the Green Team and thanked Boy Scout Troop 157 who were present in the audience for their help with clean-up and planting. G. Pohorley asked the next steps of the recently passed Open Space Tax. Mayor Higgins stated he would like the Committee to consist of two members who were in favor of the Open Space tax, two members who voted against the tax and one member who is undecided in order to make the Committee fair and objective. He noted the Open Space tax will not be collected until July.

Mike Franks, 43 Nunn Avenue

M. Franks discussed the purpose of the Open Space Committee and the Open Space tax with Mayor Higgins.

Mary Jo Harris, 9 Oak Ridge Road

MJ Harris spoke of the qualifications of the Open Space Committee. She would like the Committee to consist of five members in favor of the tax in order to be more productive.

Reverend Bauknight – Mt. Pisgah Church

Reverend Bauknight asked for a schedule of Republican County Committee meetings. The Committee Chairwoman who was in the audience stated they meet as needed. Reverend Bauknight stated the Church is working with a Veterans program and looking for funding resources in the Borough. Mayor Higgins will look into this. Reverend Bauknight thanked Council on behalf of the residents of N. Lincoln Avenue for the removal of the run down house.

Pam Schaffer, Gardners Court

P. Schaffer spoke of the parking on S. Prospect Street stating the road is narrow and she is unable to get out of her garage when cars are parked on the road. P. Schaffer would like the area made a no parking area. Mayor Higgins stated Council will be revisiting a parking ordinance which addresses this. P. Schaffer told Council landscaping has not been completed after the new sewer line was installed leaving ruts and mud. Deputy Mayor Heinrich stated the road will be repaved in the spring and discussed landscaping with P. Schaffer. P. Schaffer would like the damaged sidewalks repaired as well.

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

Ayes: 6 Nays: 0
Motion Carried

REPORTS

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

1. Municipal Court Report for December
2. Warren County Board of Health – Monthly Report for December
3. Road Department – Monthly Report for December
4. Recreation Director – Monthly Report for December
5. Recreation Director – Monthly Report for January

Ayes: 6 Nays: 0
Motion Carried

OLD BUSINESS

Mayor Higgins tabled the discussion regarding a thin blue line in support of our Police Department as the Department of Transportation is setting guidelines of what can be done with regards to this.

NEW BUSINESS

Resolution 2017-22 – Resolution Authorizing the Creation of a Handicapped Parking Space Along East Stewart Street

RESOLUTION # 2017-22

**RESOLUTION AUTHORIZING THE CREATION OF A HANDICAPPED PARKING SPACE
ALONG EAST STEWART STREET**

WHEREAS, the Borough of Washington (“Borough”) has received a request from Ms. Gail Joost regarding the establishment of a handicapped parking space in the vicinity of her residence; and

WHEREAS, pursuant to N.J.S.A. **39:4-197.7**, which "permit[s] municipalities, by ordinance, to establish restricted parking zones in residential areas for use by handicapped persons[.]"; and

WHEREAS, Ms. Joost has provided the Borough with a copy of a valid New Jersey Motor Vehicle Commission handicapped parking placard as well as a note from her personal physician certifying her need for handicapped parking;

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 area be designated as a *Handicapped Parking Space*:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
East Stewart Street	North	Beginning at a point 63 feet northeast of the northeast corner of East Stewart Street and

Cleveland Street and extending to a point 22 feet
northeasterly therefrom.

Resolution 2017-22 was moved on a motion by Noone, seconded by Thompson, and approved.

Ayes: 6; Nays: 0
Motion Carried

Mayor Higgins tabled Resolution 2017-23, A Resolution Authorizing Execution of Amended Shared Services
Defense Agreement, until after Executive Session.

Resolution 2017-24 – Resolution Appointing a Special Accountant

**BOROUGH OF WASHINGTON
RESOLUTION # 2017-24
RESOLUTION APPOINTING SPECIAL ACCOUNTANT**

WHEREAS, there exists a need for the performance of special accounting and auditing services during
the year 2016-2017 which cannot be handled by the Municipal Auditor; and

WHEREAS, funds are or will be made available for this purpose to be certified by the Treasurer; and

WHEREAS, the Local Public Contracts Law (*N.J.S.A. 40A:11-1, et seq.*) authorizes the hiring of a
Special Auditor without competitive bidding providing that the Resolution authorizing the award of contracts
for “Professional Services” without competitive bidding and the contract itself be made available for public
inspection; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of
Washington, Warren County, New Jersey, as follows:

1. Bedard, Kurowicki & Co., is hereby appointed to serve as Special Accountant and Auditor for
the Borough of Washington during the year 2016- 2017 in order to provide services and advice
relating to a personnel matter.
2. The Manager has negotiated a mutually agreeable compensation agreement, the form of which
is acceptable to the Mayor and Council. The Mayor and Clerk are hereby authorized to sign
said agreement in the form presented.
3. This contract is awarded without competitive bidding as a “Professional Services” under the
provisions of the Local Public Contracts Law, *N.J.S.A. 40A:11-5* and *N.J.S.A. 19:44A-20.5*.
4. Adequate funds have been or will be appropriated for the services of Special Counsel as
certified by Chief Financial Officer.

Resolution 2017-24 was moved on a motion by Noone, seconded by Valle, and approved.

ROLL CALL: Noone, Valle, Heinrich, Klimko, Thompson, Higgins
Ayes: 6; Nays: 0
Motion Carried

Resolution 2017-25 – A Resolution Appointing a Member to the Library Board of Trustees – Ron Duryea

**RESOLUTION 2017-25
RESOLUTION APPOINTING A MEMBER TO THE
LIBRARY BOARD OF TRUSTEES**

WHEREAS, the Borough of Washington, Warren County, New Jersey is governed by Plan “E” of Municipal Charter Law; and

WHEREAS, under this plan, the Mayor of the Borough is to appoint the members of the Library Board of Trustees for Washington Borough with the consent of the Borough Council; and

WHEREAS, the Mayor has designated the following person as his appointee:

Ron Duryea

WHEREAS, the Borough Council does approve of this appointment.

NOW, THEREFORE, BE IT RESOLVED, that the above named person is appointed to the Library Board of Trustees for a term ending **12/31/2019**.

Resolution 2017-25 was moved on a motion by Heinrich, seconded by Thompson, and approved.

Ayes: 6; Nays: 0
Motion Carried

Resolution 2017-26 – A Resolution Appointing a Member to the Library Board of Trustees – John Valentine

**RESOLUTION 2017-26
RESOLUTION APPOINTING A MEMBER TO THE
LIBRARY BOARD OF TRUSTEES**

WHEREAS, the Borough of Washington, Warren County, New Jersey is governed by Plan “E” of Municipal Charter Law; and

WHEREAS, under this plan, the Mayor of the Borough is to appoint the members of the Library Board of Trustees for Washington Borough with the consent of the Borough Council; and

WHEREAS, the Mayor has designated the following person as his appointee:

John Valentine

WHEREAS, the Borough Council does approve of this appointment.

NOW, THEREFORE, BE IT RESOLVED, that the above named person is appointed to the Library Board of Trustees for a term ending **12/31/2019**.

Resolution 2017-26 was moved on a motion by Noone, seconded by Thompson, and approved.

Ayes: 6; Nays: 0
Motion Carried

A motion was made by Klimko, seconded by Thompson, to approve the Social Affairs Permit for St. Joseph's Annual Irish Night.

Ayes: 6; Nays: 0
Motion Carried

VOUCHERS

A motion was made by Heinrich, seconded by Thompson, to approve the vouchers and claims in the amount of \$1,019,502.84.

ROLL CALL: Heinrich, Thompson, Klimko, Noone, Valle, Higgins
Ayes: 6; Nays 0; Abstentions: 1 (Thompson – Fire and EMS Only)
Motion Carried

RECAP

M. Hall will look at the streets ordinance to see if S. Prospect Street is a no parking area.

COMMITTEE REPORTS

Sewer Committee

Deputy Mayor Heinrich reported the Committee toured the sewer plant and discussed two upcoming projects. The S. Prospect Street pump station will be completed by the end of May 2017. Deputy Mayor Heinrich stated the dam project on Mill Pond Road is ongoing and waiting for a DEP permit to decommission the dam which may take two months.

Senior Advisory Committee

Deputy Mayor Heinrich explained trips planned to Sands Casino and River Lady Paddlewheel Cruise in Toms River. He reported the Borough Manager will be working on a website that is user-friendly to seniors.

Recreation Commission

Councilman Thompson stated he met with the Recreation Commission and is looking forward to having a good relationship with them.

COUNCIL REMARKS

Councilwoman Noone stated the Farmers’ Market will open June 3rd and they are currently looking for vendors.

Councilwoman Klimko would like to be proactive in getting time clocks set up. M. Hall stated he has a few proposals and internet service has been set up. Councilwoman Klimko thanked the Boy Scouts for their help and suggested the Green Team and the Boy Scouts clean the Shabbacong Creek upstream as their next project.

Mayor Higgins stated the Open Space Committee and the Community Relations Committee need members. He asked Council to provide at the next meeting the top five issues Council needs to address in the coming year. Mayor Higgins would like a Department Head report to Council at each meeting. Mayor Higgins stated he met with the Recreation Commission and will be meeting with the Recreation Director. He thanked the Boy Scouts for their attendance at this meeting and for their support with the clean-up downtown. He thanked Gary Pohorley and Councilwoman Noone for their help as well.

EXECUTIVE SESSION

A motion was made by Thompson, seconded by Klimko, to approve Resolution 2017-28 - Authorizing Executive Session for the purpose of discussing a pending litigation matter and a personnel matter at 8:53 pm.

Ayes: 6 Nays: 0
Motion Carried

RESOLUTION # 2017-28
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.);

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 Thompson, seconded by Klimko, to come out of Executive Session at 9:58 pm.

Ayes: 6 Nays: 0
Motion Carried

Attorney Parikh did not return to the meeting.

A motion was made by Klimko, seconded by Noone, to nominate Paul Jones to fill the vacant Council seat. Hearing no further nominations, a motion was made by Thompson, seconded by Noone, to close the nominations. All were in favor.

ROLL CALL: Klimko, Noone, Thompson
Ayes: 3 Nays: 3 (Heinrich, Valle, Higgins)
Motion Failed

A motion was made by Heinrich, seconded by Valle, to nominate Dale Parichuk, Jr. to fill the vacant Council seat. Hearing no further nominations, a motion was made by Thompson, seconded by Valle, to close the nominations. All were in favor.

ROLL CALL: Heinrich, Valle
Ayes: 2 Nays: 4 (Klimko, Noone, Thompson, Higgins)
Motion Failed

A motion was made by Klimko, seconded by Thompson, to nominate Paul Jones to fill the vacant Council seat. Hearing no further nominations, a motion was made by Thompson, seconded by Klimko, to close the nominations. All were in favor.

ROLL CALL: Klimko, Thompson, Noone, Higgins
Ayes: 4 Nays: 2 (Heinrich, Valle)
Motion Carried

The Clerk administered the Oath of Office to new Councilman Paul Jones.

Resolution 2017-23 – Resolution Authorizing Execution of Amended Shared Services Defense Agreement

**BOROUGH OF WASHINGTON, WARREN COUNTY
RESOLUTION 2017-23
AUTHORIZING EXECUTION OF
AMENDED SHARED SERVICES DEFENSE AGREEMENT**

WHEREAS, the Borough of Washington has filed a Declaratory Judgment Action in the Superior Court of New Jersey, Hunterdon County, in furtherance of the Supreme Court’s March 10, 2015, decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the “Supreme Court Decision”), which was assigned to the Honorable Thomas C. Miller P.J. Cv.; and

WHEREAS, 57 similar Declaratory Judgment Actions are before Judge Miller in Vicinage 13;

WHEREAS, many of these municipalities (collectively the “Vicinage 13 Municipal Group”) wish to cooperate collectively regarding the strategy and development of discovery, motions, briefs, and trial practice that may be used in the above-referenced Declaratory Judgment Actions, thereby saving time and monies for individual municipalities;

WHEREAS, the Borough executed a Municipal Shared Services Defense Agreement for Vicinage 13 (hereinafter “Vicinage 13 MSSDA”) to participate in the Vicinage 13 Municipal Group; and

WHEREAS, due to various municipalities settling the litigation and withdrawing from the group and the costs of preparing for numerous depositions and an eventual trial, the Vicinage 13 Municipal Group requires each municipality to contribute an additional \$5,000; and

WHEREAS, an Amended Municipal Shared Services Defense Agreement for Vicinage 13 (hereinafter Amended Vicinage 13 MSSDA”), has been prepared (attached hereto) (a) so that monies can be collected; and (b) so that the rights and responsibilities of each municipality that wishes to sign the agreement are defined; and

WHEREAS, due to prolonged litigation before the Appellate Division and Supreme Court, a trial in Vicinage 13 has been delayed, requiring the Vicinage 13 Municipal Group to apply to extend immunity from builder’s remedy lawsuits past the October 31, 2016 deadline.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, Warren County, New Jersey, as follows

1. The terms and conditions of the Vicinage 13 MSSDA attached hereto are hereby approved, ratified and confirmed.
2. The amount of \$5,000 is hereby authorized to be expended by the Borough of Washington.
3. A certification of funds authorizing the aforesaid expenditure has been signed by the Chief Financial Officer of the Borough of Washington and is appended hereto.
4. The Mayor be and is hereby authorized to execute the aforesaid Amended Vicinage 13 MSSDA to memorialize the participation of the Borough of Washington and to take any and all actions reasonably required to effectuate said Agreement.

5. This Resolution shall take effect immediately.

Resolution 2017-23 was moved on a motion by Noone, seconded by Klimko, and approved.

ROLL CALL: Noone, Klimko, Heinrich, Thompson, Valle, Jones, Higgins

Ayes: 7; Nays: 0

Motion Carried

A motion was made by Heinrich, seconded by Klimko, to authorize the Senior Services Committee to withdraw \$400 to make a deposit for the River Lady Paddlewheel Cruise trip.

ROLL CALL: Heinrich, Klimko, Noone, Thompson, Valle, Jones, Higgins

Ayes: 7 Nays: 0

Motion Carried

Resolution 2017-29 – A Resolution of the Borough of Washington Amending the Agreement Appointing Borough Manager Matthew C. Hall

**RESOLUTION 2017-29
A RESOLUTION OF THE BOROUGH OF WASHINGTON
AMENDING THE AGREEMENT APPOINTING
BOROUGH MANAGER MATTHEW C. HALL**

WHEREAS, the Borough of Washington desires to continue to employ the services of Matthew C. Hall as Borough Manager for the Borough of Washington, Warren County, NJ, pursuant to N.J.S.A. 40:69A-92; and

WHEREAS, RESOLUTION 165-2016 set compensation for the Borough Manager at an annualized rate of \$80,000 for the first six (6) months of his employment; and

WHEREAS, RESOLUTION 165-2016 set a performance review by the Governing Body after six (6) months of employment, after which the annual compensation shall be increased to an annualized rate of \$83,000 subsequent to a satisfactory and favorable review; and

WHEREAS, the Mayor and Council of the Borough of Washington, having conducted a satisfactory and favorable review of the performance of the Borough Manager over the previous three (3) months, wish to amend **RESOLUTION 165-2016**, increasing the Borough Manager's rate of compensation to an annualized rate of \$83,000 effective February 1, 2017.

NOW BE IT THEREFORE RESOLVED, by the Mayor and Council of the Borough of Washington that **RESOLUTION 165-2016** shall be amended as set forth herein.

Resolution 2017-29 was moved on a motion by Noone, seconded by Thompson, and approved.

ROLL CALL: Noone, Thompson, Heinrich, Klimko, Valle, Higgins

Ayes: 6 Nays: 0 Abstentions: 1 (Jones)

Motion Carried

ADJOURNMENT

Hearing no further business, a motion was made by Thompson, seconded by Valle, to adjourn the meeting at 10:07 pm.

Ayes: 7 Nays: 0

Motion Carried

Mayor David Higgins

Ann Kilduff, RMC Borough Clerk